Class code: LWSOC-UA.9251.1.001.FA12

Instructor Details
Name: Dr Hin-Yan Liu  
NYU Home Email Address: hinyan@nyu.edu  
Office Hours: 1400-1500 Tuesdays  
Villa Ulivi Office Location: 7  
Villa Ulivi Office Extension: N/A

Class Details
Semester: Fall 2012  
Full Title of Course: International Human Rights  
Meeting Days and Times: 1500-1745 Tuesdays  
Classroom Location: Aula Viareggio

Prerequisites
None

Class Description
Human rights have become both powerful and controversial by staking out the limits of state interference into the individual sphere. As such, human rights laws have played an enormously influential role in protecting the activities of both individuals and groups against infringement by the state (and potentially against other powerful actors). Its rhetoric has become ubiquitous such that human rights have colloquially become synonymous with virtuous conduct. Perhaps succumbing to its successes, the protection afforded by human rights law has come under challenge in recent times as states seek to impose controversial limitations in reaction to contemporary threats and developments.

The aim of this course is to provide an understanding of human rights within contemporary contexts in order to critically analyse the purported successes and failures of human rights. The emphasis of this course is the critical perspective taken to the study of human rights that is necessary in order to separate the incongruity between the generally self-congratulatory rhetoric espoused by states and the often dire situations in reality, as well as distinguishing human rights laws from practical reality. This course is also heavily skewed towards the legal aspects of human rights, but will touch inter alia upon its philosophical and moral aspects. The emphasis upon human rights law is especially necessary precisely because of these characteristics; as Thomas Hobbes famously wrote in The Leviathan, ‘Covenants, without the sword are but words and of no strength to secure a man at all’.

The course is broadly structured into three parts. The first concerns the historical background of the human rights movement which gives rise to its characteristic structures, divisions and mechanisms. The second tackles the scope and substance of a few key human rights to elucidate the controversies and tensions that arise between the protection and limitation of human rights. The third situates human rights within some contemporary challenges to expose the potential and limitations within other contexts that may not immediately be associated with human rights.
Desired Outcomes
On completion of this course, students should:
- Have improved their ability to think critically, engage in complex reasoning and clearly express their thoughts through their written work.
- Be able to identify the human rights dimensions to contemporary issues.
- Be able to apply the logic of human rights to contemporary challenges in order to assess the justifiability of alleged infringements.
- Have improved their understanding of the logic of human rights and the range of international enforcement mechanisms.
- Understand the historical background and philosophical foundations of the international human rights movement.
- Be able to situate international human rights and understand their relationship with other relevant areas of international law.
- Have mastered a basic understanding of how to research questions in international human rights and to formulate arguments in defence of a position.
- Be able to critically assess the international protection of human rights.

Assessment Components
| Attendance and Participation: 10% |
| Written Analysis and Critique of a Lecture (1000 words): 15% |
| Oral Presentation in Class (10 minutes with 5 minutes discussion): 20% |
| Midterm Paper (2000 words): 25% |
| Final Paper (3000 words): 30% |

Failure to submit or fulfill any required course component results in failure of the class.

Assessment Expectations
Grade A: The student makes excellent use of empirical and theoretical material and offers structured arguments in his/her work. The student writes comprehensive essays/exam questions and his/her work shows strong evidence of critical thought and extensive reading.

Grade B: The candidate shows a good understanding of the problem and has demonstrated the ability to formulate and execute a coherent research strategy

Grade C: The work is acceptable and shows a basic grasp of the research problem. However, the work fails to organize findings coherently and is in need of improvement

Grade D: The work passes because some relevant points are made. However, there may be a problem of poor definition, lack of critical awareness, poor research

Grade F: The work shows that the research problem is not understood; there is little or no critical awareness and the research is clearly negligible

Grade conversion
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<th>Grade</th>
<th>Percentage</th>
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<tr>
<td>A</td>
<td>94-100</td>
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<td>A-</td>
<td>90-93</td>
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<td>B+</td>
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<td>B</td>
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<td>D</td>
<td>65-66</td>
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<tr>
<td>Grading Policy</td>
<td>Please refer to Assessment Expectations and the policy on late submission of work</td>
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| Attendance Policy | Attendance:  
Attendance is expected and required of all students. Any absences will negatively impact upon your course grade  

