



**University of
Zurich** UZH

Spring term 2014
Prof. Dr. Christine Kaufmann

International Human Rights

General Information

The course generally takes place every Wednesday from 10:15 to 12:00 (2 hours per week), exceptions to this are outlined in the syllabus below. The course will provide an overview of the current international human rights regime, which will be complemented by a second part focusing on the existing and emerging rules on corporate responsibility of multinational enterprises. After an introduction covering the basic mechanisms of human rights protection we will discuss the role of non-state actors and – in more detail – multinational corporations. The course will also address current human rights issues.

All participants are required to prepare for the course and read the assigned papers in advance. Please note that the reading load is approximately 50-60 pages per week on average.

The course is partially based on the textbook by Daniel Moeckli/Sangeeta Shah/Sandesh Sivakumaran (eds.), *International Human Rights Law*, Second Edition, Oxford 2013, and Andrew Clapham, *Human Rights: A Very Short Introduction*, Oxford 2007. For the legal sources we recommend you to furnish yourself with the Blackstone's *International Human Rights Documents* collected by Sandy Ghandhi, Eighth Edition, Oxford 2012.

For a concise and comprehensive account of the international human rights system, see Walter Kälin and Jörg Künzli, *The Law of International Human Rights Protection*, Oxford 2009.

Additional materials as well as all slides are continuously being published on Professor Kaufmann's homepage: <http://www.ivr.uzh.ch/institutsmitglieder/kaufmann.html>.

An exam will take place at the end of the term. More detailed information will be given at the beginning of the course.

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Course syllabus (subject to modifications)

Date	Topic	Reading assignments	Additional reading
19.2.	<p>Introduction: foundations, history and general concept of human rights protection</p> <ul style="list-style-type: none"> • From the Universal Declaration of Human Rights (UDHR) to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) • Overview of the key features of the ICCPR and the ICESCR • Relationship between the UDHR and the ICCPR 	<ul style="list-style-type: none"> • Bates, in Moeckli/Shah/Sivakumaran (eds.), p. 15–33 (Chapter 1 – History) • Clapham, p. 1-56 (Chapters 1 and 2) 	

<p>26.2. / 5.3.</p>	<p>Human rights actors I: the primary role of states</p> <ul style="list-style-type: none"> • The nature of human rights obligations • The primary role of the state and its duty to respect, protect, and fulfil human rights <p>Human rights actors II: international institutions and other non-state actors</p> <ul style="list-style-type: none"> • Brief overview of the UN human rights system and its treaty bodies • Further important international organizations, e.g. the NATO • Regional human rights arrangements, e.g. the ECHR • Non-state actors and globalization, privatization and trade liberalization • The emerging role of private actors 	<ul style="list-style-type: none"> • Mégret, in Moeckli/Shah/Sivakumaran (eds.), p. 96-118 (Chapter 5 – Nature of Obligations) • Connors/Schmidt, in Moeckli/Shah/Sivakumaran (eds.), p. 359-397 (Chapter 18 – United Nations) • Clapham, p. 57-80 (Chapter 3) • Clapham, in Moeckli/Shah/Sivakumaran (eds.), p. 531-549 (Chapter 26 – Non-State Actors) 	<ul style="list-style-type: none"> • Case of Keefe v. Ireland (ECHR, 28/01/2014, no. 35810/09) • Mann Singh v. France (ECHR, 13/11/2008/, no 4479/07 – available in French only) • Singh v. France (HRC, 26/09/2013, CCPR/C/108/D/1928/2010 – available in French only) • Behrami v. France (ECHR, 02/05/2007/, nos. 1412/01 and 8166/01)
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<p>12.3.</p>	<p>Economic, social and cultural rights</p> <ul style="list-style-type: none"> • Origin and legal foundations of economic and social rights • Key features of the ICESCR • Differences and relationship between the ICCPR and the ICESCR • The problem of resources • Obligations to respect, protect and fulfil • The issue of justiciability 	<ul style="list-style-type: none"> • van Boven, in Moeckli/Shah/Sivakumaran (eds.), p. 143-156 (Chapter 7 – Categories of Rights) • Eide, in Moeckli/Shah/Sivakumaran (eds.), p. 195-216 (Chapter 10 – Adequate Standard of Living) 	<ul style="list-style-type: none"> • Optional Protocol to the ICESCR, Annex to the UN General Assembly resolution, A/RES/63/117, 10 December 2008 • Excerpts from the South African Constitution • Treatment Action Campaign case • Soobramooney case • Doe v. Unocal Case Settlement • Daimler AG v. Bauman • Akpan v. Royal Dutch Shell
<p>19.3</p>	<p>Civil and political rights</p> <ul style="list-style-type: none"> • Thought, expression, association, assembly • Detention and trial • Integrity of the person 	<ul style="list-style-type: none"> • Rodley, in Moeckli/Shah/Sivakumaran (eds.), p. 174-194 (Chapter 9 – Integrity of the Person) • Boyle/Shah, in Moeckli/Shah/Sivakumaran (eds.), p. 217-237 (Chapter 11 – Thought, Expression, Association, and Assembly) • Shah, in Moeckli/Shah/Sivakumaran (eds.), p. 259-285 (Chapter 13 – Detention and Trial) • Clapham, p. 96-107 (Chapter 5) 	<ul style="list-style-type: none"> • Jing Zhao v. Yahoo! Inc.

