

Legal Studies 190
International Courts & Human Rights
Spring 2022

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Course Description

The emergence and rapid development of the international human rights framework over the last 75 years is a remarkable innovation, yet it is nonetheless evident that human rights abuses continue to impact people around the world. What role do international courts play in our understanding and enjoyment of human rights?

In this seminar, we will discuss the modern system of international human rights protection, its history, its various components, its successes, and its shortcomings. Using primary legal texts and case decisions, as well as textbook excerpts and scholarly critiques, we will examine which rights are considered fundamental and how the interpretation of those rights has expanded over time. We will compare the courts and quasi-judicial bodies that protect human rights, including their jurisdiction, competencies, and impact. Finally, we will discuss the roles and strategies of the various actors involved, including grassroots activists and elected judges.

Students will gain a foundational understanding of international human rights law, essential principles and phases of human rights oversight and dispute resolution, and current critiques. Students will also have many opportunities to learn about and discuss diverse human rights concerns, and responses, from around the globe.

Requirements & Grading

The grading scheme for this course places greatest value on your reactions to, and engagement with, the course material. We will collaborate to create an open, kind, and curious class dynamic where everyone can comfortably participate. Please contact me as soon as possible if you need particular accommodations, and we will work out the necessary arrangements. Additionally, if you are typically a reluctant class participant, please get in touch so that I can address your concerns and make any helpful adjustments.

The assigned readings include 20-40 pages per week of excerpts from a coursebook, primary sources, and secondary sources. The coursebook (Ilias Bantekas and Lutz Oette, *International Human Rights Law and Practice* (3rd ed. 2020)) is available for purchase online, but the assigned excerpts will be posted on bCourses, along with all other readings.

Participation: 25% of grade. This seminar is intended to be participatory. Participation should always include adequately preparing for class and may also include speaking in class or in group discussions, contributing written comments or ideas, or actively listening and reacting to the discussion. Each class will begin with students' reactions to the readings.

First short paper: 20% of grade. Each student will prepare a 3-page reflection paper (700-800 words) analyzing the text of a human rights treaty or treaty article. What values does it reflect? What obligations does it impose on States or other actors? What kinds of harm does it contemplate, or fail to recognize? Additional assignment details will be provided one month in advance of the deadline of Class 6.

Second short paper: 30% of grade. Each student will prepare a 5-page memo (1,100-1,500 words) proposing and describing a human rights advocacy strategy for a particular violation or pattern of abuses in a specific country. The paper should identify available judicial and non-judicial avenues, and weigh their pros and cons. Additional assignment details will be provided one month in advance of the deadline of Class 12.

Final exam (take-home): 25% of grade. The final exam will be a take-home exam. It will require students to respond to a set of questions with short essay answers. The exam will cover the bigger picture concepts, critiques, issues, and comparisons discussed throughout the course and will require students to demonstrate familiarity with, and understanding of, the various institutions covered in the syllabus.

Class Structure

- 1. The Codification of Human Rights: A Brief History**
 - 1.1. State Sovereignty and the Law of Nations
 - 1.2. Historical Background
 - 1.3. Modern Recognition
 - 1.4. Contemporary Critiques
- 2. Sources of International Human Rights Law**
 - 2.1. Treaties
 - 2.2. General International Law (Custom and General Principles)
 - 2.3. Judicial Decisions
 - 2.4. Softlaw
 - 2.5. International Human Rights Law vs. Other Bodies of Law
- 3. Courts, Tribunals & Quasi-Judicial Bodies: Universal Human Rights System**
 - 3.1. Universal Human Rights System
 - 3.2. Criminal Tribunals
 - 3.3. Courts of Justice
- 4. Courts, Tribunals & Quasi-Judicial Bodies: Regional Human Rights Systems**
 - 4.1. European System
 - 4.2. Inter-American System
 - 4.3. African System
- 5. International Human Rights Research**
 - 5.1. Library Research
 - 5.2. Free and Open Sources
 - 5.3. Addressing Overlap & Fragmentation
- 6. The Enumerated Rights & Bodily Integrity**
 - 6.1. Civil and Political Rights vs. Economic, Social and Cultural Rights
 - 6.2. Life
 - 6.3. Humane Treatment
- 7. Thought and Protest**
 - 7.1. Expression, Opinion & Belief
 - 7.2. Association & Assembly
- 8. Subsistence, Sustenance and Survival**
 - 8.1. Labor Rights
 - 8.2. Social Protection
 - 8.3. Health, Housing, Food & Water
 - 8.4. Environmental Rights
- 9. Non-Discrimination and Vulnerable Groups**
 - 9.1. Non-Discrimination, Generally
 - 9.2. Racial and Ethnic Discrimination

