

DISCIPLINA: <b>THE BOUNDARIES OF HUMAN RIGHTS</b>	CÓDIGO: <b>preenchido pela coord.</b>
PROFESSOR: <b>RALPH WILDE</b>	CARGA HORÁRIA: <b>10h</b>
<b>EMENTA</b> <ul style="list-style-type: none"> <li>• International human rights law and its extraterritorial application</li> <li>• Sovereign territories</li> <li>• States action and duties beyond their borders</li> </ul>	
<b>OBJETIVOS GERAIS</b> <p>This course will consider whether and to what extent international human rights law applies to the actions of states outside their sovereign territories. The extraterritorial application of human rights law is one of the most contested and fast-moving areas of human rights law today. It is concerned with important and high-profile activities performed by states outside their borders, from war to occupation and anti-piracy and migration-related activities, as well as the more general question of whether economically privileged states have economic duties to people beyond their own citizens. This relatively under-explored area of law is of considerable current interest to governments, international organizations and human rights NGOs.</p>	
<b>OBJETIVOS ESPECÍFICOS</b> <p>The course aims to develop on students, who have successfully completed this subject, the proficiency in understanding and applying the relevant areas of international law; the appreciation of the underlying issues of policy at stake and how they mediate, and are mediated by, the legal framework, as well as provide students to have a more sophisticated understanding of, and aptitude for, the law in general.</p>	
<b>METODOLOGIA</b> <p>Socratic methodology</p>	
<b>PROGRAMA</b> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li>• The nature and scope of extraterritorial state activity, from war to occupation, the interception and detention of migrants and ‘pirates’, and the operation of embassies, military bases and detention facilities.</li> <li>• The main contours of international human rights law.</li> <li>• Relevant principles of general international law, including treaty interpretation, and relevant features of human rights law, including applicability in times of war and occupation, and co-application with other areas of law.</li> <li>• Arguments of principle in favour and against applicability, including concerns about ‘legal black holes’, indirect nationality discrimination, abuses of detainees, double standards, and ‘human rights imperialism’.</li> <li>• The main treaty provisions on applicability, including ‘jurisdiction’ and colonial extension clauses.</li> <li>• Key general features of extraterritorial applicability, including the substantive meaning of human rights law extraterritorially, and the relevance to this of self-determination; the possibility of activating ‘derogation’ clauses; and whether human rights treaties can and should apply to the actions of contracting states in the territories of other states not also parties to the same treaties.</li> </ul>	

<ul style="list-style-type: none"><li>• The meaning of the two ‘jurisdiction’ triggers for extraterritorial applicability, based on the exercise of control over territory or individuals.</li><li>• The extraterritorial application of other human rights treaties that use different triggers, notably the anti-discrimination treaties and the 1951 Refugee Convention.</li><li>• The application and significance of the <i>non-refoulement</i> obligation extraterritorially.</li><li>• The extraterritorial application of economic, social and cultural rights, including the right to development</li></ul>
<b>CRITÉRIOS DE AVALIAÇÃO</b> The assessment will be based on a written examination.
<b>BIBLIOGRAFIA OBRIGATÓRIA</b> To be provided.
<b>BIBLIOGRAFIA COMPLEMENTAR</b> To be provided.