



South Asian University

Faculty of Legal Studies

LLM

Monsoon Semester 3 in 2023

Course Information

PART-I:- COURCWORK INFORMATION

Course Title:	INTERNATIONAL HUMAN RIGHTS LAW (IHRL)
Course:	Compulsory Paper
Course Code:	LW-009
Course Instructor:	Dr. Nafees Ahmad drnafeesahmad@sau.ac.in
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 FOUNDATIONS OF THE INT. L HUMAN RIGHTS LAW

- International Human Rights Law (IHRL) in a Global Context [The Idea of IHRL, Evolution, Nature, and Contesting the Uniformity and Universality of Human Rights] Human Rights Theories [Universalist, Legal Positivism, Natural Law, Relativist]. The Broad Review of IHRL [The Basic Principles of the IHRL]. The SAARC Origins of Human Rights. Reimagining IHRL in International Legal Discourse. The Measuring of Human Rights Strands and the Limits of Human Rights. Global & Regional Glimpses of Human Rights [Afghanistan, Sri Lanka, Myanmar, Palestine, Syria, Iraq, Ukraine, etc.]. Significance of IHRL in Global Problems. Impact of IHRL on International Law. The Global Conceptual Framework for Contemporary Human Rights Discourse: Multicultural Dynamics and Conceptualization of Human Rights, Internationalization of Human Rights [Individual, Sovereignty, Int'l Relations, Legitimization of Torture, etc.]. The Interconnections between IHRL and Other Social and Normative Phenomena, Processes and Currents of Philosophies. Antecedents of International Human Rights Protection [The Contraptions: the UN Charter, UDHR and BASIL[^]], and Summation.

QUESTIONS IN FOCUS:

- ⇒ Are human rights just window-dressing for national interests?
- ⇒ Are human rights truly universal and global? Is Dignity the Foundation of Human Rights?
- ⇒ Does the disagreement about the meaning of human rights undermine it as a political project?
- ⇒ How did human rights shape the foreign policy imperatives of states in post-1945?
- ⇒ How do citizens and NGO's put pressure on states? Is human rights politics just "Selectivism"?
- ⇒ Should democracies promote democracy? Can outsiders help insiders frame a democratic constitution: One Case of Any Country?
- ⇒ What are international minimum standards of treatment of aliens, minorities, the working population, the slave trade, etc.?
- ⇒ What are the antecedents of the International Human Rights Protection framework?
- ⇒ What are the Global, SAARC, and National origins of human rights?
- ⇒ What do human rights treaties require states to do?
- ⇒ What is a right? What are human rights? Why do we have them? What are the "Rights" in Human Rights? Who counts as a human, and on what grounds?
- ⇒ What is the contemporary Western understanding of rights? Are human rights universal, or does their legitimacy depends on their conformity with certain cultures?
- ⇒ What kinds of human rights problems does the world face today?
- ⇒ What role do national and international judicial institutions play in addressing these?
- ⇒ Why do states sign up to human rights treaties? Do they ever keep human rights commitments?
- ⇒ Why does the US promote human rights while refusing to sign on to major human rights treaties?
- ⇒ Why should an individual be recognized as a subject of international law? What are the consequences of the Internationalization of Human Rights on Individuals, Sovereignty, International Relations, etc.?

CASES: One leading case from the SAARC jurisdictions and beyond shall be discussed:

[^] I will explain the concept of BASIL in the IHRL class or dynamics incidental thereto or all potential dimensions connected therewith.

RECOMMENDED READINGS:

1. Al Attar, Mohsen, 'Reframing the "Universality" of International Law in a Globalizing World' (2013) McGill Law Journal, Vol. 59, No.1, pp. 95.
2. Andrew Clapham, *Human Rights: A Very Short Introduction* (Oxford University Press, 2007) [Consult pp. 23-56]
3. Henry J. Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context: Law, Politics, Morals* (3rd edn. Oxford University Press, 2007) ISBN: 9780199279425
4. Jack Donnelly, 'The Relative Universality of Human Rights' *Human Rights Quarterly* (2007) 29, 2 281-306
5. Olivier de Schutter, *International Human Rights Law* (Cambridge University Press 2010)
6. V. Spike Peterson, 'Whose Rights? A Critique of the "Givens" in Human Rights Discourse' *Alternatives* (1990) 15, No. 3 [Consult pp. 303-344]

SUGGESTED 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 Tascón 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.
9. Albino Barrera, O.P, *Smart Globalization: The Case for a Robust and Creative Distributive Justice*, Las Casas Lecture, Blackfriars Oxford, February 24, 2012.
10. Stiglitz, Joseph E, *Globalization and Its Discontents*, NY: Norton, 2002

WEEK: 2. THE SOURCES OF IHRL, HUMAN RIGHTS MOVEMENTS IN RETROSPECT AND TRANSITIONAL JUSTICE

- Notions and the Sources of IHRL: UN Charter, Core UN Human Rights Treaties, International Conventions, UN Declarations, UNGA Resolutions, General Principles of Law, Juristic Writings, Regional Treaties, IHL, IRL, ICL, CCL and Regional Human Rights Treaties & Beyond. Customary International Law (CIL): Nature of CIL, Peremptory Norms (*jus cogens*). Natural Law. The Initial Development of Laws of War: The Interwar Minorities Regime. The Transition to Contemporary Human Rights: Judgment at Nuremberg. The Law of State Responsibility (R2P). The Role of States in Protecting and Enforcing Human Rights: The Spread of State Constitutionalism in the Liberal Model. The Reception of Human Rights Treaties within States' Legal and Political Orders. The IOs' Responsibility of Human Rights Protection [ILO, etc.]. The Evolving Legal Framework for Human-Rights Obligations and Institutionalizing the Accountability of NGOs, INGOs and Civil Society. Human Rights at the Crossroads: Existential Challenges [External and Internal] to Human Rights and a New Paradigm for the Discipline.

Evolving A Human Rights Ecosystem: Human Rights Stalemate, Human Rights Experiment alism, New Power Frontiers, New Narratives and New Models of Global Human Rights Promotion [Disruptive Innovations, Reflexive Reconstruction and Constructive Disruption and Collaboration] and Summation.