- 9.3. Women's Rights
- 10. Non-Discrimination and Vulnerable Groups, Cont.**
 - 10.1. Rights of Persons with Disabilities
 - 10.2. Migrants' Rights
- 11. Non-Discrimination and Vulnerable Groups, Cont.**
 - 11.1. Indigenous Peoples' Rights
 - 11.2. LGBTQI Persons' Rights
- 12. Methods of Enforcement and Oversight**
 - 12.1. Individual and Group Complaints
 - 12.2. Reparations, Supervision, and Compliance
- 13. Methods of Enforcement and Oversight, Cont.**
 - 13.1. Interim Measures
 - 13.2. Inter-State Disputes
 - 13.3. State Review Procedures
 - 13.4. Reporting, Guidance, and Fact-Finding
- 14. The Actors**
 - 14.1. Victims / Survivors / Complainants
 - 14.2. Advocates
 - 14.3. States
 - 14.4. Judges & Experts

Acronyms

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Commission on Human and Peoples' Rights
AfCHPR	African Court on Human and Peoples' Rights
AU	African Union
CAT	Committee Against Torture
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on Migrant Workers
COE	Council of Europe
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EU	European Union
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
OAS	Organization of American States
OHCHR	Office of the High Commissioner for Human Rights
UN	United Nations

Readings

The readings are organized by class session. Paragraph and page numbers refer to the numbering in the original text unless otherwise noted. Read the section of the textbook that starts or ends on the assigned pages (you do not need to read the full page if the section stops halfway down the page, for example). Each week, roughly 20 to 40 pages of reading are assigned. The approximate total number of pages assigned per week is indicated next to the topic heading for each class and, where sections or paragraphs are assigned instead of pages, the page count for each such assignment is noted. For all assignments, the footnotes are not included in the approximate length and you are not required to read them.

As you complete the readings, please make note of any questions that arise and any terms that are unfamiliar or ill-defined, so that we can discuss them in class or office hours. Please also come to each class prepared to share a brief comment, question, or reflection on any one of the readings for that day.

1. The Codification of Human Rights: A Brief History (page count: \cong 40)

1.1. State Sovereignty and the Law of Nations

- Emer de Vattel, *The Law of Nations* (1758), https://www.loc.gov/rr/frd/Military_Law/Lieber_Collection/pdf/DeVattel_LawOfNations.pdf, PDF pages 50-54; 67-68 (ending with Section 16); 114 (heading of Ch. XI); 122 (heading of Ch XII); 143 (heading of Ch. XIII); 221, 222-224 (sections 54-57) (length: 5 pages; do not read the commentary / footnotes)

1.2. Historical Background

- *International Human Rights Law and Practice*, pp. 4-15
- optional: István Lakatos, *Implementing Universal Human Rights Standards in and by Sub-Saharan African States in the Shade of Local Traditions*, 42 Hum. Rts. Q. 1, 217 (2020), <https://muse.jhu.edu/article/747397/pdf>, pp. 217-232, 252-253

1.3. Modern Recognition

- Charter of the United Nations, <https://www.un.org/en/about-us/un-charter/full-text>, Preamble and arts. 1, 2 (length: 1 page)
- Hersch Lauterpacht, *International Bill of the Rights of Man: The Rapporteur's Draft* (1948), <https://undocs.org/E/CN.4/89> (text begins on enumerated page 36) (skim arts. 1-27, with focus on arts. 8, 13, 15, and 26)

- Universal Declaration of Human Rights (1948) (skim) (length: 9 pages)
- 1.4. Contemporary Critiques**
- W.E.B. Du Bois et al., *An Appeal to the World : A Statement of Denial of Human Rights to Minorities in the Case of citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress* (1947), <https://www.aclu.org/appeal-world>, pp. 1-2, 12-14, 85-86, 91-92
 - Hannah Arendt, *The Decline of the Nation-State and the End of the Rights of Man, in The Origins of Totalitarianism* (1951), <https://www.jus.uio.no/smr/om/aktuelt/arrangementter/2015/arendt-decline-of-nation-state-end-of-the-rights-of-man.pdf>, pp. 295 (beginning at “The calamity of the rightless”)-298 (ending at “expelled from the human community.”), 299 (beginning at “These facts and reflections”) - 300 (ending at “a solution to the problem.”)
- 2. Sources of International Human Rights Law** (page count: ≈ 20)
- Statute of the International Court of Justice, art. 38(1)
- 2.1. Treaties (quickly skim)**
- list of human rights treaties on course website (titles only)
 - International Covenant on Civil and Political Rights (ICCPR), arts. 1-27
 - International Covenant on Economic, Social and Cultural Rights (ICESCR), arts. 1-15
- 2.2. General International Law (Custom and General Principles)**
- *International Human Rights Law and Practice*, pp. 60-62 (“Customary International Law”)
 - International Law Commission, *Second Report of the Special Rapporteur, Mr. Marcelo Vázquez-Bermúdez, on General Principles of Law*, <https://undocs.org/A/CN.4/741>, paras. 1-15 (length: 3 pages)
- 2.3. Judicial Decisions**
- IACtHR, *Velásquez-Rodríguez v. Honduras*, Judgment of Jul. 29, 1988, https://www.corteidh.or.cr/docs/casos/articulos/seriec_04_ing.pdf, paras. 147-160, 165-188 (length: 8 pages)
- 2.4. Softlaw**
- *International Human Rights Law and Practice*, pp. 64-67
- 2.5. International Human Rights Law vs. Other Bodies of Law (skim)**
- 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Preamble and arts. 1-5
 - Rome Statute of the International Criminal Court, arts. 1, 5-8
 - 1951 Refugee Convention, art. 1