Absences:  
In case of absence, regardless of the reason, the student is responsible for completing missed assignments, getting notes and making up missed work in a timely manner based upon a schedule that is mutually agreed upon between the faculty member and the student  

Absence Due to Illness  
- If you are sick, please see a doctor (contact the OSL for information).  
- Only a medical certificate from a local medical professional will be accepted to justify an absence due to illness  
- Within 24 hours of your return to class you must bring this notetothe Office of Academic Support, located on the ground floor of Villa Ulivi. We will review the medical certificate and we will notify your faculty via email about your justified absence due to illness  
- Absences for short term illness without a medical certificate are not justified and count as unjustified absences. We will not accept a student email or telephone call regarding an absence due to illness. We will not notify your faculty about these absences  
- The Office of Student Life, when assisting you in cases of severe or extended illness, will coordinate with the Office of Academic Support to properly record your absences  

Due to Religious Observance  
- Students observing a religious holiday during regularly scheduled class time are entitled to miss class without any penalty to their grade. This is for the holiday only and does not include the days of travel that may come before and/or after the holiday  
- Students must notify their professor and the Office of Academic Support in writing via email one week in advance before being absent for this purpose  

Due to a class conflict with a program sponsored lecture, event, or activity  
- All students are entitled to miss one class period without any penalty to their grade in order to attend a lecture, event or activity that is sponsored by NYU Florence or La Pietra Dialogues, Acton Miscellany or the Graduate Lecture series.  
- Students must notify their professor and the Office of Academic Support in writing via email one week in advance before being absent for this purpose |
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<th>Late Submission of Work</th>
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<tr>
<td>● All course work must be submitted on time, in class on the date specified on the syllabus.</td>
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<td>● To request an extension on a deadline for an assignment, students must speak to the professor one week prior to the due date</td>
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<tr>
<td>● To receive an incomplete for a course at the end of the semester, two weeks before final exams, both the student and the faculty member must meet with the Assistant Director of Academic Affairs to review the request and if granted, they must both sign an Incomplete Contract detailing the terms for completing missing coursework.</td>
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<tr>
<th>Plagiarism Policy</th>
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<tr>
<td>PLAGIARISM WILL NOT BE TOLERATED IN ANY FORM:</td>
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<tr>
<td>The presentation of another person’s words, ideas, judgment, images or data as though they were your own, whether intentionally or unintentionally, constitutes an act of plagiarism.</td>
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<tr>
<td>In the event of suspected or confirmed cases of plagiarism, The faculty member will consult first with the Assistant Director for Academic Affairs as definitions and procedures vary from school to school. Please consult the “Academic Guidelines for Success” distributed on your USB key at Check-in and on the NYU Florence Global Wiki.</td>
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<tr>
<td>For a detailed description of some possible forms of plagiarism and cheating please consult the Community Compact that you signed at Orientation, a copy of which is on the above mentioned Wiki and USB key.</td>
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<th>Required Text(s)</th>
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<tr>
<th>Supplemental Texts(s) (not required to purchase as copies are in NYU-L Library or available online)</th>
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<td>Additional materials will generally be posted to BlackBoard and consist of journal articles and court cases in pdf format.</td>
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<th>Internet Research Guidelines</th>
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<td>The careful use of internet resources is encouraged and a list of recommended websites will be given. Failure to cite internet and other non-traditional media sources in your written work constitutes plagiarism.</td>
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| Session 1        | 4th September | **Introduction to the course** | **Italy censured over human rights (Financial Times):**
http://www.ft.com/intl/cms/s/0/79cf0938-c90f-11e1-a768-00144feabdc0.html#axzz23QLuyBn2  
**Italy violated human rights by returning migrants to Libya, court rules (The Guardian):**
http://www.guardian.co.uk/world/2012/feb/23/italy-human-rights-migrants-libya  
**European Court censures Italy over African migrants (BBC):**
http://www.bbc.co.uk/news/world-europe-17138606  
**2010 Human Rights Report: Italy (U.S. State Department):**
http://www.state.gov/documents/organization/160195.pdf  
**Annual Report 2012 (Amnesty International):**
**Italy and Human Rights (Italian Ministry of Foreign Affairs):**
http://www.esteri.it/MAE/EN/Politica_Estera/Temini_Globali/Diritti_Umani/LItal ia_e_i_DIRITTI_Umani.htm |
|-----------------|---------------|-------------------------------|--------------------------------------------------------------------------------|
**Geoffrey Robertson, *Crimes Against Humanity*, Penguin: London, 2006, Chapters 1 and 2.**  
**Universal Declaration of Human Rights (1948)**  
**International Covenant on Civil and Political Rights (1966) and Optional Protocol** |
| Session 4       | 25th September | **Economic and Social Rights** | **Henry Steiner, Philip Alston, Ryan Goodman, *International Human Rights in Context*, Chapter 4A, B, D and F.**  
**International Covenant on Economic, Social and Cultural Rights (1966).**  

