

Contemporary human rights: a tale of war and peace

Start date 10 March 2023 **End date** 12 March 2023

Venue Madingley Hall
Madingley
Cambridge
CB23 8AQ

Tutor Toby Fenwick **Course code** 2223NRX024

For further information contact intenq@ice.cam.ac.uk

Tutor biography

Toby Fenwick is a UK civil servant currently working on the COVID-19 Public Inquiry. A policy professional, he has worked for the UK Health Security Agency, the Department of International Trade, HM Treasury and Department for International Development, as well as in venture capital and banking, and serving in the UK RAF reserve. As an academic, Mr Fenwick is interested in the creation of States, the use of force and their human rights implications. A former stagiaire at the Rwanda War Crimes tribunal, he holds graduate degrees in international relations and law from Cambridge, LSE and UCL, as well as teaching on the ICE Undergraduate Certificate and Undergraduate Diploma in International Relations and at the ICE Cambridge International Summer School.

Course programme

Friday

Please plan to arrive between 16:30 and 18:30. You can meet other course members in the Terrace Bar which opens at 18:15. Tea and coffee making facilities are available in the study bedrooms.

19:00 Dinner

20:30 – 22:00 **So what are Human Rights anyway?
(History and Genesis of Rights)**

22:00 Terrace Bar open for informal discussion

Saturday

07:30 Breakfast (for residents only)

09:00 – 10:30 **Founding the modern Human Rights Regime: The Universal Declaration
and the International Covenants on Civil and Political Rights and
Economic, Social and Cultural Rights**

10:30 Coffee

11:00 – 12:30 **Women's, Children's and Minority Rights**

13:00 Lunch

14:00 – 16:00 Free time

16:00 Tea

16:30 – 18:00 **Regional Human Rights Systems: European Convention, Inter-American
System, African Charter on Human and Peoples' Rights**

18:00 – 18:30 Free time

18:30 Dinner

20:00 – 21:30 **Human Rights in Conflict: LOAC (IHL), Genocide and Torture.**

21:30 Terrace Bar open for informal discussion

Sunday

07:30 Breakfast (for residents only)

09:00 – 10:30 **Enforcement in National, Regional and International Courts**

10:30 Coffee

11:00 – 12:30 **The Future: What does it look like?**

12:45 Lunch

The course will disperse after lunch

Course syllabus

Aims:

The course will allow you to:

1. Understand and explain the development and structure of the current international human rights system
2. Detail the traditions from which the international human rights system draws
3. Understand and explain the role of international, regional and domestic courts in enforcing human rights

Content:

Human Rights is intellectually contested territory, with a range of critics from the political left and right in the West arguing that protections are either too limited or too expansive, whilst critiques from the Global South present a range of arguments, stating the framework is a Western neo-colonial imposition and that “rights” to development or climate justice should be recognised – and funded.

Meanwhile, autocracies of one flavour or another largely disregard the notion entirely, with appalling impacts on their own people – one need only look at China’s treatment of the Uighurs, the Taliban’s treatment of women and minorities, or North Korea’s treatment of its population to see that supposedly universal rights do not enjoy universal protection.

We will explore the genesis of the modern international system, before looking in detail at the sources of law and its enforcement internationally and regionally and in times of conflict. We will then consider what is being enforced and why, and whether any of this international law matters? If it does, what does the future look like?

Presentation of the course:

The course will take the form of seven lectures with formal and informal discussion.

As a result of the course, within the constraints of the time available, students should be able to:

1. Describe the genesis of human rights, and how the plethora of post-WW II legal instruments interact.
2. Explain the levels of enforcement and come to a conclusion on whether the persistence of human rights abuses is the result of a lack of law, enforcement mechanisms or political will, and how this varies with geography.
3. Formulate a view on whether the language of rights is a helpful vocabulary to discuss issues beyond civil and political rights.
4. Consider what global enforcement would look like, and whether this is feasible (or indeed, desirable).

Reading and resources list

Course primary texts:

*Freeman, M., (2022) *Human Rights (Key Concepts)*, (4th Ed), Polity, London

UN Office for the High Commissioner of Human Rights: [Women's Rights are Human Rights](#) (.pdf)

Suggested reading:

Alston, P., Goldman, G., (2012) *International Human Rights*, (2nd Ed), OUP, Oxford

Annan, K. (ed) (1999) *The Universal Declaration of Human Rights: Fifty Years and Beyond: Fifty Years and Beyond*, Routledge, London

Holder, C., Reidy, D., (eds) (2013) *Human Rights: The Hard Questions*, CUP, Cambridge

Commentaries

NB: These commentaries are excellent insights into the treaties and instruments they describe, but they are very expensive and there is *no* expectation that students will purchase them. Please use your local law library.

Simma, B.; Khan, D-E; Nolte, G.; Paulas, A., (ed.) (2012) *The Charter of the United Nations A Commentary*, OUP, Oxford.

Saul, B., Kinley, D., Mowbray, J., (2014) *The International Covenant on Economic, Social and Cultural Rights: Commentary, Cases, and Materials*, OUP, Oxford.

Taylor, P.M. (2020) *A Commentary on the International Covenant on Civil and Political Rights: The UN Human Rights Committee's Monitoring of ICCPR Rights*, CUP, Cambridge.

Online resources:

[Universal Declaration of Human Rights](#)

[Convention on Human Rights](#)

[African Charter on Human and Peoples' Rights](#)

[International Covenant on Civil and Political Rights \(ICCPR\)](#)

[International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#)

UN Security Council Resolution [1325](#)

Note: Students of the Institute of Continuing Education are entitled to 20% discount on books published by Cambridge University Press (CUP) which are purchased at the Press bookshop, 1 Trinity Street, Cambridge (Mon-Sat 9am – 5:30pm, Sun 11am – 5pm). A letter or email confirming acceptance on to a current Institute course should be taken as evidence of enrolment.

(Information correct as of 5 September 2022)