- 1967 Protocol to the Refugee Convention, Preamble and art. 1
- Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, art. 3

3. Courts, Tribunals & Quasi-Judicial Bodies: Universal Human Rights System

(page count: ≈ 40)

- *International Human Rights Law and Practice*, pp. 172-175, 177-179, 194-199
- Harold Hongju Koh, *How Is International Human Rights Law Enforced?*, 74 IND. L.J. 1397 (1998-99),
<https://www.repository.law.indiana.edu/ilj/vol74/iss4/9>, pp. 1398-1399, 1408-1417

3.1. Universal System

3.1.1. Human Rights Council

- International Justice Resource Center (IJRC), Human Rights Council,
<https://ijrccenter.org/un-human-rights-council/> (length: 1 page)

3.1.2. Treaty Bodies

- International Covenant on Civil and Political Rights, arts. 28-32, 40-41

3.1.3. Special Procedures

- Commission on Human Rights, Resolution 1993/45, *Right to freedom of opinion and expression* (Mar. 4, 1993),
<https://undocs.org/E/CN.4/1993/L.48>, paras. 11-18 (length: 1 page)

3.1.4. Office of the High Commissioner for Human Rights

- peruse OHCHR website:
<https://www.ohchr.org/EN/pages/home.aspx>

3.2. Criminal Tribunals

- IJRC, Internationalized Criminal Tribunals,
<https://ijrccenter.org/international-criminal-law/internationalized-criminal-tribunals/> (length: 1 page)
- Kamari Maxine Clarke, *Negotiating Racial Injustice: How International Criminal Law Helps Entrench Structural Inequality*, Just Security (Jul. 24, 2020),
<https://www.justsecurity.org/71614/negotiating-racial-injustice-how-international-criminal-law-helps-entrench-structural-inequality/>
(length: 6 pages)

3.3. Courts of Justice

- IJRC, International Court of Justice,
<https://ijrccenter.org/universal-tribunals-treaty-bodies-and-rapporteurs/international-court-of-justice/>

- IJRC, Courts and Tribunals of Regional Economic Communities, <https://ijrcenter.org/regional-communities/>
4. **Courts, Tribunals & Quasi-Judicial Bodies: Regional Human Rights Systems**
(page count: ≈ 30)
- 4.1. **European System**
- 4.1.1. **European Court of Human Rights**
- *International Human Rights Law and Practice*, pp. 239-243, 245-246
- 4.1.2. **European Committee of Social Rights**
- IJRC, ECSR, <https://ijrcenter.org/european-committee-of-social-rights-3/> (length: 7 pages)
- 4.2. **Inter-American System**
- 4.2.1. **Inter-American Court of Human Rights**
- 4.2.2. **Inter-American Commission on Human Rights**
- *International Human Rights Law and Practice*, pp. 267-275
 - video: The Inter-American Human Rights System, <https://youtu.be/NpN2R3hp-E0> (15 minutes)
- 4.3. **African System**
- 4.3.1. **African Commission on Human and Peoples' Rights**
- *International Human Rights Law and Practice*, pp. 280-286
- 4.3.2. **African Court on Human and Peoples' Rights**
- *International Human Rights Law and Practice*, pp. 289-291
- 4.3.3. **African Committee of Experts on the Rights and Welfare of the Child**
- IJRC, ACERWC, [https://ijrcenter.org/regional/african/#African Committee of Experts on the Rights and Welfare of the Child ACERWC](https://ijrcenter.org/regional/african/#African%20Committee%20of%20Experts%20on%20the%20Rights%20and%20Welfare%20of%20the%20Child%20ACERWC) (length: 1 page)
- 4.4. **Other Human Rights Oversight Bodies**
- 4.4.1. **ASEAN Intergovernmental Commission on Human Rights**
- IJRC, AICHR, <https://ijrcenter.org/regional/asia/> (length: 1 page)
- 4.4.2. **Arab Human Rights Committee**
- IJRC, Middle East and North Africa, <https://ijrcenter.org/regional/middle-east-and-north-africa/> (length: 1 page)
5. **International Human Rights Research** (page count: ≈ 25)
- 5.1. **Research Fundamentals**
- Marci B. Hoffman & Robert C. Berring, Jr., *International Legal Research in a Nutshell* (2017),