- Transitional Justice (TJ) [Past Mass Violence, Political Repression, Justice and Accountability For Grave Human Rights Abuses, Etc.] The Process of Legal, Social and Moral Reconstruction [Methodology of Cumulative Understanding of The Events and Managing the Inherent Contradictions & Tensions, The Roles & Culpability of Bystanders, Perpetrators, and Political, Civilian Leads and Military Commands]. The Question of Collective Responsibility [The Evolution of Legal Standards (The Legality of Amnesties, The Right to Redress, The Right to Justice (Transitional & Transcendental) and The Duty to Prosecute]. TJ Commissions [Methodologies, Claims, Central Strategies To Engage with the Past (Truth-Reconciliation Mechanisms, Determination of Criminal Accountability, Reparations and Apology, and Institutional Reform and Summation. (*Only one topic with its incidental dimensions supra shall be discussed*)

QUESTIONS IN FOCUS:

- ⇒ Do international organizations have human rights obligations?
- ⇒ How do nongovernmental organizations (NGOs) and international nongovernmental organizations (INGOs) contribute to promoting and enforcing human rights?
- ⇒ How do we examine the claims and methodologies of the central strategies which have developed to engage with the past, including truth-seeking mechanisms, criminal accountability, reparations and apology, and institutional reform?
- ⇒ How effective are they? How has their role changed and developed over time?
- ⇒ How has the spread of liberal constitutionalism helped these efforts?
- ⇒ How was international law applied through the end of World War II?
- ⇒ Is there a trend within the human rights movement toward recognizing the legitimacy of demands for internal self-determination?
- ⇒ Should states promote international justice for human rights violations?
- ⇒ Through what arrangements may minority groups exercise self-determination or autonomy within a state?
- ⇒ What are international human rights law's notions, sources, and legal foundations?
- ⇒ What are modes of collectively understanding the events and managing the inherent tensions in this legal, social and moral reconstruction process?
- ⇒ What are the human rights obligations of the member states of IOs?
- ⇒ What is the legal nature of human rights obligations, and who is bound by human rights obligations?
- ⇒ What limits do human rights impose on states combating terrorism?
- ⇒ What questions do societies confront when they emerge from mass violence or political repression about achieving justice and accountability for the human rights abuses of the past?
- ⇒ What role do states' legislative, judicial, and executive actions play in promoting and observing human rights?
- ⇒ Who will address the evolving legal standards, such as the legality of amnesties, the right to redress, and the duty to prosecute?
- ⇒ Who will examine the roles and culpability of bystanders, perpetrators, and civilian and military commanders, as well as the issue of collective responsibility?
- ⇒ Who will interrogate the questions of how and why, in the wake of grave human rights abuses, individuals and societies attempt to make these violations visible?

CASES: One leading case from the SAARC jurisdictions and beyond 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.

SUGGESTED 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
3. Shoshana Zuboff, ‘*The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*’ (1st ed, PublicAffairs 2019)

WEEK: 3. APPROACHES, GLOBAL SOUTH PERSPECTIVES AND CRITIQUE OF IHRL

- The Theoretical Foundations of IHRL [The Diversity of Theoretical and Methodological Approaches To IHRL]. The Synchronism and Interdependence of Religion and Human Rights [The Possibilities of Reconciliation of the Tensions between Two Normative Mechanisms in Particularism & Contextualism]. International Human Rights Law Framework and the Transformation of World Politics [The Contemporary Realities of Post-colonial & Neocolonial Geopolitical, Cultural Relations and Democratization of Human Rights]. Understanding IHRL from Below [Multiculturalism, Universalism and Cultural Relativism & Conflicts in Culture, Tradition and Practices]. The Global South Perspectives and Approaches to IHRL [Reimagining HRBA, Legal, Ethical, Historical, Anthropological, Comparativist, Skeptical, Critical, Marxist, Secular, TWAIL, Feminist, and the Emergence of Third World Feminisms, Hindu Traditions of Human Rights, Islamic HR Injunctions, Buddhist, Cosmopolitan Approaches, etc.] Human Rights Vision, Values, Visage in Current World Order [Multiple Legal Orders: Connections & Contradictions] and Summation. (*Only one topic with its incidental dimensions supra shall be discussed*)

QUESTIONS IN FOCUS:

- ⇒ Do human rights create exclusion and serve powerful states?
- ⇒ How are human rights used in political practice?
- ⇒ How are human rights values promoted and preserved in multiple legal orders?
- ⇒ How do different analysts define globalization and its impact on human rights? Is there a right to socio-economic development?
- ⇒ How do scholars and practitioners grapple with the logic and praxis of the IHRL field from within with its internal and specific workings as adumbrated in the text of international treaties and as manifested in the operation of enforcement institutions (viz. international organizations, treaty bodies, NHRIs, domestic and international courts) and actors including NGOs and activists?
- ⇒ How to interrogate the value of approaching the IHRL from various theoretical perspectives?
- ⇒ How to succeed at the internal perspective and the external/theoretical perspective by helping build an ‘insider-outsider’, or better, ‘subjective-objective’, perspective to IHRL?
- ⇒ Is the notion of “humanity” in human rights universal, or does their legitimacy depends on their conformity with certain cultures?

- ⇒ Is there any one universally accepted approach to human rights?
- ⇒ What are the approaches to human rights?
- ⇒ What are the theoretical foundations of the field of international human rights law?
- ⇒ What conflicts exist between state sponsorship of particular religious beliefs or practices and universal human rights norms?
- ⇒ What conflicts exist between the traditional gender roles dominant in some cultures and universal human rights norms?
- ⇒ What duties do universal human rights place on political authority?
- ⇒ What is the contemporary Western understanding of rights?
- ⇒ What is the diversity of the theoretical and methodological approaches to IHRL?
- ⇒ What is the rationale behind all these approaches?
- ⇒ What is the relationship between rights and duties in different traditions of political thought worldwide?
- ⇒ Where do human rights come from, and how have they changed world politics?
- ⇒ 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?
- ⇒ Why is there a multitude of approaches to human rights?

