



South Asian University

Faculty of Legal Studies

LLM

Monsoon Semester 3 in 2020

Course Information

Course Title:	INTERNATIONAL HUMAN RIGHTS LAW (IHRL)
Course:	Compulsory Paper
Course Code:	LW-009
Course Instructor:	Dr. Nafees Ahmad drnafeesahmad@sau.ac.in , nafeestarana@gmail.com
Course Duration:	Monsoon Semester [Third Semester]
Credit Units:	4 (MSE/TPW/ESE)
Medium of Instruction:	English
Prerequisites:	Nil
Precursors:	Nil
Equivalent Courses:	N/A

PART-II MODULE CONTENTS

WEEK: 1. INTRODUCTION TO THE INTERNATIONAL HUMAN RIGHTS LAW

- The Broad Review of International Human Rights Law (IHRL), Nature and Evolution of IHRL, Basic Principles of Human Rights, Reimagining Human Rights Law and International Legal Discourse, Themes in IHRL, Global Human Rights Glimpses, Significance of International Human Rights Law in Global Problems, The Interconnections between International Human Rights Law and Other Social and Normative Phenomena, Processes and Currents of Philosophies, The Global Conceptual Framework for Contemporary Human Rights Discourse and Summation.

Discussion Topics:

- ⇒ What is a right? What are human rights? Why do we have them?
- ⇒ Who counts as a human and on what grounds?
- ⇒ Is Dignity the Foundation of Human Rights?
- ⇒ Are human rights truly universal, global?
- ⇒ Does the disagreement about the meaning of human rights undermine it as a political project?
- ⇒ What kinds of human rights problems does the world face today?
- ⇒ What role do national and international judicial institutions play in addressing these?
- ⇒ How did human rights come to shape the foreign policy imperatives of states in post-1945?
- ⇒ What do human rights treaties require states to do?
- ⇒ Why do states sign up to human rights treaties? Do they ever keep human rights commitments?
- ⇒ How do citizens and NGO's put pressure on states? Is human rights politics just "Selectivism"?
- ⇒ Why does the US promote human rights while refusing to sign on to major human rights treaties?
- ⇒ Is human rights just window-dressing for national interests?
- ⇒ Should democracies promote democracy? Can outsiders help insiders frame a democratic constitution: One Case of Any Country?

Cases: One leading case shall be discussed.

Recommended Readings:

1. Andrew Clapham, *Human Rights: A Very Short Introduction*, (Oxford University Press, 2007), pp. 23-56
2. Henry J. Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context: Law, Politics, Morals* 3rd ed (Oxford: Oxford University Press, 2007), ISBN: 9780199279425
3. Jack Donnelly, *The Relative Universality of Human Rights*, *Human Rights Quarterly*, Volume 29, Volume 2 (2007): 281-306.
4. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.
5. V. Spike Peterson, *Whose Rights? A Critique of the 'Givens' in Human Rights Discourse*, *Alternatives*, Volume 15, No. 3 (1990): 303-344.

Additional Readings:

1. Bantekas and Oette, *International Human Rights: Law and Practice* (2013)
2. Blackstone's Statutes – *International Human Rights Documents* (Latest Edition)
3. E. Bates, "History" in: D. Moeckli, S. Shah & S. Sivakumaran (eds.), *International Human Rights Law*, 2nd Ed. Oxford University Press, Oxford, 2010, pp. 15-33.
4. Makau Mutua, *Standard Setting in Human Rights: Critique and Prognosis*, *Human Rights Quarterly* 29 (2007), Vol. 29, Johns Hopkins University Press, pp. 548-629

5. Makau Mutua, *The Complexity of Universalism in Human Rights*, in András Sajó (ed), *Human Rights with Modesty: The Problem of Universalism* (Netherlands: Koninklijke Brill, 2004): 51-64.
6. Neil Stammers, *Social Movements and the Social Construction of Human Rights*, *Human Rights Quarterly*, Volume 21, Issue 4 (1999): 980-1008.
7. Sonia E. Escobar and Jim Ife, *Human Rights and Critical Whiteness: Whose Humanity?* *The International Journal of Human Rights*, Volume 12, No. 3 (2008): 307-327.
8. Thomas Risse, Stephen C. Ropp and Kathryn Sikkink (eds), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999): Chapter 1.

WEEK: 2. THE HUMAN RIGHTS MOVEMENT IN RETROSPECT

- Customary International Law: Earlier Development of Laws of War, Natural Law and General Principles: The Law of State Responsibility, Treaties: The Interwar Minorities Regime, Transition to Contemporary Human Rights: Judgment at Nuremberg. The Role of States in Protecting and Enforcing Human Rights: The Spread of State Constitutionalism in the Liberal Model, Human Rights Treaties within States' Legal and Political Orders. The Evolving Legal Framework for Human-Rights Obligations and Accountability of NGOs, INGOs and Civil Society and Summation.

Discussion Topics:

- ⇒ What are the legal foundations of human rights?
- ⇒ What are the sources of international human rights law?
- ⇒ How was international law applied through the end of World War II?
- ⇒ What limits do human rights impose on states combating terrorism?
- ⇒ Should states promote international justice for human rights violations?
- ⇒ What role do the legislative, judicial, and executive actions of states play in the promotion and observance of human rights?
- ⇒ How has the spread of liberal constitutionalism helped these efforts?
- ⇒ Through what arrangements may minority groups exercise self-determination or autonomy within a state?
- ⇒ Is there a trend within the human rights movement toward recognizing the legitimacy of demands for internal self-determination?
- ⇒ How do nongovernmental organizations (NGOs) and international nongovernmental organizations (INGOs) contribute to the promotion and enforcement of human rights?
- ⇒ How effective are they? How has their role changed and developed over time?

