**非洲国家宪法中的经济、社会与文化权利**

**Social, economic and cultural rights in African constitutions**

**课程主讲人简介**

查尔斯·冯巴特，南非比勒陀利亚大学法学教授，伦敦大学法学博士。冯巴特教授是南非科学院院士，国际宪法学会副会长。曾任比勒陀利亚大学法律系公法教研室主任，现任比勒陀利亚大学非洲国际与比较法研究所主任。研究领域在于宪法、比较宪法与非洲法制史。

**Profile**

Charles Fombad, law professor at Pretoria University of South Africa, got his PhD of Law from University of London. He is member of the Academy of Science of South Africa, former vice President of the International Association of Constitutional Law. He was previously the Head of Department of Public Law, of the Faculty of Law of Pretoria University, and current director for the Institute for International and Comparative Law in Africa. His research interests mainly focus on constitutional law, comparative constitutional law, African legal history.

**基本信息 Basic information**

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| **院系 School** | 法律学院Law School |
| **学科门类 Fields of Study** | 法学 Law |
| **所属一级学科名称 Disciplines** | 法学 Law |
| **所属二级学科名称 Sub-Disciplines** | 外国法制史 Foreign legal history |
| **先修课程 Prerequisites** | 法理学，宪法学，外国法制史/Jurisprudence，Constitution，Foreign legal history |
| **选课对象 Registration Recommendations** | 法学研究生 Post-graduate Students of Law |
| **课时与学分 Lecture Hours & Credits** | 32学时；2学分32 Lecture Hours;2 Credits |
| **授课语言 Language taught** | 英语 English |
| **授课方式 Lecture type** | 线下 In person |

**课程目标**

通过对非洲国家宪法中经济、社会与文化权利的全面学习，深入理解作为发展中国家典型代表的非洲国家，在探索和建立本国宪法制度、更好地利用宪法手段实现国家稳定和发展中做出的各种努力。在此基础上，让学生更好地认识到现代各国宪法制度的多样性，一国宪法制度是现代宪法思想、精神与原则的普适性与本国具体背景、时代要求相结合的产物。

Learning Goals

Through a comprehensive study of economic, social and cultural rights in African constitutions, the course will contribute to the students’ understanding of the efforts made by African countries, which are typical in developing countries, in exploring and establishing their own constitutional systems and making better use of constitutional means to achieve stability and national development. Furthermore, this course will also contribute to the students’ better understanding of the diversity of the constitutions of modern countries, which are the product of the combination of the universality of modern constitutional spirit, principles, the specific background of the respective country, and contemporary demands.

**课程内容**

本课程将以非洲国家宪法中的经济、社会与文化权利作为学习中心，并以其作为分析非洲国家宪法制度的独特性的出发点。课程的主要内容包括：非洲国家宪法制度发展概述，尤其是冷战结束后的新发展趋势；非洲国家宪法权利体系的体系、特征与设计目的，尤其是其区别于西方国家宪法的方面及其原因；非洲国家宪法经社文权利的体系、特征与设计目的，尤其是其在促进国家发展中的作用；国际人权法对非洲国家宪法经社文权利的影响，尤其是非洲国家宪法对国际人权法律文件中权利体系的接纳情况；国际人权救济机制与非洲国家宪法经社文权利体系的关系，其中包括世界、非洲联盟以及非洲内部区域救济机制；非洲国家国内对宪法经社文权利的救济机制，尤其是涉及到对政府政策判断时的问题处理；非洲国家对宪法经社文权利在司法之外的实现方式，尤其是政府以立法、政策的方式实现此类权利的方式；非洲国家宪法经社文权利的实现情况与未来发展展望。

**Content**

This course will focus on the economic, social and cultural rights in African constitutions and use them as a starting point for analyzing the features of African constitutions. The main contents of the course include: an overview of the development of African constitutions, especially the new trends since the end of the Cold War; the features and design purpose of the constitutional rights in African constitutions, especially the aspects that distinguish them from their counterparts in Western constitutions and the considerations behind this distinguishment; the features and design purpose of the economic, social and cultural rights in African constitutions, in particular their role in promoting national development; the impact of international human rights law on the economic, social and cultural rights in African constitutions, in particular the adoption of the international human rights legal into the domestic constitutions of African countries; the relationship between international human rights remedies and the economic, social and cultural rights of African countries, including the international, the African Union and African sub-regional mechanisms; domestic remedies for economic, social and cultural rights in African countries, especially when it relates to the estimation of government policies; the non-judicial realization avenues of economic, social and cultural rights in African countries, especially the legislative and administrative measures adopted by the African governments; the realization of economic, social and cultural rights in African countries and their future development prospects.

**上课时间**

9月9日至10月18日（第一周至第六周），每周二次课，每次课四课时，安排在周三、周五下午。