CASES: One leading case from the SAARC jurisdictions and beyond 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. *Introduction* in: Holland (eds.) *Religious Fundamentalism and the Human Rights of Women*, (1999) Macmillan.
10. Huntington S.P. *‘The Clash of Civilization and the Remaking of World Order’* (1996) 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.

SUGGESTED 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 IHRL TREATIES ON THE PROTECTION OF CIVIL & POLITICAL RIGHTS & ECONOMIC, SOCIAL CULTURAL RIGHTS -I

- Context and Historical Background of the Civil, Political and Economic, Social, and Cultural (ESC) Rights [The Nature and Scope of States' Obligations, Academic Debate & Global Practice, The Focal Points of ESC Rights, Poverty, Development] Launching of the Human Rights Movement: From the UN Charter to the Two Covenants. The Relationship between the Two Sets of UN Covenants (ICCPR & ICESCR) of Human Rights. The Legal Framework of the Protection of Human Rights under ICESCR and ICESCR. The Limitations Implied by the Progressive Realization: Justiciability and the Role of the Courts in Developing ESC Rights [Enforcement of Individual Complaints in the Global South, Enforcement and Compliance at International & Municipal Levels, Strategies and Approaches]. Resource Constraints or Political Will, Social Mobilization Approaches, and Summation.

QUESTIONS IN FOCUS:

- ⇒ Can the focus on specific ESC rights such as health, housing, water, food, education, and work and the challenges that each right presents be feasible?
- ⇒ How are ESC rights viewed within a broader context, particularly poverty, and development, at both the global and local levels?
- ⇒ How do different analysts define globalization and its impact on human rights? Is there a right to socio-economic development?
- ⇒ How does the protection of property under international humanitarian law ensure?
- ⇒ How to ensure enforcement and compliance at the international and domestic levels, and what strategies and approaches are likely to maximise positive impact?
- ⇒ How to ensure protection from the worst forms of economic exploitation?
- ⇒ How to guarantee the protection of property under the regional conventions?

- ⇒ Should the right to protection of property be regarded as a human right? What is the scope of property protection at the universal level under the UN Covenants?
- ⇒ What are the focal points of economic, social, and cultural (ESC) rights?
- ⇒ What are the protection thresholds of the human person in the economic sphere?
- ⇒ What are the significant advances in enforcing ESC rights internationally, where individual complaints are now possible, and at the national level, especially in some parts of the Global South, often drawing on international human rights law?
- ⇒ What do you mean by the prohibition of slavery and its contemporary forms?
- ⇒ What is the prohibition of forced labour? What are the Work-related Rights and the Right to Social Security under IHRL?
- ⇒ What kinds of practices raise serious children's rights issues? How to protect children from exploitation?
- ⇒ What rights do children have? What objections have been raised to the legitimacy of such rights?
- ⇒ What roles do—and should—the courts play in developing the second set of rights?
- ⇒ Where do ESC rights situate in the cutting-edge academic Debate and global practice of IHRL? What are the broader context and the current debates on ESC rights and the nature and scope of states' obligations under the vital international instruments?
- ⇒ 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?

CASES: One leading case from the SAARC jurisdictions and beyond 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. 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 IHRL TREATIES ON THE PROTECTION OF HUMAN IDENTITY OF WOMEN, CHILD, MINORITIES, AND INDIGENOUS PEOPLES-II

- Protection of Human Identity. The Feminist Theories of International Law [Equality Dynamics and Meteorites]. Understanding the Rights of Women as Human Rights: Theoretical Assumptions, Divergences and Convergences. The Prohibition of Discrimination against Women: Symmetrical & Asymmetrical Prohibitions of Discrimination. The Gender Constitutionalism: Gender Status, Protection of Private Life and Structural Response & Issues [The Illustrations of Abortion, Privacy, Same-Sex Marriage, Consensual Same-Sex Intimacy, and Contraception.]. The Women's Rights and CEDAW [Principles of CEDAW, The Role of the CEDAW Committee & Optional Protocol To CEDAW & Reservations]. Gender Identity, Sexual and Gender-Based Violence (SGBV), Citizenship, and Socio-Economic and Cultural Contexts. The Special Protection of Women in Specific Situations. The Protection of the Rights of Child. Prohibition of Discrimination and Protection of Minorities and Indigenous Peoples: Overview, Nature, General Prohibitions, Province of Discrimination [What? Which? Why? How?], Equality and Non-discrimination. The Collective & Common Protection of Sexual Minorities, Intersectionality, Reproductive Rights, and LGBTQI+ Community against Discrimination, Indigenous Peoples, and Summation. (*Only one topic with its incidental dimensions supra shall be discussed*)

QUESTIONS IN FOCUS:

- ⇒ How does CEDAW seek to protect Women's Rights?
- ⇒ How does the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) define women's human rights?
- ⇒ What are the minority rights that address their historical development, negation, affirmation, conceptualizations of 'minority', rights to culture, education, and language, and participation in decision-making?
- ⇒ What are the three interlinked areas of human rights?
- ⇒ What conflicts exist between state sponsorship of particular religious beliefs or practices and universal human rights norms?
- ⇒ What conflicts exist between the traditional gender roles dominant in some cultures and universal human rights norms?
- ⇒ What indigenous rights cover global and regional standards, self-determination, free prior and informed consent, land rights, the impact of mega-projects, and resource exploitation on territories and cultures?
- ⇒ What is racial discrimination, and how do the concepts of discrimination, equality, affirmative action, racist hate speech, and cultural and environmental racism define?
- ⇒ What is the exegesis of standards undertaken critically, in light of debates on the standing of 'differentiated' and 'undifferentiated' rights, and individual and collective rights, in the corpus of international human rights law?
- ⇒ What is the relationship between rights and duties in different traditions of political thought worldwide?
- ⇒ What problems exist in developing a feminist perspective on human rights?
- ⇒ What questions do international requirements concerning women's rights raise regarding the distinction between the public and private spheres?
- ⇒ What reservations have some states made concerning their acceptance of CEDAW?
- ⇒ What role do customary law and UN resolutions play in the definition of international human rights law?