<https://lawcat.berkeley.edu/record/198600?ln=en>, Chs. 1.1-1.2, 2.1, 2.3-2.6,, 4.1 - 4.3, 4.5.B, 4.8, 8.7
12 (length: 20 pages)

5.2. Free and Open Sources

- IJRC, *Guide to Researching International Human Rights Law* (2021), <https://ijrcenter.org/guide-to-researching-international-human-rights-law/> (quickly skim)

5.3. Addressing Overlap & Fragmentation

- IJRC, *UN Human Rights Committee Condemns 'Burqa Ban,' Countering European Court* (Nov. 2018), <https://ijrcenter.org/2018/11/14/un-human-rights-committee-condemns-burqa-ban-countering-european-court/> (length: 3 pages)

6. The Enumerated Rights & Bodily Integrity (page count: ≈ 33 pages)

- *International Human Rights Law and Practice*, pp. 74-77

6.1. Civil and Political Rights vs. Economic, Social and Cultural Rights

- Makau Mutua, *Human Rights in Africa: The Limited Promise of Liberalism*, 51 *African Studies Rev.* 1, 17 (2008), pp. 30-35
- *International Human Rights Law and Practice*, pp. 412-413
- ACHPR, *SERAC and CESR v. Nigeria* (2001), https://www.achpr.org/public/Document/file/English/achpr30_155_96_eng.pdf, paras. 44-48 (length: 1 page)

6.2. Life

- IACtHR, *Artavia Murillo et al. v. Costa Rica (In Vitro Fertilization)* (2012), https://www.corteidh.or.cr/docs/casos/articulos/seriec_257_ing.pdf, paras. 2-3, 171-172, 185-190, 220, 222-223, 244-246, 253, 256-260, 264 (length: 4 pages)
- UN Human Rights Committee, *General Comment No. 36: Article 6 : right to life* (2019), <https://undocs.org/CCPR/C/GC/36>, paras. 2-3, 8-31 (length: 6 pages)

6.3. Liberty

- IACHR, *Ameziane v. United States of America* (2020), <https://www.oas.org/en/iachr/decisions/2020/USPU12865EN.pdf>, paras. 3, 129-134 (length: 1 page)

6.4. Humane Treatment

- ECtHR, *Soering v. United Kingdom* (1989), <http://hudoc.echr.coe.int/fre?i=001-57619>, paras. 11-12, 14-15, 76, 91, 104, 105, 111 (length: 3 pages)

- ACHPR, *INTERIGHTS and Ditshwanelo v. Botswana* (2015), https://www.achpr.org/public/Document/file/English/communication_319_06_eng.pdf, paras. 1-7, 92-96 (length: 2 pages)
- *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, UN Doc. A/HRC/31/57 (5 Jan. 2016), <https://undocs.org/A/HRC/31/57>, paras. 5, 13-15, 34-36, 48-50 (length: 2 pages)

7. Thought and Protest (page count: ≈ 20)

7.1. Expression, Opinion & Belief

- *International Human Rights Law and Practice*, pp. 403-406
- Human Rights Committee, *General Comment No. 34: Article 19: Freedoms of opinion and expression* (2011), <https://undocs.org/CCPR/C/GC/34>, paras. 3-22, 50-52 (length: 3 pages)
- ECtHR, *Lautsi and Others v. Italy* [GC] (2011), <http://hudoc.echr.coe.int/eng?i=001-104040>, paras. 10-13, 17, 29, 59-77 (length: 2 pages)
- IACtHR, *Last Temptation of Christ (Olmedo-Bustos et al.) v. Chile* (2001), https://www.corteidh.or.cr/docs/casos/articulos/seriec_73_ing.pdf, paras. 2-3, 63-73, 76-80 (length: 3 pages)
- ECtHR, *Delfi AS v. Estonia* [GC] (2009), <http://hudoc.echr.coe.int/eng?i=001-155105>, paras. 3, 11-20, 110, 115, 118-119, 128-139, 146, 151, 159-162 (length: 3 pages)

7.2. Association & Assembly

- ECtHR, *Baczowski and Others v. Poland* (2007) (press release), <http://hudoc.echr.coe.int/eng-press?i=003-1988493-2109260> (length: 2 pages)
- IACtHR, *Kawas-Fernández v. Honduras*, https://www.corteidh.or.cr/docs/casos/articulos/seriec_196_ing.pdf, paras. 2-4, 140-155 (length: 4 pages)

8. Subsistence, Sustenance and Survival (page count: ≈ 22 pages)

8.1. Labor Rights

- CESCR, *General Comment No. 23: The Right to Just and Favourable Conditions of Work* (2016), <https://undocs.org/E/C.12/GC/23>, paras. 1-6 (length: 1 page)

8.2. Poverty & Social Protection

- AfCHPR, *Advisory Opinion on the Compatibility of Vagrancy Laws with the African Charter on Human and Peoples' Rights* (2020), <https://www.african-court.org/en/images/Cases/Advisory%20Opinion/Advisory%20Opinions/001-2018 - PALU-Advisory Opinion.pdf>, paras. 5, 69-75 (length: 3 pages)
- *Report of the Special Rapporteur on extreme poverty and human rights*, (2017), <https://undocs.org/A/HRC/35/26>, paras. 1-16 (length: 4 pages)