<table>
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<tr>
<th>Session 5</th>
<th>Prof. Mark Vlasic (Georgetown University, Washington DC) “The Fight Against Impunity: International Law and International Tribunals” Palazzo dei Cerchi Vicolo dei Cerchi, 1 - 50122 Florence</th>
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**ICCPR**  
**IACHR**  
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<tr>
<th>Session 8</th>
<th>Right to Life</th>
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European Convention, Article 2 (see also US Amendments 5, 14(1))

European Convention, Protocol No. 6 (1983) that abolished the death penalty except “in time of war or of imminent threat of war”. This has been ratified by 46 of 47 member states, all except Russia, which signed in 1997.

European Convention, Protocol No. 13 (2002) that abolished the death penalty in all circumstances. This has been ratified by 42 of 47 member states, signed by 3, but not signed by Azerbaijan or Russia.

**Cases**

**Extra-judicial killings by state actors**
- *McCann v. United Kingdom* (1995), 21 EHRR 97
- *Şimşek v. Turkey* (26 July 2005), ECtHR judgment (HUDOC)
- *Isayeva v. Russia* (24 Feb. 2005), ECtHR judgment (HUDOC)

**Forced Disappearances and Death in Custody**
- *Kurt v. Turkey* (1999), 27 EHRR 373
- *Timurtas v. Turkey* (2001), 33 EHRR 121
- *Ipek v. Turkey* (17 Feb. 2004), ECtHR judgment (HUDOC)

**Positive Obligations**
- *LCB v. United Kingdom* (1999) 27 EHRR 212
- *Osman v. United Kingdom* (1998), 29 EHRR 245
- *Mastromatteo v. Italy* (24 Oct. 2002), ECtHR judgment (HUDOC)
- *Oneryildiz v. Turkey*, (30 Nov. 2004), ECtHR judgment (Grand Chamber) (HUDOC)
- *Kontrova v. Slovakia* (31 May 2007), ECtHR judgment (HUDOC)