CASES: One leading case from the SAARC jurisdictions, including the following, shall be discussed:

1. *Roe v. Wade* 410 US 113 (1973)
2. *Minor v. Happersett*
3. *Dred Scott v. Sandford* (1887)
4. *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 US 833 (1992)
5. *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 US 747 (1986)
6. *Griswold v. Connecticut* (right to contraception)
7. *Lawrence v. Texas* (right to engage in private, consensual intimate acts)
8. *Obergefell v. Hodges* (right to same-sex marriage)
9. *Dobbs v. Jackson Women's Health Organization*, US (22 June 2022)

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)

SUGGESTED READINGS:

1. 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
2. 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.
3. 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.
4. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.
5. Hunt, J. (1996), *Reflections on Beijing*, *Australian Feminist Law Journal*. 6 p. 39
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. Kristin L Savell, *Wrestling with the Contradictions: Human Rights and Traditional Practices Affecting Women* [1996] 41 *McGill LJ* 781, 789.
12. Moya Lloyd, "(Women's) Human Rights: Paradoxes and Possibilities", *Review of International Studies*, Volume 33, Issue 1 (2007): 91-103.
13. 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).

WEEK: 6. INTERNATIONAL HUMAN RIGHTS MONITORING INSTITUTIONS IN ACTION

- International Protection of Human Rights: From UN Commission on Human Rights To UN Human Rights Council. The UN Human Rights Monitoring System in Action [Fallacy, Failure Fallout, and The Crisis]. *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 for 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]. The UN Treaty Body System [Holistic Perspective, Reform Proposals, Impact of Treaty Regimes, Extra-Convention Protection of Human Rights] and Summation.

QUESTIONS IN FOCUS:

- ⇒ How does it differ from other treaty regimes?
- ⇒ How does the Human Rights Committee of the International Covenant on Civil and Political Rights function?
- ⇒ How does the United Nations system deal with human rights?
- ⇒ Is the UN human rights treaty system in crisis?
- ⇒ What are the Global Protracted Human Rights Situations (GPHRS)?
- ⇒ 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 is a treaty organ?
- ⇒ What is state sovereignty?
- ⇒ What is the response of UN to Crimes of Apartheid in OPT (Palestine) etc?
- ⇒ What kinds of complaints are brought before the ICCPR Committee?
- ⇒ What role do international organizations play in developing, monitoring, and enforcing international human rights?
- ⇒ 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 tensions exist between these organizations' purposes and state sovereignty?

CASES: One leading case from the SAARC jurisdictions and beyond 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*' 582-98.

SUGGESTED READINGS:

1. Helen Keller and Geir Ulfstein (Ed.), *'UN Human Rights Treaty Bodies: Law and Legitimacy'* Cambridge University Press 2012
2. Kevin Boyle (Ed.), *New Institutions for Human Rights Protection* (Oxford, 2009); Chapters 1-3.
3. Philip Alston and James Crawford (Ed.), *'The Future of UN Human Rights Treaty Monitoring'* Cambridge University Press 2000.
4. Tyagi, Yogesh, *'The UN Human Rights Committee: Practice and Procedure'* Cambridge University Press, Cambridge, 2011.

MID-SEMESTER EXAMINATION

WEEK: 7. EVOLUTION OF REGIONAL APPROACHES TO HUMAN RIGHTS AND REGIONAL SYSTEMS OF HUMAN RIGHTS PROTECTION

- Comparison of Universal and Regional Regimes [The Implementation of IHRL, The Role of Regional Human Rights Protection Systems, The Normative Instruments, Institutions, Procedures, and Regional Jurisprudence]. The European System of Human Rights [Convention, 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 of Human Rights [Background, Institutions, and Inter-American Court of Human Rights: Illustrative Decisions, The Inter-American Commission at Work]. The African System of Human Rights [Context: The African Union, The African Commission: Illustrative Decisions, The African Court on Human and Peoples' Rights: Beginnings]. Asia-Pacific System of Human Rights [Regional Organizations, Endeavours For Asia-Pacific Platforms, Complementing HR Mechanisms at National Domain, and Real and Perceived Reasons for the Non-existence of pan-Asia-Pacific Regional System]. 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. Asian Charter of Human Rights! Why not? And Summation. (*Only one topic with its incidental dimensions supra shall be discussed*)

QUESTIONS IN FOCUS:

- ⇒ How do the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights promote human rights?
- ⇒ How do they differ from universal systems?
- ⇒ How does the African System attempt to enforce human rights? How does it compare with the European and Inter-American systems?
- ⇒ What are recent regional human rights initiatives concerning Asia and Arabic-speaking countries?
- ⇒ What are the normative instruments, institutions, procedures, and some of the jurisprudence of the African, Inter-American, and European regional systems while drawing comparisons between the three methods?
- ⇒ What are their advantages and disadvantages? How does the European system work?
- ⇒ What is the timeline of the implementation and development of human rights law, namely the role of regional human rights systems in protecting human rights?
- ⇒ What kinds of conflicts does the European Court handle? With what results?
- ⇒ What regional arrangements exist to protect and promote human rights?