<p>26.3.</p>	<p>Special focus on labour rights</p> <ul style="list-style-type: none"> • ILO core labour rights • Case study – details to be announced 	<ul style="list-style-type: none"> • Coomans, in Moeckli/Shah/Sivakumaran (eds.), p. 238-258 (Chapter 12 – Education and Work) • ILO Declaration on Fundamental Principles and Rights at Work • ILO Declaration on Social Justice for a Fair Globalization 	
<p>2.4.</p>	<p>Human rights in the aftermath of the Arabic Spring</p> <p>Special guest lecture by Prof. Parolin (University of Cairo)</p>	<ul style="list-style-type: none"> • To be announced 	
<p>9.4.</p>	<p>No classes – instead Excursion to Geneva on 7 May</p>		

<p>16.4.</p>	<p>New UN-Framework for business and human rights</p> <ul style="list-style-type: none"> • Draft norms on the responsibility of transnational corporations and other business enterprises with regard to human rights • Appointment of Special Representative J. Ruggie • Framework: protect, respect and remedy • Recent developments: adoption of the Guiding Principles, follow-up 	<ul style="list-style-type: none"> • Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework • Resolution adopted by the Human Rights Council: Human rights and transnational corporations and other business enterprises, 6 July 2011, A/HRC/RES/17/4 • Kaufmann, Evolution of the international framework for the protection of human and children’s rights in a business context 	<p>All materials issued by the UNSRSG can be found at</p> <p>http://www.business-humanrights.org/SpecialRepPortal/Home</p> <ul style="list-style-type: none"> • Protect, Respect and Remedy: a Framework for Business and Human Rights - Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, 7 April 2008, A/HRC/8/5
<p>23.4.</p>	<ul style="list-style-type: none"> • No classes – Easter break 		
<p>30.4.</p>	<p>Monitoring human rights compliance</p> <ul style="list-style-type: none"> • Treaty-based mechanisms • Charter-based mechanisms, especially the Human Rights Council and its role to observe member states’ compliance 	<ul style="list-style-type: none"> • Optional Protocol to the ICESCR, Annex to the UN General Assembly resolution, A/RES/63/117, 10 December 2008 	<ul style="list-style-type: none"> • Clapham, p. 57-80 (Chapter 3) • Connors/Schmidt, in Moeckli/Shah/Sivakumaran (eds.), p. 359-397 (Chapter 18 – United Nations)

<p>7.5.</p>	<p>Excursion to Geneva</p> <ul style="list-style-type: none"> • Visit to the 52nd session of the Committee on Economic, Social and Cultural Rights at Palais Wilson • Further programme details will be announced later 		
<p>14.5.</p>	<p>Implementing the UN-Framework I: the international level</p> <ul style="list-style-type: none"> • Overview of the OECD's mandate and work • OECD Guidelines for multinational enterprises • Role of OECD National Contact Points • International Finance Corporation's Policy on Environmental and Social Sustainability 	<ul style="list-style-type: none"> • OECD Guidelines for Multinational Enterprises, 2011 • Norwegian National Contact Point: Pension Funds Case 	<ul style="list-style-type: none"> • CAO Audit of IFC Investment in Corporacion Dinant S.A. de C.V., Honduras

<p>21.5.</p>	<p>Implementing the UN-Framework II: the national level</p> <ul style="list-style-type: none"> • The renewed EU strategy calling for national action plans • Existing domestic policies and legislation 	<ul style="list-style-type: none"> • A renewed EU strategy 2011-14 for Corporate Social Responsibility • Communication from the Commission to the European Parliament on the renewed EU strategy for CSR • Statement of the European Union and the United States on Shared Principles for International Investment • UK National Action Plan 	
<p>28.5.</p>	<p>Case study</p> <ul style="list-style-type: none"> • Details to be announced 		