8.3. Health, Housing, Food & Water

- ECSR, *FEANTSA v. The Netherlands* (2014), <http://hudoc.esc.coe.int/eng/?i=cc-86-2012-dmerits-en>, paras. 2, 22-32, 57-61, 105-137 (length: 5 pages)
- *Report of the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller: Human rights and the privatization of water and sanitation services* (2020), <https://undocs.org/en/A/75/208>, paras. 1-7, 58-64 (length: 4 pages)

8.4. Environmental Rights

- ACHPR, *SERAC and CESR v. Nigeria* (2001), https://www.achpr.org/public/Document/file/English/achpr30_155_Subsist96_eng.pdf, paras. 1-9, 50-58 (3 pages)
- IACtHR, *Advisory Opinion on the Environment and Human Rights* (2017), https://www.corteidh.or.cr/docs/opiniones/seriea_23_ing.pdf, paras. 56-69 (length: 3 pages)
- IACHR, *Mossville Environmental Action Now v. United States* (2010), <http://www.cidh.org/annualrep/2010eng/usad242-05en.doc>, paras. 1-4, 41-44 (length: 2 pages)
- *Duarte Agostinho and Others v. Portugal and 32 Other States* (information note), <http://hudoc.echr.coe.int/eng?i=002-13055> (length: 1 page) [optionally, if interested, see the complaint here: http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/non-us-case-documents/2020/20200902_3937120_complaint.pdf]
- Stop Ecocide Foundation, *Independent Expert Panel for the Legal Definition of Ecocide: Commentary and Core Text* (2021), <https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/60d7479cf8e7e5461534dd07/1624721314430/SE+Foundation+Commentary+and+core+text+revised+%281%29.pdf>, Section II (length: 1 page)

9. Non-Discrimination and Vulnerable Groups (page count: ≈ 40 pages)

- *International Human Rights Law and Practice*, pp. 577-581
- CEDAW Committee, *General Recommendation No. 28* (2010), <https://undocs.org/CEDAW/C/GC/28>, paras. 1, 14-29 (length: 3 pages)

9.1. Racial and Ethnic Discrimination

- ECtHR, *D.H. and Others v. Czech Republic* [GC] (2007), <http://hudoc.echr.coe.int/eng?i=001-83256>, paras. 3, 13, 18, 19, 175-184, 192, 195-199, 207-210 (length: 6 pages)
- IACHR, *Police Violence against Afro-descendants in the United States* (2019), <http://www.oas.org/en/iachr/reports/pdfs/PoliceUseOfForceAfrosUSA.pdf>, paras. 1-11 (length: 4 pages)

9.2. Women's Rights

- *International Human Rights Law and Practice*, pp. 528-534
- Karen Engle, Vasuki Nesiah, and Dianne Otto, *Feminist Approaches to International Law* (2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3820771, Part II (PDF pp. 10-17)
- IJRC, *Gender Pay Gap Pervasive in Europe, Social Rights Committee Finds* (2020), <https://ijrcenter.org/2020/07/28/gender-pay-gap-pervasive-in-europe-social-rights-committee-finds/> (length: 3 pages)
- IACtHR, *Gonzalez et al. ("Cotton Field") v. Mexico* (2009), https://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf, paras. 2-3, 121, 123, 125, 128, 138, 149, 154, 158, 231, 242-248, 279-286, 390-402 (length: 7 pages)

10. Non-Discrimination and Vulnerable Groups, Cont. (page count: ≈ 30 pages)

10.1. Rights of Persons with Disabilities

- CRPD, *General Comment No. 6 (2018) on equality and non-discrimination*, <https://undocs.org/CRPD/C/GC/6>, paras. 1-13, 30-38 (length: 4 pages)
- CRPD, *Lockrey v. Australia*, <https://undocs.org/CRPD/C/15/D/13/2013>, paras. 8.2-9 (length: 3 pages)
- IACtHR, *Ximenes-Lopes v. Brazil* (2006), https://www.corteidh.or.cr/corteidh/docs/casos/articulos/seriec_149_ing.pdf, paras. 101-110, 128-130, 138-150 (length: 4 pages)

10.2. Migrants' Rights

- IJRC, *Immigration and Migrants' Rights*, <https://ijrcenter.org/thematic-research-guides/immigration-migrants-rights/>, *What Rights Do Migrants Have?* and *Selected Case Law* (12 pages)
- IACHR, *Undocumented Workers v. United States* (2016), <https://www.oas.org/en/iachr/decisions/2016/USPU12834EN.pdf> (and also at: <https://ijrcenter.org/wp-content/uploads/2016/12/IACHR-Undoc-Workers-USA-Merits-Report-2016.pdf>), paras. 10-19, 73-76, 89-92 (length: 3 pages)
- Human Rights Committee, *Ioane Teitiota v. New Zealand* (2020), <https://undocs.org/CCPR/C/127/D/2728/2016>, paras. 2.1-2.2, 9.3-10 (length: 4 pages)

