Human rights law – and the idea that States bear some responsibility to individuals – is a relatively new area of law. Born out of World War II, it reframed key concepts of actors, responsibilities and rights in international law. This body of law is constantly evolving and growing, and increasingly important. In this class, we will study the foundations of human rights law and examine the main “generations” of IHRL: Civil and Political Rights; Economic, Social, and Cultural Rights; and third generation rights. We will discuss the major international human rights treaties and compliance and accountability mechanisms at the global and regional levels, and then delve into major challenges today, including respect for human rights in the fight against terrorism. Even though this is a survey-type course, the intent is to address issues at a fairly advanced level of analysis.

The required class textbook is Alston and Goodman, International Human Rights (Oxford U. Press 2013). The documentary supplement (highly recommended) is Weissbrodt et al., Selected International Human Rights Instruments (LexisNexis 4th ed. 2009), which additionally contains an extensive bibliography. Human Rights treaties and related documents may also be accessed online. We recommend students take public international law before taking this course.

Class Participation and Assignments: Student participation in class discussion will count for 20% of the final grade. 10% will be based on participation in the in-class moot during Week 10, and 10% will be based on weekly active participation in class discussions, including demonstration of a mastery of the assigned material. The participation grade will be based not only on active participation, but also on thoughtful comments that demonstrate a familiarity with the reading. Class assignments consist of readings from the textbook and documents from the documentary supplement or the web (reading of original treaty text is important, as international human rights law is a treaty-driven system), and may also include handouts, reading from the UN human rights website and U.S. case law available from electronic sources.

Exam. The final examination (80% of final grade) will be a comprehensive 3-hour, open-book test comprising hypothetical issue-spotting and legal policy questions. The exam potentially covers the entire subject-matter of the course, including reading assignments (even those not discussed in class). You may bring any hard copy materials you like to the examination. You may use laptop computers in accordance with GULC policy.
Contact information. As adjunct professors, we will be available for consultations at a mutually convenient time. We can be reached by email at the email addresses listed below (please email both). After hours we can be reached at the phone numbers listed below.

On specific topics, guest lecturers are possible. The order of topics may be switched due to office travel requirements. We are employed as attorney-advisers by the U.S. Department of State, but views expressed during the class are our own and do not necessarily represent the position of the U.S. Government or the U.S. Department of State.
**International Human Rights Law Assignments**

1. **Jan 19  Introduction to International Human Rights Law**

   a) Overview of Course
   b) Antecedents to Human Rights Law
   c) The Nuremburg Trials
   d) UN Charter & Universal Declaration of Human Rights (UDHR)
   e) International Bill of Rights and UN treaties

   Reading:
   - *Alston and Goodman*, pp. 120-154

2. **Jan 26  Introduction to Human Rights Treaties and Civil and Political Rights**

   a) Treaties, Customary International Law, *Jus Cogens*
   b) Treaty Reservations, Understandings and Declarations
   c) Civil and Political Rights: Principles and Key Concepts
   d) International Covenant on Civil and Political Rights (ICCPR)

   Reading:
   - CERD (only Articles 1-7) - [http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx)
   - CEDAW (only Articles 1-16) - [http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx)
   - CRPD (only Articles 1-16) - [http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx)
3. Feb 2  Economic, Social and Cultural Rights and the Next Generation of Human Rights Treaties

a) International Covenant on Economic, Social and Cultural Rights (ICESCR)
b) Rights as Aspirations, Social Policies, or Required Goals?
c) Duties, Resources, ESC Committee General Comments
d) Justiciability of ICESCR & Optional Protocol
e) Convention on the Rights of the Child (CRC)
f) Convention Against Torture (CAT) and Disappearances Treaty (CED)

Reading:
- ICESCR (only Articles 1-15) - [http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx)
- CAT (only Articles 1-16) - [http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx)
- CED (only Articles 1-25) - [http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx](http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx)

4. Feb 9  Third Generation Rights and Indigenous Peoples

a) Indigenous rights and the UNDRIP
b) The right to development
c) Rights of peasants, right to peace
d) Human rights and the environment
e) “Collective” v. “individual” rights
f) Right of self-determination

