

Module Title: Social and Economic Rights
Credit Points: 10 ECTS / 20 UK credits

Overview:

This module examines the protection of social and economic rights within international law. It seeks to locate social and economic rights within the wider scope of international human rights protection and addresses the theoretical debates over the method of protection that these rights should be given. Students will study the operation of the UNESCR and assess its effectiveness. The UNESCR is compared to a range of regional instruments and the contrasts between the various methods of protection discussed. Case studies will be undertaken focusing on the protection of specific rights within developing and developed nations.

Aims (To provide students with):

- a detailed understanding of such diverse rights as food, shelter, housing, emergency health care, health care in general, basic income and minimum standard of living, dignity, development
- a knowledge of the different treaty based systems of social and economic rights protection
- an enhanced social, political and philosophical awareness of social and economic rights
- the ability to contribute to the solution of social and economic rights problems

Module Content

- Introduction
 - The philosophical and historical development of the social and economic rights
 - International regulation of the social and economic rights
 - Consideration of International instruments e.g. UN Declaration and
- International Covenant on Economic Social and Cultural Rights and UNCESCR (UN Committee on Economic, Social and Cultural Rights)
 - The Right to Food
 - The Economics of Social Rights
- The UNESCR Regional Instruments:
 - African Charter on Human and Peoples' Rights
 - African Charter on the Rights and Welfare of the Child
 - Charter of the Organization of American States
 - American Declaration on the Rights and Duties of Man
 - American Convention on Human Rights
 - Declaration on the Basic Duties of Association of Southeast Asian Nations (ASEAN) Peoples' and Governments
 - Conference on Security and Cooperation in Europe
 - European Convention on Human Rights
 - European Convention on Human Rights, Protocol Number 7
- Other UN Documents Other International Documents:
 - Geneva Convention relative to the Treatment of Prisoners of War
 - Geneva Convention relative to the Treatment of Civilian Persons in Time of War
 - Charter of Economic Rights and Duties of States
 - Declaration of Tlahuitoltepec on the Fundamental Rights of Indigenous Nations, Nationalities and Peoples of Indo-Latin America
 - Cairo Declaration on Human Rights in Islam
 - Codex Alimentarius Commission of the Code of Ethics for International Trade in Food
- Economic Social and Cultural Rights and Non State Actors
 - Companies
 - Human Rights Organisations
 - Amnesty International
- The Rights And Consideration of Same with reference to national and International Jurisprudence:
 - Right to Development
 - Right to Work and Rights at Work
 - Right to Water and Sanitation

- Right to an Adequate Standard of Living
- Right to Own Land and Other Property
- Right to Participation
- Right to Self-determination
- Right to Social Security
- Right to a Healthy Environment
- Right to Family Life
- Right to Adequate Food
- Right to Adequate Housing
- Right to Education
- Domestic Case Studies and Justiciability:
 - South African Constitution – example of country where social and economic rights in text of constitution
 - Developing World: India and Public Interest Litigation – Judicial enforcement of social and economic rights
 - Developed World: Canada, Ireland.
 - Social and Economic Rights In the European Convention

Indicative Reading

- Alston, P. & Goodman, R., 2007. International Human Rights in Context: Law, Politics, Morals 3rd ed., oup.
- Eide, A., Krause, C. & Rosas, A., 2001. Economic, Social and Cultural Rights: A Textbook 2nd ed., Brill.
- Gauri, E.B.V. & Brinks, D.M., 2008. Courting Social Justice: Judicial Enforcement of
- Social and Economic Rights in the Developing World 1st ed., Cambridge University Press.
- McCorquodale, P.R., 2007. Economic, Social, and Cultural Rights in Action, OUP Oxford.
- Journals and Reports:
 - Human Rights Internet Reporter
 - Human Rights Law Journal
 - Human Rights Quarterly
 - Human Rights Tribune
 - Human Rights Reports
 - Australian Journal of Human Rights
 - Canadian Human Rights Yearbook
 - Columbia Human Rights Law Review
 - Harvard Human Rights Journal
 - Human Rights Law Journal
 - International Human Rights Reports
 - Israel Yearbook on Human Rights
 - Netherlands Quarterly of Human Rights
 - New York Law School Journal on Human Rights
 - South African Journal of Human Rights

Assessment methods

30% Assignment
70% Exam