11. Non-Discrimination and Vulnerable Groups, Cont. (page count: ≈ 28 pages)

11.1. Indigenous Peoples' Rights

- UN Declaration on the Rights of Indigenous Peoples, <https://undocs.org/A/RES/61/295>, arts. 1-43 (skim)
- AfCHPR, *African Commission on Human and Peoples' Rights v. Kenya* (2012), <https://www.african-court.org/cpmt/storage/app/uploads/public/5f5fe9a9/5f55fe9a96676974302132.pdf>, paras. 6-10, 101-102, 105-112, 123-131, 136-146 (length: 9 pages)
- IACtHR, *Kichwa Indigenous People of Sarayaku v. Ecuador* (2012), https://corteidh.or.cr/docs/casos/articulos/seriec_245_ing.pdf, paras. 2, 124, 145-147, 156-176, 212-220, 231-232 (length: 8 pages)

11.2. LGBTQI Persons' Rights

- ECtHR, *Schalk and Kopf v. Austria* (2010), <http://hudoc.echr.coe.int/fre?i=001-99605>, paras. 3, 65, 87-110 (length: 3 pages)
- IACtHR, *Atala Riffo and Daughters v. Chile* (2012), https://corteidh.or.cr/docs/casos/articulos/seriec_239_ing.pdf, paras. 3, 77, 91-95, 121-122, 131, 138-140, 145-146 (length: 4 pages)
- IACtHR Advisory Opinion, *Gender Identity, and Equality and Non-Discrimination of Same-Sex Couples*, https://www.corteidh.or.cr/docs/opiniones/seriea_24_eng.pdf, paras. 1, 100-101, 115-116, 159-160 (length: 3 pages)

- ECSR, *Transgender-Europe and ILGA-Europe v. Czech Republic* (2018), <http://hudoc.esc.coe.int/eng?i=cc-117-2015-dmerits-en>, paras. 2, 80-89 (length: 1 page)

12. Methods of Enforcement and Oversight (page count: ≈ 40 pages)

- IJRC, *Visual of Human Rights Mechanisms' Competence*, <https://ijrccenter.org/wp-content/uploads/2020/10/Visual-of-HR-mechanisms-competence-Oct.-2020.pdf> (1-page diagram)

12.1. Individual and Group Complaints

12.1.1. Jurisdiction and Admissibility Requirements

- *International Human Rights Law and Practice*, pp. 306-329 (skip case studies and questions)
- ACHPR, *Mohammed Abdullah Saleh Al-Asad v. Djibouti* (2014), https://www.achpr.org/public/Document/file/English/achpr55_383_10_eng.pdf, paras. 3-8, 11, 138-148, 161, 165, 169, 175-177, 182 (length: 5 pages)
- ECtHR, *Analysis of statistics 2020* (2021), https://www.echr.coe.int/Documents/Stats_analysis_2020_ENG.pdf, pp. 4-5

12.1.2. Non-Duplication

- European Commission of Human Rights, *Pauger v. Austria* (1995), <http://hudoc.echr.coe.int/eng?i=001-2026>, final paragraphs, beginning “The Commission notes further that thereupon” (length: 1 page)
- IACHR, *Digest of the Inter-American Commission on Human Rights on its Admissibility and Competence Criteria* (2020), <http://www.oas.org/en/iachr/reports/pdfs/DigestoADM-en.pdf>, paras. 95-99 (length: 2 pages)

12.1.3. Exhaustion of Domestic Remedies & Timeliness

- IACtHR, *Advisory Opinion OC-11/90: Exceptions to the Exhaustion of Domestic Remedies* (1990), https://www.corteidh.or.cr/docs/opiniones/seriea_11_ing.pdf, paras. 2, 16-21, 31-36, 42 (length: 4 pages)
- Protocol No. 15 to the European Convention on Human Rights, https://www.echr.coe.int/Documents/Protocol_15_ENG.pdf, art. 4

12.2. Reparations, Supervision, and Compliance

- *International Human Rights Law and Practice*, pp. 330-336
- IACtHR, *Cantoral-Benavides v. Peru* (2001), https://www.corteidh.or.cr/docs/casos/articulos/seriec_88_ing.pdf, paras. 35-37, 62, 78-81 (length: 3 pages)

- COE Committee of Ministers, *Al Nashiri group v. Poland*, Supervision of the execution of the European Court's judgments, https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809cc891 (length: 1 page)
- optional: Carrie Bettinger-Lopez, *The Long Arc of Human Rights: A Case for Optimism*, Foreign Affairs (2018), <https://www.foreignaffairs.com/reviews/review-essay/2018-04-16/long-arc-human-rights> (length: 9 pages)