CASES: One leading case from the SAARC jurisdictions and beyond 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 AND THE NEW TECHNOLOGIES: EMERGENCE, IMPACT, PROTECTION CHALLENGES FOR JUSTICE, AND ACCOUNTABILITY

- The Reconceiving Human Rights in an Age of Artificial Intelligence (AI): UN Debate on Human Rights and Technology (1968), New Risks for Human Rights, Relationship between AI and Human Rights, Neurosciences, AI, and Human Rights in an Asymmetrical Struggle. The Right to Life and Autonomous Weapons Systems. The Right to Privacy and Fundamental Freedoms and AI. Datafication: The Future of Human Rights in Personal & Public Spaces. The Future Impact of AI on Human Rights. The Future Adoption of AI-driven Automation as Norms of IHRL. The Tech-driven Human Rights as ‘New Normal’ in 2030. The AI Governance for Upholding the Human Rights and Human Dignity: Protection Gaps, Challenges for Justice, Accountability and Vulnerabilities in AI. Diving into the Future Scenarios. International Instruments for Ethics in AI. The National AI Strategies & Practices For Human Rights Protection and Beyond. (*Only one topic with its incidental dimensions supra shall be discussed*)

QUESTIONS IN FOCUS:

- ⇒ Can the IHRL framework and institutions respond to the AI challenges and opportunities presented?
- ⇒ Do AI and human rights involve in an asymmetrical struggle? How does AI impact human beings and the future of human rights?
- ⇒ Do you perceive the evolution of Artificial intelligence as a disruptive technology, impacting a broad range of human rights-related matters ranging from discrimination to supply chain due diligence?
- ⇒ Does Artificial Intelligence inherently conflict with human rights and human autonomy?
- ⇒ How do we effectively regulate the collection, storage, use, amalgamation, re-purposing, and sharing of data by States and non-State actors?
- ⇒ How Artificial Intelligence might be linked to the beneficence criterion of AI ethics, and how might AI be applied in human rights-related areas?
- ⇒ Is datafication of intimate spaces eroding the right to privacy as an international constitutional right?
- ⇒ What are companies' increasing human rights obligations and the intensifying discourse on Artificial Intelligence and human rights?
- ⇒ What are the responsibilities of corporate actors in terms of human rights standards in the context of developing and using Artificial Intelligence?
- ⇒ What does conforming to individual human rights aspects by addressing AI-specific problem areas mean?
- ⇒ What human rights apprehensions and opportunities are generated by digital technology, including those deploying ‘big data’, AI, and algorithmic decision-making?
- ⇒ What implications do human rights obligations have for companies developing and using AI?
- ⇒ What is Artificial Intelligence (AI)? What are the relationships between AI and Human Rights---if any? Should the future adoption of AI as norms of globalized IHRL be feasible?
- ⇒ What remedies are needed, and how can these be effectively developed and implemented?

CASES: One leading case from the SAARC jurisdictions and beyond shall be discussed:

PRIMARY IHRL & RHRL TREATIES' TEXTS CONSULTATION:

- 1968 Final Act of the Tehran Conference on Human Rights [Tehran, 13 May 1968]
- 1968 Human Rights and scientific and technological developments [Adopted at the 1748th plenary meeting, 19 Dec. 1968. In: Resolutions adopted by the General Assembly during its 23rd session, 24 September-21 December 1968. - A/7218. - 1969. - p. 54. - (GAOR, 23rd sess., Suppl. no. 18)]
- 1969 UN Declaration on Social Progress and Development [Proclaimed by General Assembly resolution 2542 (XXIV) of 11 December 1969]
- A Draft Text for the Recommendation of Ethics in Artificial Intelligence
- Article 10, UDHR; Art 14, ICCPR; Art 6, ECHR; Art 8, ACHR; Art 7, ACHPR
- Article 11, American Convention on Human Rights (ACHR)
- Article 12, Universal Declaration of Human Rights (UDHR)
- Article 17, International Covenant on Civil and Political Rights (ICCPR)
- Article 19, UDHR; Art 19, ICCPR; Art 10, ECHR; Art 13, ACHR
- Article 2, UDHR; Art 26, ICCPR; Art 14, ECHR; Art 1, ACHR; Art 2, ACHPR
- Article 20, UDHR; Arts 21–22, ICCPR; Art 11, ECHR; Arts 15–16, ACHR
- Article 8, European Convention on Human Rights (ECHR)
- Article 9, African Charter on Human and Peoples' Rights (ACHPR)
- Article 9, General Data Protection Regulation (GDPR)
- Articles 10–11, ACHPR
- Artificial Intelligence Ethics Guidelines
- HRC, The Promotion, Protection and Enjoyment of Human Rights on the Internet, UN Doc A/HRC/32/L.20, 27 June 2016
- Human Rights Council (HRC), The Promotion, Protection and Enjoyment of Human Rights on the Internet, UN Doc A/HRC/20/L.13, 29 June 2012
- OECD Principles on Artificial Intelligence
- UNGA Res 68/167, 21 January 2014

RECOMMENDED READINGS:

1. Bradley, C., Wingfield, R. & Metzger, M. (2020). *National Artificial Intelligence Strategies and Human Rights: A Review*. London, Stanford: Global Partners Digital, Global Digital Policy Incubator. [https://www.gp-digital.org/wp-content/uploads/2020/04/National-Artificial-Intelligence-Strategies-and-Human-Rights%E2%80%9A-Review .pdf](https://www.gp-digital.org/wp-content/uploads/2020/04/National-Artificial-Intelligence-Strategies-and-Human-Rights%E2%80%9A-Review.pdf) <accessed 22 June 2022>
2. Emmanuel Kabengele Mpinga, Ngoyi KZ Bukonda, Said Qailouli, & Philippe Chastonay, 'Artificial Intelligence and Human Rights: Are There Signs of an Emerging Discipline? A Systematic Review' (2022) *Journal of Multidisciplinary Healthcare* 15 235–246
3. Evgeni Aizenberg¹ and Jeroen van den Hoven, 'Designing for human rights in AI' (2020) *Big Data & Society* July–December 2020 1–14
4. L. McGregor, D. Murray and V. Ng, 'International Human Rights Law as a Framework for Algorithmic Accountability', 68 *International & Comparative Law Quarterly* 309 (2019)
5. M. N. Schmitt (ed), 'Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations' (Cambridge University Press 2017) p 179
6. Maria Stefania Cataleta and Anna Cataleta, 'Artificial Intelligence and Human Rights, an Unequal Struggle' (2020) *CIFILE Journal of International Law* 1 No. 2 40-63
7. Michael Pizzi, Mila Romanoff and Tim Engelhardt, 'AI for humanitarian action: Human rights and ethics' (2020) *International Review of the Red Cross* 102 (913), 145–180 *Digital Technologies and War*, doi:10.1017/S1816383121000011