Cases: One leading case shall be discussed.

Recommended Readings:

1. Andrew Clapham, *Human Rights Obligations of Non-State Actors*, Oxford University Press, 2006.
2. Henry J. Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context: Law, Politics, Morals* 3rd ed (Oxford: Oxford University Press, 2007), ISBN: 9780199279425
3. Murray, Daragh, *Human Rights Obligations of Non-State Armed Groups*, Hart Publishing, 2016.
4. Olivier de Schutter, *International Human Rights Law*, Cambridge University Press, 2010.

Additional Readings:

1. Dworkin, Ronald. *In Theories of Rights*, edited by Jeremy Waldron, 153-167. Oxford, UK: Oxford University Press, 1984
2. Alston, Philip (Edited), *Non-State Actors and Human Rights*, Oxford University Press, 2005, Pages : 387, ISBN 0199272816

WEEK: 3. INTERNATIONAL HUMAN RIGHTS LAW AND GLOBAL SOUTH PERSPECTIVES

- Human Rights and the Transformation of World Politics, Conflicts in Culture, Tradition and Practices, Universalism and Cultural Relativism, Multiculturalism, Internationalizing and Democratizing Rights, Perspectives and Approaches to Human Rights; Human Rights and the Third World, TWAIL, Marxist Approach, Secular Approach, Feminist Approach and the Emergence of Third World Feminisms, Hindu Traditions of Human Rights, Islamic Approach to Human Rights, Human Rights Values and Multiple Legal Orders: Connections & Contradictions, Human Rights and Multiculturalism, Cosmopolitan Approach and Summation.

Discussion Topics:

- ⇒ Where do human rights come from and how have they changed world politics?
- ⇒ What duties do universal human rights place on political authority?
- ⇒ Is the notion of “humanity” in human rights actually universal or does their legitimacy depends on their conformity with certain cultures?
- ⇒ What is the contemporary Western understanding of rights?
- ⇒ What is the relationship between rights and duties in different traditions of political thought around the world?
- ⇒ What conflicts exist between the traditional gender roles dominant in some cultures and universal human rights norms?
- ⇒ What conflicts exist between state sponsorship of particular religious belief or practice and universal human rights norms?
- ⇒ Do human rights create exclusion and serve powerful states?
- ⇒ How are human rights used in political practice?
- ⇒ What are the approaches to human rights?
- ⇒ Why there is a multitude of approaches to human rights?
- ⇒ What is the rationale behind all these approaches?
- ⇒ How human rights values are promoted and preserved in multiple legal orders?
- ⇒ Is there any one universally accepted approach to human rights?
- ⇒ Whether the contemporary concepts of legal pluralism and human dignity share an affinity and mutually reinforcing relationship?
- ⇒ Whether, on the contrary, they are antonymic or even antagonistic ways of conceiving of law and organizing its operations?
- ⇒ How do different analysts define globalization and its impact on human rights? Is there a right to socio-economic development?

Cases: One leading case shall be discussed.

Recommended Readings:

1. **Al Attar, Mohsen**, *Reframing the “Universality” of International Law in a Globalizing World*, McGill Law Journal, vol. 59, no.1, (2013), pp. 95.

2. Aurel Croissant & Christoph Trinn, *Culture, Identity and Conflict in Asia and Southeast Asia*, Culture, Identity and Conflict in Asia and Southeast Asia, ASIEN 110 (Jan. 2009), S. 13-43
3. B. Rajagopal, *International Law From Below: Development, Social Movements, and Third World Resistance*, ISBN 0-521-81646-7, Cambridge University Press, 2003
4. Baxi, Upendra, *Human Rights Responsibility of Multinational Corporations, Political Ecology of Injustice: Learning from Bhopal Thirty Plus?* Business and Human Rights Journal, vol. 1, no. 1, (2015) pp. 21-40.
5. Chimni, B. S., *A Just World under Law: A View from the South*, American University International Law Review, vol. 22, No. (2007), pp. 199-220.
6. Chimni, B. S., *Third World Approaches to International Law: A Manifesto*, International Community Law Review 8: 3-27, 2006
7. Gustavo Arosemena (2013), *Conflicts of Rights in International Human Rights: A Meta-Rule Analysis*, Global Constitutionalism, 2, pp. 6-36
8. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.
9. Holland, C. W. (1999) *Introduction in: Holland (eds.) Religious Fundamentalism and the Human Rights of Women*, Macmillan.
10. Huntington S.P. (1996) *The Clash of Civilization and the Remaking of World Order*, 367 pp. New York: Simon and Schuster.
11. James Anaya *Indigenous Peoples in International Law* (Oxford University Press, New York, 1996) p. 335.
12. Jean-Guy Belley, *The Protection of Human Dignity in Contemporary Legal Pluralism*, Ch. 5 in *Dialogues on Human Rights and Legal Pluralism: Comparative Perspectives on Law and Justice*, Vol. 17, Springer, ISBN 978-94-007-4709-8, pp. 99-128
13. Koh, 'Internalization Through Socialization', 4 *Duke LJ* (2005) 975
14. Makau Mutua, *The Ideology of Human Rights*, Virginia Journal of International Law, Volume 36, Issue 3 (1995-1996): 589-657.