13. Methods of Enforcement and Oversight, Cont. (page count: ≈ 29 pages)

13.1. Inter-State Disputes

- ECtHR, *Georgia v. Russia (I)* (2014) (legal summary), <http://hudoc.echr.coe.int/eng?i=002-9584> (length: 3 pages)

13.2. Interim Measures

- *International Human Rights Law and Practice*, pp. 338-339
- Felipe González, *Urgent Measures in the Inter-American Human Rights System*, 7 SUR Int'l J. Hum. Rts. 13, 51 (2010), <https://sur.conectas.org/wp-content/uploads/2017/11/sur13-eng-felipe-gonzalez.pdf>, pp. 51-53, 55-56 (ending with "merits under the Commission's case system."), 61 (beginning with section 5) - 65 (through section 7) (length: 9 pages)
- ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Order of 23 January 2020, <https://www.icj-cij.org/public/files/case-related/178/178-20200123-ORD-01-00-EN.pdf>, paras. 1, 5, 43-44, 56, 61-66, 72, 75, 86 (length: 4 pages)

13.3. State Review Procedures

- *International Human Rights Law and Practice*, pp. 200-203
- IJRC, UN Universal Periodic Review, <https://ijrcenter.org/un-human-rights-council/un-universal-periodic-review/> (length: 1 page)
- Human Rights Committee, *Concluding observations on the fourth periodic report of the United States of America* (2014), <https://undocs.org/CCPR/C/USA/CO/4> (skim)
- optional: Justin Hansford & Meena Jagannath, *Ferguson to Geneva: Using the Human Rights Framework to Push Forward a Vision for Racial Justice in the United States after Ferguson*, 12 Hasting Race & Pov L. J. 121 (2015), <https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1122&>

[context=hastings race poverty law journal](#), p. 121-123, 145 (Section IV) - 154

13.4. Reporting, Guidance, and Fact-Finding

- ACHPR, *Report of the Human Rights Promotion Mission to the Republic of the Gambia*,
[https://www.achpr.org/public/Document/file/English/The%20Gambia ACHPR%20Promotion%20Mission_ENG.pdf](https://www.achpr.org/public/Document/file/English/The%20Gambia%20ACHPR%20Promotion%20Mission_ENG.pdf), paras. 2-5, 19-20, 214-220 (skim bullet points) (length: 15 pages)
- and think back on examples from previously assigned readings, e.g.:
 - UN Human Rights Committee, *General Comment No. 36: Article 6 : right to life* (2019) (Class 6)
 - *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, UN Doc. A/HRC/31/57 (5 Jan. 2016),
<https://undocs.org/A/HRC/31/57> (Class 6)
 - AfCHPR, *Advisory Opinion on the Compatibility of Vagrancy Laws with the African Charter on Human and Peoples' Rights* (2020) (Class 8)
 - IACHR, *Police Violence against Afro-descendants in the United States* (2019) (Class 9)

14. The Actors (page count: ≈ 40)

- Makau Mutua, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, 42 HARV. INT'L L. J. 201 (2001),
https://digitalcommons.law.buffalo.edu/journal_articles/570/, Part I (pp. 201-209) (the footnotes are worth reading in this piece)

14.1. Victims / Survivors / Complainants

14.1.1. Standing and Harm

- ECtHR, *Akbay and Others v. Germany* (2020),
<http://hudoc.echr.coe.int/eng?i=001-204996>, paras. 67-90 (length: 3 pages)

14.1.2. Continuing Violations

- IACtHR, *Blake v. Guatemala* (preliminary objections) (1996),
https://www.corteidh.or.cr/docs/casos/articulos/seriec_27_ing.pdf, paras. 12-13, 23, 33-40 (length: 2 pages)

14.1.3. Actio Popularis

- ECtHR, *Roman Zakharov v. Russia* (2015),
<http://hudoc.echr.coe.int/eng?i=001-159324>, paras. 3, 8-10, 163-179 (length: 5 pages)

14.2. Advocates

- Declaration on Human Rights Defenders, <https://undocs.org/A/RES/53/144> (read articles 1, 6, 7, and 12, and skim remainder of articles) (length: 6 pages)

14.3. States**14.3.1. State Responsibility**

- International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts* (2001), https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf, arts. 1-11 (skip the commentaries) (length: 1 page)
- IACtHR, *Case of the "Mapiripán Massacre" v. Colombia* (2005), https://www.corteidh.or.cr/corteidh/docs/casos/articulos/seriec_134_ing.pdf, paras. 2, 101-116, 123 (length: 4 pages)

14.3.2. Secession, Succession & Recognition

- ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)* (preliminary objections) (1996), <https://www.icj-cij.org/public/files/case-related/91/091-19960711-IUD-01-00-EN.pdf>, paras. 1, 17-23 (length: 3 pages)