**Extradition to face the death penalty (judicially-authorised killing)**
- *Soering v. UK* (7 July 1989), ECtHR judgment (HUDOC)
- *Öcalan v. Turkey* (12 May 2005), ECtHR judgment (HUDOC) (Grand Chamber)
- *Al-Saadoon & Mufdhi v. UK* (2 March 2010), ECtHR judgment (HUDOC)
| Session 9 | Fatos Lubonja (Albanian Writer)  
Courage and the Terror of Death  
Palazzo dei Cerchi  
Vicolo dei Cerchi, 1 - 50122 Florence |
|-----------|-----------------------------------------------|
| Session 10 | Prohibition of Torture  
European Convention, Article 3 (see also US Amendment 8)  
**Cases**  
**Treatment of individuals by military or police**  
*Ireland v. United Kingdom* (1978), 2 EHRR 25  
*Aksoy v. Turkey* (1996), 23 EHRR 553  
*Aydin v. Turkey* (1997), 25 EHRR 251  
*Selmouni v. France* (1999), 29 EHRR 403  
*Chitayev v. Russia* (18 Jan. 2007), ECtHR judgment  
*Gäfgen v. Germany* (1 June 2010), ECtHR judgment (Grand Chamber)  
*Ribitsch v. Austria* (1995), 21 EHRR 573  
*Price v. United Kingdom* (2001), 34 EHRR 53  
*Selçuk & Asher v. Turkey* (24 April 1998), ECtHR judgment  
*Kurt v. Turkey* (25 April 1998), ECtHR judgment  
**Non-Refoulement**  
*Soering v. United Kingdom* (7 Jul. 1989), ECtHR judgment  
*Cruz Varas v. Sweden* (20 Mar. 1991), ECtHR judgment  
*Chahal v. United Kingdom* (15 Nov. 1996), ECtHR judgment  
*H.L.R. v. France* (24 April 1997) ECtHR judgment  
*D. v. United Kingdom* (2 May 1997) ECtHR judgment  
*Bensaid v. United Kingdom* (6 Feb. 2001) ECtHR judgment  
*Saadi v. Italy* (28 Feb. 2008) ECtHR judgment (Grand Chamber)  
**Corporal punishment (decision of court, school or parent)**  
*Tyrer v. United Kingdom* (1978), 2 EHRR 1  
*Costello-Roberts v. United Kingdom* (1993), 19 EHRR 112  
*A v. United Kingdom* (1998), 27 EHRR 611  
**Failure of state actors to prevent Article 3 treatment by private actors**  
*Z and others v. United Kingdom* (2001), 34 EHRR 3 |
### Session 11
#### 13th November
**Lecture and Midterm Essays due**

- European Convention, Article 9 and Protocol No. 1, Art. 2 (see also US Amendment 1).

**Cases**

- **State neutrality among different religions**
  - *Buscarini v. San Marino* (18 Feb. 1999), ECHR judgment
  - *Alexandridis v. Greece* (21 Feb. 2008), ECHR judgment
  - *Lautsi v. Italy* (3 Nov. 2009), ECHR judgment and Grand Chamber judgment (18 Mar. 2011)

- **Active interference with (direct discrimination against) a particular religious belief or practice**
  - *Masaev v. Moldova* (12 May 2009), ECHR judgment
  - *Kokkinakis v. Greece* (25 May 1993), ECHR judgment
  - *Murphy v. Ireland* (10 July 2003), ECHR judgment
  - *Welfare Party v. Turkey*

- **Passive failure to accommodate (indirect discrimination against) a particular religious belief or practice**
  - *Thlimmenos v. Greece* (6 April 2000), ECHR judgment (GC)
  - *Dahlab v. Switzerland* (15 Feb. 2001), ECHR admissibility decision
  - *Leyla Şahin v. Turkey* (11 Nov. 2005), ECHR judgment (GC)
  - France, Law No. 2004-228 of 15 March 2004 (headscarves in schools)
  - *Dogru v. France* (4 Dec. 2008), ECHR decision
  - *Mann Singh v. France* (27 Nov. 2008), ECHR decision
  - *Ahmet Arslan v. Turkey* (23 Feb. 2010), ECHR judgment

### Session 12
#### 20th November
**Freedom of Speech/Expression and Assembly**


**Cases**

**Political Speech**

- **Speech threatening national security: Communists**
  - *Dennis v. United States*, 341 US 494 (1951)

- **Speech threatening territorial integrity: Separatists**
  - *Arslan v. Turkey* (8 July 1999), ECHR judgment
  - *Zana v. Turkey* (1997), 27 EHRR 667
Regulation of election financing
Libman v. Québec (Attorney General), [1997] 3 SCR 569 (Supreme Court of Canada)
Bowman v. United Kingdom (1998), 26 EHRR 1

Hate Speech

ICCPR


Case law of the European Court and Commission of Human Rights
European Convention, Art. 17 (see also ICCPR, Art. 20(2); CERD, Art. 4; South Africa, s. 16(2))