Additional Readings:

1. Connor Gearty, *Can Human Rights Survive?* (Cambridge: Cambridge University Press, 2006).
2. Hunt, J. (1996), *Reflections on Beijing*, Australian Feminist Law Journal. 6 p.39
3. Jack Donnelly, *The Relative Universality of Human Rights*, Human Rights Quarterly 29 (2007) 281-306
4. James Nickel, *Making Sense of Human Rights* (Oxford: Blackwell, 2007).
5. MacKinnon, C. A. (1987) *Feminism Unmodified: Discourses on Life and Law*, Harvard University Press.
6. Meron, T. (1986), *Human Rights Law-Making in the United Nations: A Critique of Instruments and Process*, Clarendon Press.
7. Mill, J. S. (1998) *The Subjection of Women*, Oxford World Classic.
8. Morsink, J. (1991) *Women's Rights in the Universal Declaration*, Human Rights Quarterly, 13 (2) pp. 229-256.
9. Onora O'Neill, *The Dark Side of Human Rights*, International Affairs, Volume 81, Number 2 (2005): 427-439.
10. Otto, D. (1999), *A Post-Beijing Reflection on the Limitations and Potential of Human Rights Discourse for Women* in Askin and Keoing (eds.) Vol. 1 Women and International Human Rights Law. New York: Transnational Publishers, Inc. Ardsley, p. 128.

WEEK: 4. NORMATIVE FOUNDATION OF CORE INTERNATIONAL HUMAN RIGHTS TREATIES-CIVIL & POLITICAL RIGHTS & ECONOMIC, SOCIAL CULTURAL RIGHTS -I

- Context and Historical Background, Launching of the Human Rights Movement: From the UN Charter to the Two Covenants, The Relationship between the Two Sets of Rights (ICCPR & ICESCR), The Legal Framework of the ICESCR, The Rights Contained in the ICESCR, The Limitations Implied by 'Progressive Realization', Justiciability and the Role of the Courts in Developing Economic-Social Rights, Resource Constraints or Political Will, Social Mobilization Approaches and Summation.

Discussion Topics:

- ⇒ Which civil and political rights fall under the category of human rights?
- ⇒ What are the instruments for their protection?
- ⇒ What is the relationship between civil/political and social/economic rights?
- ⇒ What roles do—and should—the courts play in developing the second set of rights?
- ⇒ What rights do children have?
- ⇒ What objections have been raised to the legitimacy of such rights?
- ⇒ What kinds of practices raise serious children's rights issues?

Cases: One leading case shall be discussed.

Core Readings:

1. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.
2. Katharine G. Young, *The Minimum Core of Economic and Social Rights: A Concept in Search of Content*, *The Yale Journal Of International Law* Vol. 33: 113, 2008
3. Shivani Verma, *Justiciability of Economic Social and Cultural Right: Relevant Case Law*, International Council on Human Rights Policy, Geneva 2005.

WEEK: 5. NORMATIVE FOUNDATION OF CORE INTERNATIONAL HUMAN RIGHTS TREATIES-WOMEN'S RIGHTS, CHILD AND INDIGENOUS PEOPLE AS HUMAN RIGHTS-II

- Notions of Rights, Dissonance and Conflict: Illustrations. Gender, Case Study—Citizenship and Identity: Headscarves. The Women's Rights and CEDAW, Gender Status, Discrimination, Violence: Socio-Economic and Cultural Context, CEDAW's Principles and Committee, Regulation of Non-State Actors: Erosion of the Public-Private Divide, Rights of Child, Rights of Indigenous People and Summation.

Discussion Topics:

- ⇒ How does the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) define women's human rights?
- ⇒ How does CEDAW seek to protect Women's Rights?
- ⇒ What questions do international requirements concerning women's rights raise regarding the distinction between the public and private spheres?
- ⇒ What role do customary law and UN resolutions play in the definition of international human rights law?
- ⇒ What problems exist in developing a feminist perspective on human rights?

⇒ What reservations have some states made concerning their acceptance of CEDAW?

Cases: One leading case shall be discussed.

Recommended Readings:

1. Gordon, Seth, *Indigenous rights in Modern International Law from a Critical Third World Perspective*, American Indian Law Review, v. 31, (2006), p. 401-424.
2. Gover, Kirsty, *Settler–State Political Theory, ‘CANZUS’ and the UN Declaration on the Rights of Indigenous Peoples*, European Journal of International Law, vol. 26 no. 2, (2015), pp. 345-373.
3. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.
4. Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Manchester: Manchester University Press, 2000), ISBN: 9780719037399
5. Hosken, F. P. (1981) *Towards a Definition of Women’s Human Rights*, Human Rights Quarterly. 3 (2) pp.1-10.
6. Hosken, F. P. (1981) *Towards a Definition of Women’s Human Rights*, Human Rights Quarterly. 3 (2) pp.1-10.
7. Kingsbury, Benedict, (2001), *Reconciling Five Competing Conceptual Structures of Indigenous Peoples’ Claims in International and Comparative Law*, New York University Journal of International Law and Policy, vol. 34, pp. 189-250.
8. Rebecca J. Cook (ed), *Human Rights of Women: National and International Perspectives* (Philadelphia: University of Pennsylvania Press, 1994), ISBN: 9780812215380
9. Sassen, Saskia, *Women’s Burden: Counter-Geographies of Globalization and the Feminization of Survival*, Nordic Journal of International Law, vol. 71, no. (2002), pp.255-274.
10. UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Additional Readings:

1. Kristin L Savell, *Wrestling with the Contradictions: Human Rights and Traditional Practices Affecting Women* [1996] 41 McGill LJ 781, 789.
2. Nazir, Sameena, *Challenging Inequality: Obstacles and Opportunities towards Women’s Rights in the Middle East and North Africa*, Journal of the Institute of Justice and International Studies, 31-42 (2005).
3. Moya Lloyd, “(Women’s) Human Rights: Paradoxes and Possibilities, Review of International Studies, Volume 33, Issue 1 (2007): 91-103.
4. Hunt, J. (1996), *Reflections on Beijing*, Australian Feminist Law Journal. 6 p. 39

WEEK: 6. INTERNATIONAL HUMAN RIGHTS MONITORING INSTITUTIONS

- The UN System: Charter-Based Bodies and Institutions, The UN Human Rights Council, UN Techniques for Responding to Violations and the Confidential Procedure, Special Procedures, Role of the High Commissioner for Human Rights. The Security Council: Humanitarian Intervention and Sanctions, Evolving Role of the Security Council with respect to Human Rights, The Responsibility to Protect, Sanctions, International Court of Justice. Treaty Organs: Powers, Functions and Performance of the ICCPR Committee, Structure and Evolution, State Reporting, General Comments, Individual Communications, Treaty Body System as a Whole, Reform Proposals, Impact of Treaty Regimes and Summation.

Discussion Topics:

- ⇒ What role do international organizations play in developing, monitoring, and enforcing international human rights?
- ⇒ What is state sovereignty?
- ⇒ How does the United Nations system deal with human rights?
- ⇒ What are thematic mechanisms? How does the Security Council use humanitarian interventions and sanctions to protect and enforce human rights? How successfully have these tools been used in recent years?
- ⇒ What tensions exist between these organizations' purposes and state sovereignty?
- ⇒ What is a treaty organ?
- ⇒ How does the Human Rights Committee of the International Covenant on Civil and Political Rights function?
- ⇒ What role does Human Rights Committee of the International Covenant on Civil and Political Rights play in the promotion and enforcement of human rights?
- ⇒ What kinds of complaints are brought before the ICCPR Committee?
- ⇒ How does it differ from other treaty regimes?

Cases: One leading case shall be discussed.

Recommended Readings:

1. Anne F. Bayefsky, (Report) *The UN Human Rights Treaty System: Universality at the Crossroads*, UNO, April, 2001.
2. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.
3. Hurst Hannum (ed.), *International Human Rights: Problems of Law, Policy, and Practice* (Aspen, 2011); Chapter 7, *UN Human Rights Mechanisms*, (pp. 582-98).

Additional Readings:

1. Tyagi, Yogesh. *The UN Human Rights Committee: Practice and Procedure*, Cambridge University Press, Cambridge, 2011.
2. Kevin Boyle (ed.), *New Institutions for Human Rights Protection* (Oxford, 2009); Chapters 1-3.

MID-SEMESTER EXAMINATION

WEEK: 7. EVOLUTION AND REGIONAL APPROACHES TO HUMAN RIGHTS ARRANGEMENTS

- Comparison of Universal and Regional Regimes, The European Convention System, Council of Europe and OSCE, Other Human Rights Treaties of Council of Europe, European Court of Human Rights: Individual Petitions, European Court of Human Rights: Interstate Procedure, Illustrative Decisions, The Inter-American System, Background and Institutions, Inter-American Court: Illustrative Decisions, The Inter-American Commission at Work, The African System, Context: The African Union, The African Commission: Illustrative Decisions, The African Court on Human and Peoples' Rights: Beginnings, South-East Asian System of Human Rights Protection, The League of Arab States and Human Rights, The Relationship of the UN Treaty Bodies and Regional Systems and Asian Charter of Human Rights! Why not? And Summation.

Discussion Topics:

- ⇒ What regional arrangements exist to protect and promote human rights?
- ⇒ How do they differ from universal systems?
- ⇒ What are their advantages and disadvantages? How does the European system work?
- ⇒ What kinds of conflicts does the European Court handle? With what results?
- ⇒ How do the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights go about promoting human rights?
- ⇒ How does the African System attempt to enforce human rights? How does it compare with the European and Inter-American systems?

Cases: One leading case shall be discussed.

Recommended Readings:

1. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.
2. Hurst Hannum (ed.), *International Human Rights: Problems of Law, Policy, and Practice* (Aspen, 2011); Chapter 8, "The European System for the Protection of Human Rights," (pp. 675-680 only),
3. Hurst Hannum (ed.), *International Human Rights: Problems of Law, Policy, and Practice* (Aspen, 2011); Chapter 9, "Human Rights in the Americas," (pp. 812-815 only).
4. Hurst Hannum (ed.), *International Human Rights: Problems of Law, Policy, and Practice* (Aspen, 2011); Chapter 5, "Who is Obligated to Promote and Protect Human Rights?" (pp. 352-362; 384-393).

