**Dr Anna Śledzińska-Simon - Introduction to Human Rights, LLM 2019/20**

**Lecture 3**

**A Short History of Human Rights – Rights Revolution (II)**

The aim of this lecture is to:

* Discuss the main challenges to human rights and their enforceability
* Explain the concept of state responsibility to protect and the relationship between individual rights and state duties
* Gain the understanding of human rights phases and movements
* Discuss the current and future problems with human rights protection following the war with the COVID-19 pandemic.

**Take 4 STEPS**

**STEP 1**

Read Chapter I “A Short History of Human Rights” in “Human Rights and Their Limits” (pp.29-69) by Wiktor Osiatyński and answer the following questions:

1. Why did it take almost 20 years to draft the International Covenants (on Civil and Political Rights and on Economic, Social and Cultural Rights) after the consensus reached on the Universal Declaration of Human Rights in 1948?
2. What was the reason to divide the guarantees of rights into two treaties – covenants?
3. What kind of mechanism is provided by the First Optional Protocol to the International Covenant on Civil and Political Rights?
4. What kind of responsibility is assumed in a human rights regime based on an individual complaint mechanism? In what sense individual complaint mechanisms established in international human rights treaties (including the system of the European Convention of Human Rights) pierce the veil of state sovereignty?
5. What is the difference between state responsibility under international human rights treaties and individual criminal responsibility before international courts (see also FN 136 and pp. 41-42)?
6. Why did civil and political rights gain more political relevance than economic and social rights in1970s and 1980s?
7. What does “juridification” mean for the process of “rights revolution”? What does “justiciability” of rights imply? (see also FN 124) In this view, think of potential limitations of a human rights regime based on the concept of “justiciable” rights (hint: due to limitations in access to courts some rights, even “justiciable rights”, remain ineffective). Could you think of alternative ways to ensure effectiveness of human rights?
8. What is the difference between the socialist and the Catholic concept of duties and their relation to rights? Should individual duties towards the state and the society be part of human rights laws?
9. What were the main challenges to human rights in the War on Terror? In the view of these challenges, could you think of potential threats to human rights that will result from the on-going war with COVID-19?
10. (When/Upon what conditions) Does the state obligation to protect imply the duty to undertake humanitarian intervention?
11. (When/Upon what conditions) Can economic sanctions against a human rights oppressive regime be effective? Can economic sanctions be effective against China dealing with the West or the global South?
12. What are the main differences between the idea of human rights and humanitarianism? What is the position of victims of human rights violations and victims in need of humanitarian protection? How did these differences relate to political and legal remedies within the UN system of human rights (note that the system of the European Convention of Human Rights is based on legal rights)?
13. In conclusion, taking into account the phases of human rights mobilization and their consequences, do you agree that human rights are often instrumentalized for political reasons? Who helps to consolidate the achievements of an ascending phase?

**STEP 2**

Please read the factsheet on “The International Bill of Human Rights” <https://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>

View the website on the core international human rights treaties and their monitoring bodies

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

**STEP 3**

Watch the debate organized by the Chicago Center on Global Affairs “Is human rights dead” (the actual debate starts after 4:00)

<https://www.youtube.com/watch?v=-HUV73abGvc>

**STEP 4**

Prepare for the discussion on extraordinary measures to fight the COVID-19 pandemic and their implications for human rights protection.