Case law of US and Canadian courts

Incitement to religious hatred vs. insulting religious feelings (blasphemy)

Case law of the European Court and Commission of Human Rights
(cf. Burstyn v. Wilson, 343 U.S. 495 (1952))

Session 13
27th November
Human Rights and Contemporary Armed Conflict

Session 14
Human Rights and Emergency Situations
4th December  
**Class presentations**


**Cases:**

**World War II**

*Korematsu v. United States*, 323 US 214 (1944)

**ECtHR review of Article 15 derogations**

European Convention, Art. 15

*Brannigan v. United Kingdom* (1993), 17 EHRR 539

*Aksy v. Turkey* (1996), 23 EHRR 553

Terrorism Act 2000, s. 41 and Schedule 8, paras. 29-33 (requiring judicial authorisation, which allowed the UK to withdraw the derogation challenged in *

*Brannigan* from 26 Feb. 2001)

The UK response to the 11 Sept. 2001 terrorist attacks in the US

Human Rights Act 1998, ss. 1(2), 14, 16

Anti-terrorism, Crime and Security Act 2001, ss. 21-30

Human Rights Act 1998 (Amendment No. 2) Order 2001, SI 2001 No. 4032 (as of 19 Sept. 2004, this appeared to be the only Article 15 derogation by any of the then 45 member states, with regard to any emergency, that was still in effect)

Prime Minister Blair’s suggestion (BBC1 “Frost Programme”, 26 Jan. 2003) that, because some asylum-seekers pose a threat to national security, the Government may consider withdrawing from the Convention (under Article 58) and re-ratifying with a reservation (under Article 57) that would override *Soering* (not possible according to Liberty’s counsel’s opinion, [http://www.liberty-human-rights.org.uk/issues/pdfs/pannick-opinion-art-3.pdf](http://www.liberty-human-rights.org.uk/issues/pdfs/pannick-opinion-art-3.pdf))

*A. & Others v. Secretary of State for the Home Department*, [2004] UKHL 56

Expiration of ss. 21-23 of the Anti-terrorism, Crime and Security Act 2001 (under s. 29 of the Act) on 13 March 2005 (and withdrawal of Art. 15 derogation from 14 March 2005)

Replacement by Terrorism Act 2005, s. 1 (“control orders”)

*A. & Others v. United Kingdom* (19 Feb. 2009) (ECtHR) (judgment)


*Chahal v. United Kingdom* (15 Nov. 1996) (ECtHR) (judgment)

*Saadi v. Italy* (28 Feb. 2008) (ECtHR) (UK argued, like the 7 dissenting judges in *Chahal*, that the interest of national security may be balanced against the risk that deportation could lead to treatment violating Arts. 2 or 3, despite *Soering*)

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**Session 15**

11th December  

**Critiques of Human Rights**


| Classroom Etiquette | • Eating is not permitted in the classrooms. Bottled water is permitted.  
• Cell phones should be turned off during class time.  
• The use of personal laptops and other electronic handheld devices are prohibited in the classroom unless otherwise specified by the professor.  
• We recycle! So keep it green! Please dispose of trash in the clearly marked recycle bins located throughout the on campus buildings |
|---|
| Required Co-curricular Activities | **Monday 1st October, 1800:**  
Prof. Mark Vlasic (Georgetown University, Washington DC)  
The Fight Against Impunity: International Law and International Tribunals  
*Palazzo dei Cerchi*  
*Vicolo dei Cerchi, 1 - 50122 Florence*  

**Monday 5th November 1830:**  
Fatos Lubonja (Albanian Writer)  
Courage and the Terror of Death  
*Palazzo dei Cerchi*  
*Vicolo dei Cerchi, 1 - 50122 Florence*  

**Monday 12th November 1800:**  
Diego Brasioli (Chair, Interministerial Committee for Human Rights, Ministry of Foreign Affairs, Italy)  
Italy and the Promotion of Fundamental Rights  
*Villa La Pietra*  
*NYU Florence* |
| Suggested Co-curricular Activities | Suggested optional co-curricular activities will be announced in class and via email by the professor throughout the semester. |