WEEK: 8. HUMAN RIGHTS INSTRUMENTS INTERPRETATION AND AMPHITHEATRE OF TRADE AND DEVELOPMENT

- Vertical & Horizontal Interpretations, Internalization of Human Rights Treaties, Universal Jurisdiction, Sovereign Immunity, Post-War Re-construction, Toward the Creation of a Human Rights Culture: Globalization, Right to Development and International Distributive Justice, Bretton Wood Institutions, International Trade and New Asian Economic Order and Summation.

Discussion Topics:

- ⇒ What is the contemporary Western understanding of rights?
- ⇒ What is the relationship between rights and duties in different traditions of political thought around the world?
- ⇒ Are human rights universal, or does their legitimacy depend on their conformity with certain cultures?
- ⇒ What conflicts exist between the traditional gender roles dominant in some cultures and universal human rights norms?
- ⇒ What problems exist in developing a feminist perspective on human rights?
- ⇒ What reservations have some states made concerning their acceptance of CEDAW?
- ⇒ What conflicts exist between state sponsorship of particular religious belief or practice and universal human rights norms?
- ⇒ How do different analysts define globalization and its impact on human rights? Is there a right to socio-economic development?

Cases: One leading case shall be discussed.

Recommended Readings:

1. Al Attar, Mohsen, *Reframing the “Universality” of International Law in a Globalizing World*, McGill Law Journal, vol. 59, no.1, (2013), pp. 95.
2. Albino Barrera, O.P, *Smart Globalization: The Case for a Robust and Creative Distributive Justice*, Las Casas Lecture, Blackfriars Oxford, February 24, 2012.
3. Aurel Croissant & Christoph Trinn, *Culture, Identity and Conflict in Asia and Southeast Asia*, Culture, Identity and Conflict in Asia and Southeast Asia, ASIEN 110 (Jan. 2009), S. 13-43
4. Baxi, Upendra, *Human Rights Responsibility of Multinational Corporations, Political Ecology of Injustice: Learning from Bhopal Thirty Plus?* Business and Human Rights Journal, vol. 1, no. 1, (2015) pp. 21-40.
5. De Schutter, Olivier, *Towards a New Treaty on Business and Human Rights*, Business and Human Rights Journal, vol.1, no.1, (2015) pp. 41-67.
6. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.
7. Huntington, S.P. (1996) *The Clash of Civilization and the Remaking of World Order*, 367 pp. New York: Simon and Schuster.
8. James Anaya *Indigenous Peoples in International Law* (Oxford University Press, New York, 1996) p. 335.
9. Jean-Marc Coicaud, Michael W. Doyle, and Anne-Marie Gardner, *The Globalization Of Human Rights*, United Nations University Press, New York.
10. Kennedy, Duncan, *Three Globalizations of Law and Legal Thought, 1850 – 2000*, in Trubek, David & Santos, Alvaro, *The New Law and Economic Development: A Critical Appraisal* (2006).
11. Koh, ‘*Internalization Through Socialization*’, 4 *Duke LJ* (2005) 975
12. Stiglitz, Joseph E, *Globalization and Its Discontents*, NY: Norton, 2002.

Additional Readings:

1. Albino Barrera, O.P, *Smart Globalization: The Case for a Robust and Creative Distributive Justice*, Las Casas Lecture, Blackfriars Oxford, February 24, 2012.
2. Aurel Croissant & Christoph Trinn, *Culture, Identity and Conflict in Asia and Southeast Asia*, Culture, Identity and Conflict in Asia and Southeast Asia, ASIEN 110 (Jan. 2009), S. 13-43
3. Baxi, Upendra, *Human Rights Responsibility of Multinational Corporations, Political Ecology of Injustice: Learning from Bhopal Thirty Plus?* Business and Human Rights Journal, vol. 1, no. 1, (2015) pp. 21-40.
4. De Schutter, Olivier, *Towards a New Treaty on Business and Human Rights*, Business and Human Rights Journal, vol.1, no.1, (2015) pp. 41-67.
5. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.
6. Huntington S.P. (1996) *The Clash of Civilization and the Remaking of World Order*, 367 pp. New York: Simon and Schuster.
7. James Anaya *Indigenous Peoples in International Law* (Oxford University Press, New York, 1996) p. 335.
8. Jean-Marc Coicaud, Michael W. Doyle, and Anne-Marie Gardner, *The Globalization Of Human Rights*, United Nations University Press, New York.
9. Kennedy, Duncan, *Three Globalizations of Law and Legal Thought, 1850 – 2000*, in Trubek, David & Santos, Alvaro, *The New Law and Economic Development: A Critical Appraisal* (2006).

10. Koh, 'Internalization Through Socialization', 4 *Duke LJ* (2005) 975
11. Stiglitz, Joseph E, *Globalization and Its Discontents*, NY: Norton, 2002.

WEEK: 9. CLIMATE CHANGE AND HUMAN RIGHTS

- General Framework, Climate Change and Human Rights, Relationship between Climate Change and Interdependent Human Rights, Global Warming and Environmental Protection, Rights Perspectives on Climate Change, Rights-Based Approach to Climate Change, Role of States: Limits and Potentialities of the Human Rights Protection System, the Missing Link between Harmony and Invention and Summation.

