INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS: THEORY, LAW AND PRACTICE (LL102)

Course duration: 54 hours lecture and class time (Over three weeks)

Summer School Programme Area: Law

LSE Teaching Department: Department of Law

Lead Faculty: Dr Emmanuel Voyiakis & Dr Jo Murkens (Dept. of Law)

Class teachers: TBC

Pre-requisites: None.

Aims and intended learning outcomes:

Our course attempts a critical exploration of the idea of human rights and in particular the possibility that international human rights can provide the basis of a universal ethical and legal order. The course begins with an introductory account of the general idea of human rights and of the history of the idea from ancient Greek origins and the Enlightenment to contemporary understandings of human rights. Early on, students will be exposed to several enduring human rights critiques and, through a series of case-studies, examine the tensions that the practice of human rights today highlights, such as in the areas of free speech, prohibiting torture, and countering terrorism. Having considered the theories of, along with challenges to, human rights, the course will then turn to assess the structure and standards that govern international human rights law, beginning with an introduction as to what modern international law is and how it is made. This part of the course will consider the international and regional human rights systems and the range of legal instruments and standards that have been developed. We will then look at various key issues in human rights including the techniques that human rights institutions have developed; the relationship between human rights and pressing global problems, such as poverty and climate change; and the role of non-state actors (especially transnational corporations) in relation to human rights.

The intended learning outcome is an informed and critical understanding of contemporary international human rights theory, law and practice.

Formative assessment:

A 500-word essay, on a topic to be announced at the start of the course. The aim of the formative assessment is to give you the opportunity to practice making, criticising and defending arguments about human rights in advance of your first summative assessment (see below). The deadline will be the end of week 1 of the course, and you will receive feedback early in week 2.
Summative assessment:
You will be asked to hand in one assessed 1,000-word essay at the mid-term point (the deadline will be the Friday of week 2 of the course). This will count for 25% of your final mark. The essay topics will be set around the middle of the first week, and the marks will be released in the beginning of week 3. At the end of the course (Friday of week 3), you will sit one (unseen) written examination, the precise time and location of the exam will be circulated during the programme. This counts for 75% of your final mark. The exam will consist of six questions, out of which you may answer any three, with a writing time of two hours. Past papers are available on our moodle page at [http://shortcourses.lse.ac.uk](http://shortcourses.lse.ac.uk). Although course topics may change slightly from year to year, past papers offer a reliable indication as to what you may expect to see in the exam. Marks will be released within a week of the exam.

Primary Texts:
There are several good human rights textbooks on the market, and you are strongly encouraged to purchase one. Having the very latest edition has obvious advantages, but it’s not absolutely essential. Earlier editions, as long as they’re not more than 2-3 years out of date, should be fine, and will come much cheaper too.

Here are some titles for your consideration. Look them up in the library or online, skim a chapter or two, and get a feel for which one you’d be comfortable with:


Secondary Texts:


Two very useful books are:


Further reading: see below for annexes attached to this reading list. The first provides helpful websites and the second offers a further reading list.
Course Structure:

This course is divided into three parts. The reading for each theme is included alongside the theme.

PART ONE: THEORIES AND HISTORIES OF HUMAN RIGHTS

(NB: Most hyperlinks will work only if you log in with your LSE credentials)

Lecture one:

- **Introduction:** the course lecturers set out the nature of the course and explain its structure, logic, and content.
- **The history of the emergence of human rights as an idea:** Greek beginnings; respect for human dignity and human flourishing; the origins of human rights in the emergence of the rule of law; the Church and natural law; Hobbes, Locke, Pufendorf; the English revolution of 1688; three generations of human rights.
  - Donnelly, *Universal Human Rights Theory & Practice*, Ch. 1 available [here](#).
  - Freeman, *Human Rights: An Interdisciplinary Approach*, Ch. 2 (available in the library, for locations click [here](#)); you may be able to access most of this chapter through Google Books.

Lecture two:

- **Human rights after the Enlightenment:** Kant and the construction of a new cosmopolitan ethic; Hegel and rights; their contemporary incarnations.
  - Alston and Goodman, *International Human Rights in Context* 490-498
  - Freeman, Ch. 4
- **The universality of human rights:**
  - Alston and Goodman, 531-557.
- **Human rights critiques:** Bentham; Marx
  - Freeman, Ch. 4
- **Non-Western critiques of human rights:**
  - Alston and Goodman, 531-557.
  - Donnelly, Ch. 5 (see link for Lecture one)

Lecture three:
The move to contemporary ‘human rights’ from those (western) beginnings – civil liberties – civil and political rights.

International law and human rights: background, politics and values. Human rights as subversive of traditional international law
  - Donnelly Ch. 2
  - Alston and Goodman, 135-154.
  - Freeman, Ch. 3

The sovereignty critique: the continuing power of the nation state, originally hostile to human rights: are traces of this hostility left?

Lecture four:

Human rights and human rights challenges: the practice/case studies – historical values in contemporary society, tensions:
  - freedom of expression - hate speech;
    - E Heizne, ‘Wild-West Cowboys versus Cheese-Eating Surrender Monkeys’ in J Weinstein and I Hare (eds), Extreme Speech and Democracy (2009), Ch.10 available here
  - prohibition on torture;
    - Alston and Goodman, 238-276.
  - war on terror

PART TWO: STRUCTURES AND STANDARDS

Lecture five:
  - What is international law and how is it made?
  - Which human rights does international law protect?