8. Obermeyer, Ziadet al, ‘Dissecting Racial Bias in an Algorithm Used to Manage the Health of Populations’ 366 Science, 447–453
9. Risse, Mathias, and Steven Livingston, ‘The Future Impact of Artificial Intelligence on Human and Human Rights’ (2019) Ethics and International Affairs 33 (2) 141-158
10. Rowena Rodrigues, ‘Legal and human rights issues of AI: Gaps, challenges and vulnerabilities’ (2020) Journal of Responsible Technology 4, December 2020, 100005
11. Wallach, Wendell and Allen, Colin, ‘Moral Machines: Teaching Robots Right From Wrong’ (Oxford: Oxford University Press, 2008)

SUGGESTED READINGS:

1. A. Beduschi, ‘International Migration Management in the Age of Artificial Intelligence’ (2020) 8 1-2, <https://doi.org/10.1093/migration/mnaa003>
2. A. Beduschi, ‘The Big Data of International Migration: Opportunities and Challenges for States Under International Human Rights Law’ (2018) Georgetown Journal of International Law 49 981
3. A. G. Ferguson, ‘The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement’ (New York University Press 2017)
4. A. Rai, ‘Explainable AI: From Black Box to Glass Box’ (2020) Journal of the Academy of Marketing Science 48
5. Adam J. Sulkowski, ‘Blockchain, Business Supply Chains, Sustainability, and Law: The Future of Governance, Legal Frameworks, and Lawyers?’ (2019) 43 Delaware Journal of Corporate Law 2, 303–345.
6. Artificial Intelligence Cluster Steering Committee Quebec, ‘Montréal Declaration for Responsible Development of Artificial Intelligence’, https://ai.quebec/wp-content/uploads/sites/2/2018/12/News-release_Launch_Montreal_Declaration_AI-04_12_18.pdf <accessed 27 March 2022>
7. B. Friedman and H. Nissenbaum, ‘Bias in Computer Systems’ (1996) ACM Transactions on Information Systems 14, 3
8. Beijing Academy of Artificial Intelligence (BAAI), ‘Beijing AI Principles’ (28 May 2019), <https://www.baai.ac.cn/blog/beijing-ai-principles> <accessed 12 April 2022>
9. Council of Europe, ‘Unboxing Artificial Intelligence: 10 steps to protect Human Rights’, <https://rm.coe.int/unboxing-artificial-intelligence-10-steps-to-protect-human-rights-reco/1680946e64> p. 18 <accessed 27 November 2021>
10. Edmondet al, ‘The Moral Machine Experiment’ (2018) 563 Nature, 59
11. Ellen Zimiles and Tim Mueller, ‘How AI Is Transforming the Fight against Money Laundering’ World Economic Forum (17 January 2019), <https://www.weforum.org/agenda/2019/01/how-ai-can-knock-the-starch-out-of-money-laundering/> <accessed 28 November 2021>
12. Etzioni, Amitai, ‘Are New Technologies the Enemy of Privacy?’ (2007) 20 Knowledge and Policy 115
13. F. Pasquale, ‘The Black Box Society: The Secret Algorithms That Control Money and Information’ (Harvard University Press 2016)
14. Frederik Z Borgesius, ‘Discrimination, Artificial Intelligence, and Algorithmic Decision-Making’, Council of Europe: Strasbourg (2018), <https://rm.coe.int/discrimination-artificial-intelligence-and-algorithmic-decision-making/1680925d73> <accessed 22 April 2022>
15. Goodall, Noah J, ‘Machine Ethics and Automated Vehicles’, in Meyer, Gereon and Beiker, Sven (eds.), Road Vehicle Automation (Springer, 2014), 93
16. H. Hilligoss and J. Fjeld, ‘Introducing the Principled Artificial Intelligence Project’ (2019) <https://cyber.harvard.edu/story/2019-06/introducing-principled-artificialintelligence-project> <accessed 20 February 2022>

