



**University of
Zurich** ^{UZH}

Institute for International Law and Comparative Constitutional Law

International Human Rights

Notion, History and Sources

22 February 2023

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Spring Semester 2023



Course Organisation and Requirements

- All course materials, including mandatory reading assignments and slides will be continuously posted on Moodle
 - ⇒ Check Moodle and your @uzh email inbox regularly
- Attendance, preparation and active participation is mandatory
 - ⇒ In case of non-attendance, write an email in time to camila.addiechi@rwi.uzh.ch **and** lara.mueller@rwi.uzh.ch (max. two missed classes)
- Assignments: Short group presentations in the second part of the course; your presentation will be relevant for your final grade, as will your overall participation in class
 - ⇒ Deadline for the registration for the group presentations is **Tuesday, 7 March 2023**
- Exam: Oral or written at the end of the semester
 - ⇒ Details will be announced by the end of March
- Support



Excursion to the United Nations in Geneva

- Wednesday, 17 May 2023
 - ⇒ We will leave from Zurich early in the morning (possibly around 6.00 or 6.30 o'clock)
- Max. 37 students can register
 - ⇒ Registration is *first come first served*
- To register, write an email to camila.addiechi@rwi.uzh.ch
- Deadline for registration is **Friday, 10 March 2023**

→ Make sure to check for SBB day passes from your municipality early enough



Overview of the course

Part 1: Foundations of international human rights law

- Introduction and background information
- UN Human Rights Protection
- Regional Human Rights Protection

Part II: Substantive rights and guarantees

- Life and detention
- Freedom of thought and expression
- Equality and non-discrimination
- Sexual orientation and gender identity
- Minorities and Indigenous Peoples
- Human rights and climate change



- I. Terminology, Concepts**
- II. History before World War II**
- III. History after World War II**
- IV. Sources**



What do you associate with «human rights»?



<https://www.menti.com/alai2xut89j7>



History before World War II

- Human rights in *domestic* law
 - English Bill of Rights (1689)
 - American Declaration of Independence & Virginia Declaration of Rights (1776)
 - French Declaration of the Rights of Man and of the Citizen (1789, La déclaration des droits de l'homme et du citoyen)
 - United States Bill of Rights (1791)
- Human rights in *international* law?



Declaration of Independence

«We hold these truths to be self-evident, that **all men are created equal**, that they are endowed by their Creator with **certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.-»

Declaration of Independence, Philadelphia, 4 July 1776

Universal Declaration of Human Rights (UDHR)

- Resolution of the UN General Assembly, GA Res. 217 A (III), adopted on 10 December 1948 in Paris
 - Formally non binding recommendation; soft law?
 - Authoritative interpretation of the UN Charter?
 - Customary international law?
 - Goal: “as a common standard of achievement for all peoples and all nations”
- State support?
- Rights contained
 - Civil and political liberties
 - Social and economic justice





Art. 38(1) ICJ-Statute

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b) international custom, as evidence of a general practice accepted as law;
- c) the general principles of law recognized by civilized nations;
- d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

[...]



«In 1948, in the aftermath of World War II, a Universal Declaration of Human Rights was proclaimed. But it was less the annunciation of a new age than a funeral wreath laid on the grave of wartime hopes»

Samuel Moyn, *The Last Utopia*, 2011, p. 2



Next week: Obligations and actors

- Nature of human rights obligations
- Implementation of human rights obligations
- Remedies for violations of human rights obligations
- Human rights actors overview
- The role of states
- The role of non-state actors