The United Nations Charter (1945), the Universal Declaration of Human Rights (1948), and the core UN human rights treaties:
  - The Refugee Convention (1951)
  - The Racial Discrimination Convention (1965)
  - The International Covenant on Economic, Social and Cultural Rights (1966)
  - The International Covenant on Civil and Political Rights (1966)
  - The Women’s Convention (1979)
  - The Migrant Workers Convention (1990)
The Disabilities Convention (2006)

The Enforced Disappearance Convention (2006)

Plus, the Genocide Convention (1948); the Convention against Torture (1984)

- **Which human rights have an ‘international’ character?**
  - S. Moyn, *The Last Utopia: Human Rights in History* (HUP, 2010), Ch. 5
  - Alston-Goodman, 58-89; 120-154

**Further reading**

- C. Chinkin, ‘Sources’, Chapter 4 in Harris D et al. (eds), *International Human Rights Law* (OUP, 2nd ed., 2013) 75-95.

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**Lecture six:**

- **Human Rights in the United Nations:** The two systems of human rights protection in the United Nations: Treaty-based, and Charter-based. Their development, powers, working methods, relationship with each other and other UN organs, the challenges they face, and their future prospects.

**Reading**

- R. Smith, “‘To see Themselves as Others see Them’: the Five Permanent Members of the Security Council and the Human Rights Council’s Universal Periodic Review’ 35 *Human Rights Quarterly* (2013) 1-32
- Alston-Goodman, 685-693; 742-758

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**Lecture seven:**

- **Regional human rights systems:** Europe, Americas, Africa, and other regional systems.

**Further reading**

Lecture eight:
- Concepts and techniques in human rights adjudication: positive obligations, proportionality, and the margin of appreciation
  (i) Positive obligations
    o Siliadin v France (2005), ECtHR, §77-89, available here
    Further reading
  (ii) Proportionality
    o Otto-Preminger-Institut v Austria (1994), ECtHR, available here
    Further reading
      o S. Tsakyrakis, ‘Proportionality as an Assault on Human Rights?’ 7 International Journal of Constitutional Law (2009) 468 available here
  (iii) Margin of Appreciation
    o S.A.S. v France (2014), ECtHR, available here (this is a long decision, but make sure you read the facts, § 113-159 and the Dissenting Opinion)
    Further reading

Lecture nine:
- Applying human rights in crises: poverty, development & climate change
  o Alston-Goodman, 1516-1546
  Further reading
  Instruments
    o Declaration on the Right to Development (1986) available here
Lecture ten:

- Applying human rights in crises: self-determination, migration, and human rights outside the state
  
  (i) Self-determination
  
  o Re Secession of Quebec, Supreme Court of Canada, [1998] 2 SCR 217 available here (read case-note until ‘cases cited’, skim the rest)

(ii) Migration


(iii) The extra-territorial application of human rights


Further reading


Lecture eleven:

- Human rights and non-state actors

  o Alston – Goodman, 1461-1515
  o M. Wright, Corporations and Human Rights: Scope and Patterns of Alleged Corporate-Related Human Rights Abuse (2008), available here (skim-read only)

Further reading

  o A. Clapham, Human Rights Obligations of Non-State Actors (OUP, 2006), Chapter 6
  o A. de Wall, ‘Writing Human Rights and Getting it Wrong’, Boston Review, June 6, 2016, available here

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Lecture twelve:

- The future of international human rights law
  - P. Alston, ‘Against a World Court of Human Rights’ 28 Ethics & International Affairs (2014) 197 available [here](#)
ANNEX I: HELPFUL WEBSITES

For links to online human rights materials, you may wish to consult:

Full texts of international human rights instruments
http://www2.ohchr.org/english/law/index.htm#instruments

University of Minnesota, Human Rights Library
http://www1.umn.edu/humanrts//index.html

American Society of International Law – human rights
www.asil.org/resource/humrts1.htm

International Human Rights Lexicon
www.internationalhumanrightslexicon.org

The homepages of principal human rights organisations are:

UN High Commissioner for Human Rights
www.ohchr.org

European Court of Human Rights
www.echr.coe.int/echr

Inter-American Commission and Court
www.oas.org/OASpage/humanrights.htm

African Commission on Human and Peoples’ Rights
www.achpr.org

African Court on Human and Peoples’ Rights
http://www.african-court.org/en/

Amnesty International
www.amnesty.org

Human Rights Watch
www.hrw.org

Interights
www.interights.org
ANNEX II: SELECTED FURTHER READING


B A Andreassen and S P Marks (eds), Development as a Human Rights (2nd edn., Intersentia, 2010).


Credit Transfer: If you are hoping to earn credit by taking this course, please ensure that you confirm it is eligible for credit transfer well in advance of the start date. Please discuss this directly with your home institution or Study Abroad Advisor.

As a guide, our LSE Summer School courses are typically eligible for three or four credits within the US system and 7.5 ECTS in Europe. Different institutions and countries can, and will, vary. You will receive a digital transcript and a printed certificate following your successful completion of the course in order to make arrangements for transfer of credit.

If you have any queries, please direct them to summer.school@lse.ac.uk