17. House of Lords Select Committee on Artificial Intelligence, *AI in the UK: Ready, Willing and Able?*, HL Paper 100, 2018
18. Jack M Balkin, '*Free Speech in the Algorithmic Society: Big Data, Private Governance, and New School Speech Regulation*' Yale Law School, Public Law Research Paper No. 615 (2018); Maja Brkan, 'Freedom of Expression and Artificial Intelligence: On Personalisation, Disinformation and (Lack of) Horizontal Effect of the Charter (17 March 2019), <http://dx.doi.org/10.2139/ssrn.3354180> <accessed 16 February 2022>
19. Johnston, Ed, '*Brain Scanning and Lie Detectors: The Implications for Fundamental Defence Rights*' (2016) 22 *European Journal of Current Legal Issues* 2
20. Joseph Benninton-Castro, '*AI is a Game-Changer in the Fight against Hunger and Poverty. Here's Why*', NBC News (12 June 2017), <https://www.nbcnews.com/mach/tech/ai-game-changer-fight-against-hunger-poverty-here-s-why-ncna774696> <accessed 20 November 2021>
21. L. McGregor, 'The Need for Clear Governance Frameworks on Predictive Algorithms in Military Settings', *Humanitarian Law & Policy*, 28 March 2019, <https://blogs.icrc.org/law-and-policy/2019/03/28/need-clear-governance-frameworks-predictive-algorithmsmilitary-settings/> < accessed 22 January 2022>
22. Lessig, Lawrence, '*Privacy as Property*' (2002) 69 *Social Research* 1, 247
23. M. Hamilton, '*The Biased Algorithm: Evidence of Disparate Impact on Hispanics*' (2018) *American Criminal Law Review* 56 1553
24. M. Mann and T. Matzner, '*Challenging Algorithmic Profiling: The Limits of Data Protection and Anti-Discrimination in Responding to Emergent Discrimination*' (2019) *Big Data & Society* 6, 2
25. Maria Stefania Cataleta, '*Humane Artificial Intelligence: The Fragility of Human Rights Facing AI*' (2021) fhal-03289002f
26. Migration Studies, 'Organisation for Economic Co-operation and Development (OECD), '*Artificial Intelligence in Society*' (2019)
27. N. Goussac, 'Safety Net or Tangled Web: Legal Reviews of AI in Weapons and War-Fighting' *Humanitarian Law & Policy*, 18 April 2019, <https://blogs.icrc.org/law-and-policy/2019/04/18/safety-net-tangledweb-legal-reviews-ai-weapons-war-fighting/> <accessed 20 January 2022>
28. P. Molnar, '*New Technologies in Migration: Human Rights Impacts*' (2019); *Forced Migration Review* 61 7
29. Paul Mozur, '*One Month, 500,000 Face Scans: How China Is Using AI to Profile a Minority*' *New York Times* (14 April 2019), <https://www.nytimes.com/2019/04/14/technology/china-surveillance-artificial-intelligence-racial-profiling.html> <accessed 25 February 2022>
30. R. Calo, '*Digital Market Manipulation*' (2014) *George Washington Law Review* 4 82
31. Reigada, Antonio T, '*The Principle of Proportionality and the Fundamental Right to Personal Data Protection: The Biometric Data Processing*' (2012) 17 *Lex Electronica* 2
32. Ricardo Vinuesa et al, '*The Role of Artificial Intelligence in Achieving the Sustainable Development Goals*', arXiv (2019), <https://arxiv.org/ftp/arxiv/papers/1905/1905.00501.pdf> <accessed 12 January 2022>
33. S. Noble, '*Algorithms of Oppression: How Search Engines Reinforce Racism*' (New York University Press 2018)
34. S. Wachter and B. Mittelstadt, '*A Right to Reasonable Inferences: Re-Thinking Data Protection Law in the Age of Big Data and AI*' (2019) *Columbia Business Law Review* 2
35. Simma and Pulkowski, Gardbaum, Stephen, 'Human Rights as International Constitutional Rights' (2008) 19 *European Journal of International Law* 4, 749
36. Simoncelli, Tania and Wallace, Helen, '*Expanding Databases, Declining Liberties*' (2006) 19 *Genewatch: A Bulletin of the Committee for Responsible Genetics* 1
37. Stuart Russell et al, '*Research Priorities for Robust and Beneficial Artificial Intelligence*', *AI Magazine* (2015), <https://futureoflife.org/ai-open-letter/> <accessed 27 June 2022>

38. V. Eubanks, 'Automating Inequality: How High-Tech Tools Profile' Police and Punish the Poor' (St Martin's Press 2018)

WEEK: 9. CLIMATE CHANGE, BUSINESS AND HUMAN RIGHTS

- General Framework of Climate Change and Human Rights: Understanding Climate Change at the Intersection of Human Rights [The Primary Concepts, Laws, Policies & Institutions and Climate Protection, Relationship between Climate Change and Interdependent Human Rights], Human Rights Implications of Climate Change: Global Warming and Human Rights Perspectives on Climate Change, Human Rights-Based Approach [HRBA] to Climate Change, and Progressive Recognition of Human Rights Obligations Towards Environment & Climate Change. The Role of States: Obligations [Procedural & Substantive], Limits and Potentialities of the Human Rights Protection System in the Context of Climate Change. Implementation Assessment: The Missing Links between Harmony and Invention, Human Rights Mainstreaming in Climate Policy and Climate Justice [Greening Human Rights, Combatting Climate Change], Future Challenges and Summation.
- Business and Human Rights [The Emergence of the UN Framework on Business and Human Rights, Global Debate on the Corporate Responsibility, Measures and Mechanisms (Judicial and Non-judicial; International, Regional, National and Local)], Extractive Industries & Global Supply Chains [Human Rights Challenges and the Role of Civil Society Institutions, Governments, Companies Labour Sector and Other Stakeholders]. The Private Sector and Socially Responsible Investment (SRI) [Investment for Affirmative Change in Corporate Conduct, Ramifications for Corporate Responsibility for Human Rights, Theory and practice, and the complexities at the intersection of business and human rights]. and Summation. (*Only one topic with its incidental dimensions supra shall be discussed*)

QUESTIONS IN FOCUS:

- ⇒ Do anthropogenic greenhouse gas emissions affect human rights?
- ⇒ Has the time come to recognize the right to healthy environment?
- ⇒ How to balance human rights with climate policies?
- ⇒ How to explore the relationship between climate change and interdependent human rights, through the lens of an international and comparative perspective?
- ⇒ How to put human rights at the centre of climate change discourse?
- ⇒ Is there any possibility of overcoming the divide between universal rights and climate change, and underlying barriers?
- ⇒ Is there relationship between United Nations Framework Convention on Climate Change (UNFCCC) and Human Rights Regulatory Regimes?
- ⇒ Should fundamental rights shape climate policies?
- ⇒ What are climate change and its multi-dimensional ramifications?
- ⇒ What are the key rights central to human existence affected by the climate change?
- ⇒ What exactly are the opportunities and challenges for human rights advocacy surrounding climate change?
- ⇒ Why is the Inter-American Human Rights System trailing on climate change?

CASES: One leading case from the SAARC jurisdictions and beyond 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.

SUGGESTED READINGS:

1. Adams, Barbara and Luchsinger, Gretchen, *Climate Justice for a Changing Planet: a Primer for Policy Makers and NGOs* (UN Nongovernmental 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. THE HUMAN RIGHTS PROTECTION FRAMEWORKS IN THE SAARC NATIONS: GAPS, ISSUES, VULNERABILITIES, AND CHALLENGES

- 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

QUESTIONS IN FOCUS:

- ⇒ Are human rights international constitutional rights (ICR)?
- ⇒ Are nationally established human rights commissions in the SAARC jurisdictions significantly different from one another, and what have been their successes and failures?
- ⇒ Are SAARC states keen to promote the idea for a regional rather than a global arrangement and protection of human rights in specific regions?
- ⇒ Do Asian Values make international human rights norms inapplicable to Asian countries?
- ⇒ Does a human rights regime conflict with the notion of a nation-state as envisioned by the SAARC governments?
- ⇒ Has the SAARC, with its avowed stance on non-interference, responded favourably to the human rights challenge?
- ⇒ 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?
- ⇒ How serious a challenge do they raise for the idea that human rights are universal?
- ⇒ How to develop human rights culture in South Asia?
- ⇒ Is there any feasibility of evolving the South Asian Charter of Human Rights?
- ⇒ Should civil society push for a SAARC mechanism on Human Rights feasible?
- ⇒ What are the critical issues in the human rights and 'Asian values' Debate in South Asia?
- ⇒ What are the human rights concerns in South Asia?
- ⇒ What are the prospects for Human Rights within the SAARC rubric?
- ⇒ 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?
- ⇒ Why SAARC region does not have its own regional human rights mechanism?