Discussion Topics:

- ⇒ What are climate change and its multi-dimensional ramifications?
- ⇒ What are the key rights central to human existence affected by the climate change?
- ⇒ Do anthropogenic greenhouse gas emissions affect human rights?
- ⇒ Should fundamental rights shape climate policies?
- ⇒ How to balance human rights with climate policies?
- ⇒ Is there relationship between United Nations Framework Convention on Climate Change (UNFCCC) and Human Rights Regulatory Regimes?
- ⇒ How to explore the relationship between climate change and interdependent human rights, through the lens of an international and comparative perspective?
- ⇒ Is there any possibility of overcoming the divide between universal rights and climate change, and underlying barriers?

Cases: One leading case shall be discussed.

Recommended Readings:

1. Alston, Philip, *Making Space for New Human Rights: the Case of the Right to Development*, (1988) 1 *Harvard Human Rights Year Book* 3
2. Anton, Donald K and Shelton, Dinah, *Environmental Protection and Human Rights* (CUP, 2011) 863
3. Atapattu, Sumudu, *Climate Change in South Asia: Towards an Equitable Legal Response within a Framework of Sustainable Development and Human Security* (IDLO, 2011)
4. Boer, Ben (ed), *Environmental Law Dimensions of Human Rights* (OUP, 2015)
5. Boyd, David R, *The Constitutional Right to a Healthy Environment* (online, 2013)
6. Boyd, David R, *The Environmental Rights Revolution: a Global Study of Constitutions, Human Rights, and the Environment* (University of British Columbia Press, 2012)
7. Boyle, Alan and Anderson, Michael R (eds), *Human Rights Approaches to Environmental Protection* (OUP, 1996)
8. Boyle, Alan, *Environment and Development: Accountability through International Law*, (1993) 12 *Third World Legal Studies* 95
9. Chimni, B. S., *The Principle of Permanent Sovereignty over Natural Resources: Toward a Radical Interpretation*, *Indian Journal of International Law*, vol. 38 *IJIL* 208, (1998) 213–14.
10. Tyagi, Yogesh, *Permanent Sovereignty over Natural Resources*, *Cambridge Journal of International and Comparative Law*, vol. 4, no.3, (2015), pp.

Additional Readings:

1. Adams, Barbara and Luchsinger, Gretchen, *Climate Justice for a Changing Planet: a Primer for Policy Makers and NGOs* (UN Non-Governmental Liaison Service, 2009)
2. Aerni, Philipp et al, *Climate Change and International Law: Exploring the Linkages between Human Rights, Environment, Trade and Investment*, (2010) 53 Ger Yb Int'l L 139
3. Alvarez, José E, *The Return of the State* (2011) 20 Minn J Int'l L 223
4. Boyle, Alan, *Human Rights and the Environment: Where Next?* (2012) 23 EJIL 613
5. Chapman, Megan, *Climate Change and the Regional Human Rights Systems*, (2010) 10(2) Sustainable Development Law and Policy 37
6. Makau Mutua, "Standard Setting in Human Rights: Critique and Prognosis", *Human Rights Quarterly* 29.3 (2007), pp. 547-84
7. Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (University of Pennsylvania Press, 2nd ed., (2003), Chapter 1
8. Willcox, Susanna, *A Rising Tide: the Implications of Climate Change Inundation for Human Rights and State Sovereignty*, (2012) 9 Essex Human Rights Review 1

WEEK: 10. HUMAN RIGHTS IN SAARC NATIONS

- Human Rights in Constitutional Order and in Political Practice in South Asia, The Content and Status of Human Rights in South Asia, Constitutionalization of Human Rights in SAARC, Economic & Social Rights in SAARC, Governmental and Civil Society Institutions Roles in Protecting Human Rights in SAARC, Current Human Rights Issues and Challenges in SAARC, Human Rights Institutions Building in SAARC. Case Studies From SAARC: Public Interest Litigation and Beyond, International Monitoring: Reporting and an Optional Protocol, Domestic Monitoring Arrangements Towards Evolving the South Asian Charter of Human Rights and Summation.

South Asian Constitutional Texts:

Preamble with Articles 6, 7, 8, 22-59 of the Constitution of Afghanistan
Preamble with Article 26-47A of the Constitution of Bangladesh
Preamble with Article 7 (1-23) of the Constitution of Bhutan
Preamble with Articles 12-32 of the Constitution of India
Preamble with Articles 16-69 (FR), 189 (HRC) of the Constitution of Maldives
Preamble with Articles 16-46 under Part-III of the Constitution of Nepal
Preamble with Articles 8-28 of the Constitution of Pakistan
Preamble with Articles 10-17 of the Constitution of Sri Lanka

Discussion Topic:

- ⇒ What are the human rights concerns in South Asia?
- ⇒ How to develop human rights culture in South Asia?
- ⇒ Do Asian Values make international human rights norms inapplicable to Asian countries?
- ⇒ How serious a challenge do they raise for the idea that human rights are universal?
- ⇒ What are the key issues in the human rights and 'Asian values' debate in South Asia?
- ⇒ What is the validity of the concept of 'Asian values' in South Asia while explaining and reconciling some of the key differences between the position on human rights of SAARC states which have been concerned despite internal tensions and 'the West' particularly the US, and the NGOs in the current 'Asian values' debate?
- ⇒ Is there any feasibility of evolving the South Asian Charter of Human Rights?