Reading:
- *Alston and Goodman*, pp. 729-731, 1525-1546
- Other reading TBD

5. Feb 16  Monitoring & Implementation: The Treaty Based System

a) Treaty Bodies
b) State Reporting and Committee Conclusions and Observations
c) US Report to the CERD (2014) and to the CAT (2014)
d) General Comments  
e) Individual Petitions  
f) Additional Functions, including ICJ jurisdiction; special inquiries  

Reading:  
- 2013 CAT Report (only pp. 2-4, 6-7 (Question 3)) - http://www.state.gov/documents/organization/213267.pdf  

[No class week of Feb. 23]  


a) The Human Rights Council  
b) The 1235 and 1503 Procedures; Thematic and Country Mechanisms  
c) Individual Complaints (Working Group on Communications)  
d) HRC Resolutions  
e) Universal Periodic Review (UPR)  
f) OHCHR Special Procedures  
g) UNGA, Security Council, & Other UN Organs  
h) Case in Point: UN Response to Events in Syria (2011-present)  

Reading:  
- *Alston and Goodman*, pp. 691-704, 712-719, 731-732, 735-753  
- Supplemental reading on Syria TBD  

7. Mar 9 Human Rights *in Extremis*: Genocide and other Atrocities  

a) Principles and Institutions  
b) Genocide Convention of 1948  
c) Genocide Case studies  
d) Holding Violators Accountable: Truth and Reconciliation Commissions, Ad Hoc Tribunals, etc.
ASSIGN TEAMS FOR MOOT COURT IN CLASS TEN
[No Class March 16 – Spring Break]

8. Mar 23 Regional Human Rights Systems [and catch-up if needed]
   a) European Human Rights System
   b) Inter-American Commission and Court
   c) African Human Rights System
   d) Organization of Islamic Cooperation

Reading:
- *Alston and Goodman*, pp. 517-520, 889-903, 920-922, 946-948, 978-999, 1003-1009, 1025-1032
- ECHR (Main text only, no protocols) - http://www.echr.coe.int/Documents/Convention_ENG.pdf
- African Charter (Full text) - http://www.achpr.org/instruments/achpr/
- Inter-American Declaration (Full text) - http://www.oas.org/en/iachr/mandate/basics/declaration.asp

   a) Detention (Guantanamo) and torture: The U.S. Record and new developments
   b) *Rasul, Hamdan v. Rumsfeld & Boumediene* (US Supreme Court)
   c) Military Commissions Act (2006) and Military Commissions v. Article 3 courts
   d) Current challenges - Privacy

Reading:
- SSCI Report (introduction only) -

MOOT COURT DURING CLASS

a) ECHR: Sahin v. Turkey, Application no. 44774/98; judgment 10 November 2005 - headscarves ban in universities
b) ECHR: Lautsi v. Italy, Application no. 30814/06; judgment 18 March 2011 - display of crucifixes in public schools
c) SCOTUS: McCreary County v. ACLU (2005) and Van Orden v. Perry (2005)- Ten Commandments in courthouse and on public grounds

Reading:
- Alston and Goodman, pp. 590-595, 604-606, 622-651, 671-681
- McCreary County v. ACLU, 545 U.S. 844 (2005) - https://www.law.cornell.edu/supct/pdf/03-1693P.ZO

11. Apr 13  Domestic Implementation: Human Rights Litigation in U.S. Courts

a) Alien Tort Claims Act, through Kiobel
b) Torture Victims Protection Act & Mohamad v. PA
c) Foreign Sovereign Immunities Act (FSIA)
d) Head of State and diplomatic immunity (ratione personae)
e) Sosa v. Alvarez-Machain (US Supreme Court); Filartiga; Karadzic;
f) Princz v. Germany
g) Foreign Official Immunity

Reading:
- Alston and Goodman, pp. 1144-77, 1194-1214, 1461-1471
- Princz v. Germany, 26 F.3d 1166 (D.C. Cir. 1994) - http://media.ca7.uscourts.gov/cgi-
12. Apr 20  Refugee Law, Asylum, Non-Refoulement, and Migration (Guest Lecture)

a) 1951 Refugee Convention and its 1967 Protocol
b) Convention Against Torture Article 3 – Non-refoulement
c) Asylum
d) Human Rights of Refugees and Migrants
e) Case study: the refugee and migration crisis in Europe (2015-2016)

Reading:
- *Alston and Goodman*, pp. 445-465
- *Supplemental readings TBD*

13. Apr 27  Wrap Up - Synthesis and Review

Reading:
- Review Questions (Handout)