14.3.3. Acceptance & Withdrawal

- AfCHPR, *Ingabire Victoire Umuhosa v. Rwanda* (ruling on jurisdiction) (2016), <http://www.african-court.org/en/images/Cases/Ruling%20on%20Jurisdiction/Appl.%20003-2014%20Ingabire%20Victoire%20Umuhosa%20v.%20Rwanda%20Ruling%20on%20Jurisdiction%20ENG.pdf>, paras. 48-69 (length: 5 pages)
- IJRC, *Venezuela Denounces American Convention on Human Rights as IACHR Faces Reform* (2012), <https://ijrcenter.org/2012/09/19/venezuela-denounces-american-convention-on-human-rights-as-iachr-faces-reform/> (skim) (length: 5 pages)

14.4. Judges & Experts**14.4.1. Diversity**

- GQUAL Campaign, *Composition of International Organizations and Tribunals*, <http://www.gqualcampaign.org/current-composition/> (skim)
- optional: Vera Shikhelman, *Diversity and Decision-Making in International Judicial Institutions: the United Nations Human Rights Committee as a Case Study*, 36 Berkeley J. Int'l L. 1, 60 (2018), <https://ac0f3675-c45e-4407-a6e5-4a9e2de8c0f8.filesusr.com/ugd/9>

[a8c77_90becd9a90cf4c738d6e6c389bca1471.pdf](#), pp. 65-66 (first part of Introduction), 81-82 (first paragraphs of part II.B), 87-90

14.4.2. Musical Chairs

- Paolo Sérgio Pinheiro, CV, <https://www.ohchr.org/EN/HRBodies/CRC/Study/Pages/PauloPinheiro.aspx> (see section on “Positions in International Bodies”) (length: 1 page)

Entirely Optional Reading & Viewing

News & General Interest

- Thomson Reuters Foundation News, <https://news.trust.org/>
- Just Security, <https://www.justsecurity.org/>
- Open Global Rights, <https://www.openglobalrights.org/>
- The New Yorker (human rights articles), <https://www.newyorker.com/tag/human-rights>
- Human Rights Watch, <https://www.hrw.org/>
- Amnesty International, <https://www.amnesty.org/en/>
- OHCHR, <https://www.ohchr.org/EN/pages/home.aspx>
- Democracy Now!, <https://www.democracynow.org/>
- The New Humanitarian, <https://www.thenewhumanitarian.org/>
- Inter Press Service, <http://www.ipsnews.net/news/human-rights/>

Books on Human Rights Topics & Advocacy

- Michelle Alexander, *The New Jim Crow*
- Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice*
- Katherine Boo, *Behind the Beautiful Forevers*
- Naomi Klein, *The Shock Doctrine*
- Jeri Laber, *The Courage of Strangers*
- Wangari Maathai, *Unbowed*
- María McFarland Sánchez-Moreno, *There Are No Dead Here: A Story of Murder and Denial in Colombia*
- Juan E. Méndez, *Taking a Stand: The Evolution of Human Rights*
- Bryan Stevenson, *Just Mercy*

Books on Conflict & International Criminal Law

- Steve Coll, *Ghost Wars*
- Jason K. Stearns, *Dancing in the Glory of Monsters*
- Naomi Roht-Arriaza, *The Pinochet Effect*

- Philippe Sands, *The Ratline*
- Philippe Sands, *East-West Street*

Human Rights Advocacy and Oversight in Action (Videos)

- sessions of the UN human rights treaty bodies,
<https://media.un.org/en/search/categories/meetings-events/human-rights-treaty-bodies>
- sessions of the UN Human Rights Council,
<https://media.un.org/en/search/categories/meetings-events/human-rights-council>
- Big Brother Watch and Others v. United Kingdom, ECtHR Grand Chamber hearing (July 2019),
https://www.echr.coe.int/Pages/home.aspx?p=hearings&w=5817013_10072019&language=en&c=&py=2019 (or any other ECtHR hearings posted online)
- ACHPR 63 Ordinary Session - Day 4 Human Rights Situation in Africa,
<https://www.youtube.com/watch?v=bxCD098G3XA>
- Reparation for Slavery and Other Forms of Structural Racial Discrimination in the United States, IACHR hearing (September 2019),
<https://www.youtube.com/watch?v=R-WUhvVMR6E> (or other hearings, available here: <http://www.oas.org/es/cidh/audiencias/advanced.aspx?lang=en>)
- Case of Russell Bucklew v. United States on death penalty, IACHR hearing (September 2019), <https://www.youtube.com/watch?v=QBbLA2GuS1o>
- Response from parties to questions from the Court, *Robert J. Penness v. Tanzania*, AfCHPR hearing (March 2018), <https://www.youtube.com/watch?v=NeRf9wNcx9I>
- US Human Rights Network, *The People Speak: US Grassroots Voices at the UN - It Goes Beyond Policing* (side event at the Human Rights Council, July 2021),
<https://www.youtube.com/watch?v=YiN4G5IhIXQ>