- ⇒ Are nationally established human rights commissions in the SAARC jurisdictions significantly different from one another, and what have been their successes and failures?
- ⇒ How does contestation for a regional or national human rights regime involve nation-states battling against their domestic civil society and an international movement for a normative global order?
- ⇒ Has the SAARC, with its avowed stance on non-interference responded favourably to the human rights challenge?
- ⇒ Whether a human rights regime conflicts with the notion of a nation-state as envisioned by the SAARC governments?
- ⇒ What are the prospects for Human Rights within the SAARC rubric?
- ⇒ Why SAARC region does not have its own regional human rights mechanism?
- ⇒ Should civil society push for a SAARC mechanism on Human Rights feasible?
- ⇒ Are SAARC states keen to promote the idea for a regional rather than a global arrangement and protection of human rights in specific regions?

Cases: One leading case shall be discussed.

Recommended Readings:

1. **Baxi, Upendra**, *The Future of Human Rights*, New Delhi: OUP
2. Cohen, Morris Raphael, *Law and the Social Order*, Transaction Books.
3. Miachel R. Anderson and Sumit Guha, *Changing Concepts Of Rights And Justice In South Asia*, Delhi: OUP, 2006
4. Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary*, ISBN-13 978-1-107-64155-6 (Paperback), Cambridge University Press, 2010
5. Rianne M. Letschert, *The Impact of Minority Rights Mechanisms*, ISBN-10:90-6704-210-2, TMC Asser Press, The Hague, The Netherlands, 2005

Additional Readings:

1. Chin-Dahler, P. Universal human rights, cultural relativism and the 'Asian values' debate. East Asia Forum
2. Freeman, Human Rights: An Interdisciplinary Approach, Oxford: Polity, 2003
3. Freeman, M. (1996) Human rights, democracy and 'Asian values'. *The Pacific Review* 9 (3). p. 352-366
4. Ikeda, D. (2007) *The Human Revolution*. Vol.1: Eternal Ganges Press
5. Mauzy, D. (1997) The Human Rights and 'Asian Values' debate in Southeast Asia. *The Pacific Review* 10 (2) p.216
6. Nasu, H. and Saul, B. (ed.) (2011) *Human Rights in the Asia-Pacific Region – Towards Institution Building*. Hitoshi Nasu, Ben Saul (ed.), Human Rights in the Asia-Pacific Region: Routledge
7. Office of the High Commissioner for Human Rights (Regional Office for South-East Asia). Frequently Asked Questions on ASEAN and Human Rights [Online] Available from: http://bangkok.ohchr.org/files/Regional_Dialogue_ASEAN_Background_Paper.pdf
8. Sen, A. (1997) Human Rights and Asian Values. Paper presented at the Sixteenth Morgenthau Memorial Lecture on ethics and Foreign Policy sponsored by the Carnegie Council on Ethics and International Affairs. p.17
9. Thio, Li-ann (1999) "Implementing Human Rights in ASEAN Countries: "Promises to keep and miles to go before I sleep"," *Yale Human Rights and Development Journal*: Vol. 2: Iss. 1, Article 1.
10. World Report 1998. Human Rights Watch

WEEK: 11. CURRENT KEY ISSUES AND CHALLENGES IN INTERNATIONAL HUMAN RIGHTS LAW

- The Extraterritorial Application of International Human Rights Obligations. The New Human Rights at the Dawn of an Age of Neuroscience and Neurotechnology. LGBTQ; Sexual Orientation and Gender Identity and Human Rights. Cultural Relativity; The Rights of Minorities and Indigenous Peoples, The Right to Development, MNCs and TNCs and Human Rights, The New Faces of Torture: Freedom from Torture, Cruel, Inhuman and Degrading Treatment or Punishment (including the Use of Torture in so-called “Ticking Bomb” Scenarios). The Freedom of Expression and Communication Rights (including the Protection awarded to Expression that is Offensive to Religious Feelings, Holocaust Denial, and Hate Speech), Death Penalty; Abolition v. Retention (including the Debate on the Abortion, Euthanasia and Assisted Suicide), Terrorism and Counter-terrorism and Human Rights; Its Dynamics and Dimensions and National Security and Human Security Narratives. The Massive Human Rights Tragedies: Prosecutions and Truth Commissions, Universal Jurisdiction and International Crimes, International War Crimes Tribunals for the Former Yugoslavia and Rwanda etc. Amnesties and Human Rights. The Right to Fair Trial Guarantees. (*Only one issue shall be discussed*)
- Movies & Documentaries on Human Rights for Academic Research & Understanding.

Discussion Topic:

- ⇒ Terrorism, Counter-terrorism and human rights
- ⇒ Non-state actors and human rights
- ⇒ Implementation of economic, social and cultural rights
- ⇒ The relationship of religion and human rights
- ⇒ International development, global impoverishment and human rights
- ⇒ Gender challenges for international human rights
- ⇒ The extraterritorial application of international human rights law on civil and political rights
- ⇒ Enforcement and remedies
- ⇒ Victims’ participation and reparations in international criminal proceedings
- ⇒ Continuing evolution of the United Nations treaty bodies system
- ⇒ The future of the United Nations Special Procedures
- ⇒ The role and future of the Human Rights Council
- ⇒ Transitional justice
- ⇒ How can we respond to massive violations of human rights?
- ⇒ What are the principles on which such responses are mounted?
- ⇒ What kinds of responses have been attempted in the past?
- ⇒ What has been the international and internal state response to the 1994 genocide in Rwanda?
- ⇒ How effective has this response been? What factors complicate an effective response?
- ⇒ How do truth commissions deal with massive human rights violations? What are the advantages of truth commissions? What challenges do they face, and what problems do they raise?
- ⇒ What are terrorism and its dimensions?
- ⇒ Is there any universally accepted definition of terrorism?
- ⇒ Do terrorists have human rights?
- ⇒ Why terrorism is employed as a theology of liberation in major regions of the world?
- ⇒ What is the difference between Jihad and terrorism?