CASES: One leading case from the SAARC jurisdictions and beyond 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. Michael 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

SUGGESTED 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: Issue. 1, Article 1.
10. World Report 1998. Human Rights Watch

WEEK: 11. CURRENT KEY ISSUES, GAPS, VULNERABILITIES AND CHALLENGES IN IHRL

- NORMATIVE HUMAN RIGHTS CHALLENGES; Vertical & Horizontal Interpretation of Human Rights. Internalization of Human Rights Treaties. New Apartheid [Racism, Hate, Global Pandemic (the Right to Health), Global Inequities, Gender Gaps, Starvation, Poverty], Discrimination (Caste, Class, Culture, Custom, Descent, Gender, Intra-Minority, Race, Religion, Ethnicity, Social Origin, Socio-Cultural Practices, Political Opinion, or Work, etc.), Torture, Enforced Disappearance, Terrorism [Dynamics and Dimensions and National Security and Human Security Narratives]. The Right to Fair Trial (RFT) Guarantee Free Expression of Ideas & Opinion, Nationalism, Impunity, Democracy Deficits, and Weak Constitutional Institutions. Refugee Crises. Forced Migration. Disaster-Driven Human Displacement (DHD). The Rights in Climate Change (RCC). Death Penalty [Abolition v. Retention (including the Debate on the Abortion, Euthanasia and Assisted Suicide)]. The New Human Rights at the Dawn of an Age of Neuroscience, Neuro-technology, and AI. The Reimagining the State Crafting; From Constitutional State [via POLICE STATE-AUTHORITARIAN STATE-SURVEILLANCE STATE] To Digital State.
- THE IMPLEMENTATION CHALLENGES; The Information Gaps, The Capacity Gaps, The Security Gaps, The Institutional Gaps, and Beyond. International Human Rights Obligations. Human Trafficking. Worker Rights. The Rights of LGBTQI+ Community; Sexual Orientation and Gender Identity and Human Dignity. The Safety of Journalists. The Rights of Minorities and Indigenous Peoples. The Rights of Detainees. The Right to Development: the Role of MNCs and TNCs in Human Rights. Post-War Reconstruction toward the Creation of a Human Rights Culture: Globalization, International Distributive Justice, Bretton Wood Institutions, International Trade and New Asian Economic Order. Armed Conflicts: Universal Jurisdiction, Crimes against Humanity, International War Crimes, Tribunals and Sovereign Immunity. The Massive Human Rights Tragedies: Persecution, Prosecution, Transitional Justice & Truth Commissions and Amnesties. The Right to Fair Trial Guarantees and Summation. (*Only one topic with its incidental dimensions supra shall be discussed*).

CONSULTATION:

- The List of Global Human Rights Issues <https://www.ohchr.org/en/issues/pages/listofissues.aspx>
- Movies & Documentaries on Human Rights for Academic Research & Understanding.

QUESTIONS IN FOCUS:

- ⇒ Do terrorists have human rights?
- ⇒ Enforcement and remedies
- ⇒ Gender Challenges for international human rights
- ⇒ How can we respond to massive violations of human rights?
- ⇒ 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?
- ⇒ How effective has this response been? What factors complicate an effective response?
- ⇒ Implementation of economic, social, and cultural rights
- ⇒ International development, global impoverishment, and human rights
- ⇒ Is there any universally accepted definition of terrorism?
- ⇒ Non-state actors and human rights
- ⇒ Terrorism, Counter-terrorism, and human rights
- ⇒ The continuing evolution of the United Nations treaty bodies system
- ⇒ The extraterritorial application of IHRL on civil and political rights
- ⇒ The Future of the United Nations Special Procedures
- ⇒ The Relationship between Religion and human rights
- ⇒ The Role and Future of the Human Rights Council
- ⇒ Transitional justice
- ⇒ Victims' Participation and Reparations in international criminal litigations
- ⇒ What are terrorism and its dimensions?
- ⇒ What are the principles on which such responses are mounted?
- ⇒ What has been the international and internal state response to the 1994 genocide in Rwanda?
- ⇒ What is the difference between Jihad and terrorism?
- ⇒ What kinds of responses have been attempted in the past?
- ⇒ Why is terrorism employed as a theology of liberation in significant world regions?

CASES: One leading case from the SAARC jurisdictions and beyond 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-III: - CASE LAW DIGEST:

PART-IV:-ADVANCED READINGS:

PART-V:-LEGAL TEXTUAL READINGS:

PART-VI:-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-VII:-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-VIII:-AGENDA ADVOCACY AHEAD

- 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, South Africa, etc.

THE 2023-SYLLABUS-IHRL IS SUBJECT TO PERENNIAL CHANGES & IMPROVEMENTS, KEEPING IN VIEW THE NEW CONSTITUTIONAL DEVELOPMENTS OR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH IN THE SAARC REGION AND ELSEWHERE OR OTHERWISE EVERY WEEK, AND THE SAME SHALL BE REFLECTED IN THE CLASS.

Note:

- The recommendations of BoS dated: Friday, 29 November 2019, have been fully contemplated and duly reflected upon, acted upon, and the same have been appropriately incorporated.
- The 2023-Syllabus-IHRL is under regular review and updation as per FLS-SAU past practice and otherwise.
