

International Human Rights

Craig Jackson Thurgood Marshall School of Law LL.M Program in Immigration Law

International Human Rights is a relatively new entrant into the international law family of legal specialties. It may well be the most important. This is for the simple reason that the lives of human beings should not be subject to the local whims of governments that may be too close to the prejudices and biases that create human rights violations. Before human rights laws, it was assumed that the internal affairs of a nation were not the business of the world at large, international law being simply the obligations of states to other states to uphold treaties having to do with commerce, land, science, and strategic position to name a few areas. However World War II changed all that, though there were rumblings of a need for an all-encompassing body of law that would, on a limited basis, break the wall of national sovereignty that protected governments bent on oppressing persons within their borders.

The Holocaust in Europe, the atrocities in the Pacific and Pacific Rim during World War II made human rights a necessity and the field as we know it now and became a part of the post war constitutional order which included treaties addressing trade, monetary policy, and of course the United Nations.

Though part of the LL.M program in immigration law, this course will take a general look at human rights with the purpose of training lawyers with an all-around understanding of the structure, development, and policies behind this body of law. Occasionally the course will examine areas with particular importance to immigration by linking the general subject area to a particular issue in immigration law. Students, however, are encouraged to consider ways other than the obvious connections, in which human rights law will be useful in adjudicating immigration matters.

Book: International Human Rights by Philip Alston and Ryan Goodman.

The New York University Professor is considered one of the leading scholars in human rights law. His co-author, Ryan Goodman is also on the faculty of New York University.

The book is one of the leading texts in international human rights law and uses both the casebook method and the course book method of teaching the subject. It should create a lot of avenues for discussion for the class.

Preparation and Class Participation: As a graduate program, more emphasis will be placed on class discussion and substantive learning than on lawyering skills (since the class is composed of lawyers). Accordingly class discussion and participation will be placed at a premium in this class. Preparation is necessary for fruitful discussion. In addition to the material listed below, additional materials may be assigned. The websites also will have links to treaties and other materials useful for this course. Full preparation will be expected in the course.

Grading: This course will have a single exam at the end of the semester. It will be an essay and will cover the entire course.

Week 1: Ghoshray, *Is There a Human-Rights Dimension to Immigration? Seeking Clarity Through the Prism of Morality and Human Survival*, 84 Denver U. L.R. 1151 (2006).

Week 2: Chapter 1 Human Rights Concepts and Discourse

Week 3: Chapter 2, The Human Rights Regime: Background and Birth

Week 4: Chapter 3 Civil and Political Rights

Week 5: Chapter 4 Economic and Social Rights

Week 6: Chapter 5 National Security, Terrorism, and the Law of Armed Conflict

Week 7: Chapter 6 Rights and Duties as Organizing Concepts and Chapter 7 Conflict in Culture, Tradition, and Practices: Challenges to Universalism.

Week 8: Chapter 8 The United Nations Human Rights System

Week 10: Chapter 11 Regional Arrangements

Week 11: Chapter 12: Vertical Interpenetration: International Human Rights Law Within States' Legal and Political Orders

Week 12: Chapter 13: Horizontal Interpenetration: Transnational Influence and Enforcement of Human Rights