Cases: One leading case shall be discussed.

Recommended Readings:

1. Colin Warbrick, *The European Response to Terrorism in an Age of Human Rights*, The European Journal of International Law Vol. 15 No.5 2004.
2. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.
3. Hurst Hannum, *International Human Rights: Problems of Law, Policy, and Practice*, (Aspen, 2011) Ch. 4, "Human Rights in Extremis," (pp. 213-219; 266-276).
4. Joan Fitzpatrick, *Speaking Law to Power: The War Against Terrorism and Human Rights*, European Journal of International Law, (2003) Vol. 14 No. 2, 241-264.
5. Laquer, Walter, *A History of Terrorism*, Transaction Publications.

WEEK: 12. CRITIQUING AND EVALUATING INTERNATIONAL HUMAN RIGHTS LAW

- International Human Rights Law Course Contents, Term Papers Presentations, Course Wrap-up, Thanks-Giving and Online Feedback

Part-XI: - CASE LAW DIGEST

Part XII:-ADVANCED READINGS:

Part-XIII:-LEGAL TEXTUAL READINGS:

Part-XIV:-BEST MOVIES ON HUMAN RIGHTS:

1. A Passage to India (1984) [South Asia]
2. Amen. (2002)
3. Ararat (2002) [Armenian Genocide]
4. Attack on Darfur (2009)
5. Beats of the Antonov (Sudan)
6. Braveheart (1995)
7. Burden of Peace (Guatemala)
8. Calling the Ghosts (1996) [The Rape of Bosnian Muslim Women during the Bosnian War]
9. Cartel Land (Mexico and the US)
10. Dukhtar (2014) [Pakistan]
11. Gandhi (1982)
12. Human (Films For Action, 2015)
13. Human Trafficking (2005)
14. In the Name of the Father (1993)
15. Life Is Beautiful (1997) [Holocaust]
16. Life is Sacred (Colombia)
17. Mad Max- Fury Road [The Stark Violation of Human Rights; Torture, Gender Inequality & the Right to Food and Water]
18. Malcolm X (1992)
19. Mandela: Long Walk to Freedom (2013)
20. My Name is Khan (2010) [India]
21. No Land's Song (Iran)
22. North Country [Gender Equality, 2005]
23. Schindler's List (1993) [Persecution by the Nazi Germans]
24. Shooting Dogs (2005) [The Hutu Militias slaughter the Tutsi Population]

25. The Black Panthers: Vanguard of the Revolution (US)
26. The Boy in the Striped Pyjamas (2008)
27. The Killing Fields (1984) [Pol Pot's bloody 'Year Zero' Cleansing Campaign]
28. The Kite Runner (2007)
29. The Last King of Scotland (2006)
30. The Look of Silence (Indonesia)
31. The Trials of Spring (Tunisia, Egypt, Libya, Yemen, Bahrain & Syria)
32. The Wanted 18 (Palestine)
33. The Whistleblower (2010) [The Post-war Bosnia & the UN Cover-Up of a Sex-Trafficking Scandal]
34. Twelve Years a Slave [Dignity and Freedom]
35. What Tomorrow Brings (Afghanistan)

Part-XV:-BEST DOCUMENTARIES ON HUMAN RIGHTS

1. *She's Beautiful When She's Angry* [History of Feminism]
2. *The White Helmets* (Netflix) [Syrian Civil Defence, 2016]
3. *The Dark Side of Chocolate* [Child Labour, Slavery, Trafficking]
4. *The Pearl of Africa* [LGBT People]
5. *China Blue* [17 Year Child Labourer]
6. *E-Team* (Netflix) [Most Horrific War Crimes]
7. *Queer Britain* (BBC) [UK's LGBT Culture Today]
8. *He Named Me Malala* [Rights of Girls (*Especially the Right to Education*)]
9. *Siddharth* [The Ugly Face of Child Labour]
10. *On Her Shoulders* (2018) [Yazidi Genocide and ISIS Sexual Slavery]

Part-XIV

- A. THE RECEPTION AND INCORPORATION OF INTERNATIONAL HUMAN RIGHTS REGIME IN SOUTH ASIAN NATIONS
- B. THE HUMAN RIGHTS LEGAL FRAMEWORKS IN OTHER COUNTRIES:
USA, Canada, Europe, Australia, China, Latin America, Japan, Malaysia and South Africa etc.

THE SYLLABUS OF INTERNATIONAL HUMAN RIGHTS LAW IS SUBJECT TO PERENNIAL CHANGES KEEPING IN VIEW THE NEW CONSTITUTIONAL DEVELOPMENTS OR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH IN THE REGION AND ELSEWHERE OR OTHERWISE

Note: The recommendations of BoS dated: Friday, 29 November 2019 have been reflected upon, acted upon, and incorporated appropriately. However, 2020-Syllabus-IHRL is under review and updation as per FLS-SAU past practice and otherwise.
