



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: LL.M. ONE YEAR PROGRAMME

DETAILS OF COURSE OFFERED

ODD SEMESTER – ACADEMIC YEAR 2020-2021

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	1.4 OP I	INTERNATIONAL AND REGIONAL PERSPECTIVE OF HUMAN RIGHTS LAW	2 PER WEEK				

- A. CODE AND TITLE OF THE COURSE: 1.4 OP I INTERNATIONAL AND REGIONAL PERSPECTIVE OF HUMAN RIGHTS LAW**
- B. COURSE CREDIT: 2 (TOTAL MARKS: 100)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: DR KASTURI GAKUL**
- E. COURSE INSTRUCTOR: DR KASTURI GAKUL**

2. COURSE OBJECTIVES

The objectives of the course are as follows:

- To trace the historical evolution, development and philosophical foundations of human rights law in international and regional perspectives
- To familiarize students with the international legal framework and regional mechanisms for promotion and protection of human rights
- To develop comprehensive understanding about the internationally recognized human rights instruments and standards
- To explain elaborately the human rights treaty bodies system at the international level and their relevance in the implementation and enforcement of human rights standards
- To aid students in identifying the relevance of human rights standards in influencing the development of law and policy in both international and regional level

3. COURSE LEARNING OUTCOMES

At the completion of the course, it is humbly expected that the students shall:

- Comprehend the subject matter of the course
- Be able to analyze contemporary international and regional human rights law problems in the light of the concepts learnt
- Be able to articulate their ideas on the subject matter of the course
- Produce at least one research paper of publishable quality
- Desire to take up human rights law for further studies

4. DETAILED STRUCTURE OF THE COURSE

MODULE 1

Introduction

- Concept of Human Rights
- Classification of Human Rights
- Sources of Human Rights Law
- Evolution of the concept of Human Rights
- Historical development of International Human rights standards

International Human Rights Instruments

- United Nations Charter 1945
- Universal Declaration of Human Rights 1948
- International Covenant on Civil and Political Rights 1966 and Protocols
- International Covenant on Economic, Social and Cultural Rights 1966 and Protocol

MODULE 2

Charter based bodies and procedures for the promotion and protection of human rights

- UN General Assembly
- UN Security Council
- UN Economic and Social Council
 - Commission on the Status of Women
 - Commission on Human Rights
 - Sub-Commission on Prevention of Discrimination and Protection of Minorities, later renamed as Sub-Commission on the Promotion and Protection of Human Rights
 - Procedures for dealing with Gross Violations of Human Rights
 - 1235 Procedure
 - 1503 Procedure

- Human Rights Council

Institution-building of the United Nations Human Rights Council

- Universal Periodic Review
 - Special Procedures
 - Advisory Committee
 - Complaint Procedure
- Office of the High Commissioner for Human Rights (OHCHR)

MODULE 3

International Conventions for protection of Human Rights

- Protection against Inhuman Acts
 - Genocide
 - Torture and other Cruel, Inhuman or degrading Treatment
 - Racial Discrimination
 - Enforced Disappearance

- Human Rights and Vulnerable groups
 - Child
 - Women
 - Migrant Workers
 - Persons with disabilities
- United Nations Human Rights Treaty System

MODULE 4

Regional Perspective on Human Rights Law

- Regional Human Rights and its relevance
- Factors contributing to Regionalism for regional instruments on Human Rights
- Regional Arrangements and United Nations Charter
- European Human Rights System
- American Human Rights System
- African Human Rights System
- Arab Human Rights System
- Asian Human Rights System

5. PRESCRIBED READINGS

- Henry J. Steiner, and Philip Alston, *International Human Rights in Context* (2nd edn, OUP 2000).
- Philip Alston, *The United Nations and the Human Rights: A Critical Appraisal* (OUP 1992).
- Robert Jennings and Arthur Watts, *Oppenheim's International Law* Vol I & II (OUP 1992)
- Sir Nigel Rodley 'International Human Rights Law' in Malcolm D. Evans (ed), *International Law* (4th edn, OUP 2014)
- Thomas Buergenthal, 'The Normative and Institutional Evolution of International Human Rights' (1997) 19(4) HUMAN RIGHTS QUARTERLY 703-723.
- Naomi Roht-Arriaza, 'State Responsibility to Investigate and Prosecute Grave Human Rights Violations in International Law' (1990) 78(2) CALIFORNIA LAW REVIEW 451-513.
- Ilias Bantekas and Lute Oette, *International Human Rights Law and Practice* 3rd edn, Cambridge University Press 2020).
- Mathew Davies, 'Rhetorical Inaction? Compliance and the Human Rights Council of the United Nations' (2010) 35 ALTERNATIVES 449-468.

- Alice Edwards, *The Optional Protocol to the Convention against Torture and the Detention of Refugees*, 57, INTERNATIONAL AND COMPARATIVE LAW QUARTERLY, 789-826 (2008)
- Andrew Byrnes and Eleanor Bath, 'Violence against Women, the Obligation of Due Diligence, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women- Recent Developments' (2008) 8(3) HUMAN RIGHTS LAW REVIEW 517-533.
- Michael Freeman, 'Why it remains important to take Children's Rights Seriously' (2007) 15 INTERNATIONAL JOURNAL OF CHILDREN'S RIGHTS 5-23.
- Rhona K.M. Smith, *Textbook On International Human Rights* (4th edn, 2010)
- Theodor Meron, *Human Rights in International Law: Legal and Policy Issues* (2011)
- Dorothy L. Hodgson, "Women's Rights as Human Rights: Women in Law and Development in Africa", *Africa Today*, Vol. 49, No. 2, Women, Language, and Law in Africa 2 (Summer, 2002), pp 3-26 (Available at: <http://www.jstor.org/stable/4187496>)
- Abdullahi A. An-Na'im, "Human Rights in the Arab World: A Regional Perspective", *Human Rights Quarterly*, Vol. 23, No. 3 (Aug., 2001), pp. 701-732 (Available at: <http://www.jstor.org/stable/4489353>)
- Kenneth Asamoah Acheampong , "Human Rights and The African Renaissance", *African Journal of Political Science / Revue Africaine de Science Politique*, Vol. 5, No. 1 (June 2000), pp. 105-123. (Available at: <http://www.jstor.org/stable/23489906>)
- Gina Bekker, "The African Court on Human and Peoples' Rights: Safeguarding the Interests of African States", *Journal of African Law*, Vol. 51, No. 1 (2007), pp. 151-172 (Available at: <http://www.jstor.org/stable/27607982>)