



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A.LL.B.(HONS.)**

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER – ACADEMIC YEAR 2021-22**

<b>SL. No</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>CR</b>	<b>CH</b>
<b>1.</b>	<b>207</b>	<b>INTERNATIONAL JURISPRUDENCE ON CHILD RIGHTS</b>	<b>1 PER WEEK</b>	<b>1 PER WEEK</b>		<b>2</b>	<b>2</b>

**A. CODE AND TITLE OF THE COURSE: INTERNATIONAL**

**JURISPRUDENCE ON CHILD RIGHTS**

**B. COURSE CREDIT: 2 (TOTAL MARKS 50)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: DR. GITANJALI GHOSH**

**E. COURSE INSTRUCTOR: DR. GITANJALI GHOSH**

## **1. COURSE OBJECTIVES**

When it comes to understanding the laws relating to children, the focus is largely on municipal legalisations but the truth remains that there is an entire gamut of international legal regime that acts as the precursor or light bearer to most of these municipal legal regimes. The objective of this course is to enhance the understanding of the students on various international instruments and mechanisms pertaining to child rights to build a better understanding on the child rights scenario, nationally as well as globally.

The objectives of the course, in particular, are as follows:

- To familiarize students with the conceptual framework of child rights as human rights;
- To provide them with an understanding of child rights vis-à-vis international labour law, criminal law, humanitarian law and human rights law;
- To understand the UNCRC in detail;
- To analyse child law from a gender perspective;
- To enhance capacity of students to form their own opinions on vital child law issues.

## **2. TEACHING METHODOLOGY**

The teaching methodology shall aim at the generation of critical thinking among the students. The topic for a particular class shall be informed to the students beforehand and readings shall be assigned to them for the said topic. They are expected to have a basic idea about the topic prior to the class. Subsequent to a brief lecture on the topic, there shall be class discussion on the same as well as on the readings assigned. Pursuant to the class discussion, the teacher shall substantiate the issues raised and answer any questions posed or left unanswered. Case study method shall be also adopted for relevant topics.

## **3. EXPECTED OUTCOMES OF THE COURSE**

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 child 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 child rights law for further studies

## **4. COURSE EVALUATION METHOD**

The course shall be assessed for 50 marks. There shall be a test carrying 30 marks and an assignment carrying 20 marks.

## **5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)**

### **Module 1**

- **Conceptual Framework of Child Rights**
  - Normative development of Human Rights
  - Meaning of human rights
  - Child rights as human rights
  - Obligations on States
  - Reservations to Human Rights
  
- **International Jurisprudence on Child Rights**
  - International Humanitarian Law
  - International Criminal Law
  - International Labour Law
  - International Human Rights Law

### **Module 2**

- **United Nations Convention on the Rights of the Child and its Optional Protocols**
  - Procedural history
  - General rights
  - Specific rights
  - Ratification status
  - Treaty body under UNCRC
  - Optional Protocols to the UNCRC
  - General Comments to the UNCRC
  
- **India and the UNCRC**
  - Accession to UNCRC
  - Reservation to UNCRC

## 6. PRESCRIBED READINGS

- Philip Alston and Ryan Goodman, *International Human Rights* (OUP 2013).
- Alison Bisset (ed), *Blackstone's International Human Rights Documents* (9th edn, OUP 2014).
- Ian Brownlie and Guy S. Goodwin-Gill (ed), *Brownlie's Documents on Human Rights* (6th edn, OUP 2010).
- Thomas Buergenthal, Dinah Shelton, David P. Stewart, *International Human Rights in a Nutshell* (4th edn, West Academic Press 2009).
- UNOHCHR, *The Core International Human Rights Treaties* (United Nations 2015).
- Henry J. Steiner and Philip Alston, *International Human Rights in Context* (2nd edn, OUP 2000).
- Philip Alston and James Crawford, *The Future of Human Rights Treaty Monitoring* (Cambridge University Press 2000).
- Philip Alston, *The United Nations and the Human Rights: A Critical Appraisal* (OUP 1992).
- E. Brems (eds. (et al.)), *Children's Rights Law in the Global Human Rights Landscape: isolation, inspiration, integration?* (Routledge 2017).
- T. Liefaard and J.E. Doek (eds.), *Litigating the Rights of the Child: the UN Convention on the Rights of the Child in Domestic and International Jurisprudence* (Springer 2015).
- B. Stark (ed.), *Human Rights and Children* (Edwar Elgar Publishing 2017).
- C.P. Cohen, *Jurisprudence on the Rights of the Child* (Transnational Publishers 2004).
- S.L. Detrick, *A Commentary on the United Nations Convention on the Rights of the Child* (Kluwer Law International 1999).
- Robert Kolb and Richard Hyde, *An Introduction to the International Law of Armed Conflicts* (Hart Publishing 2008).
- Sir Nigel Rodley 'International Human Rights Law' in Malcolm D. Evans (ed), *International Law* (4th edn, OUP 2014).
- Thomas Buergenthal, 'The Evolving International Human Rights System' (2006) 100(4) AMERICAN JOURNAL OF INTERNATIONAL LAW 783-807.
- Thomas Buergenthal, 'The Normative and Institutional Evolution of International Human Rights' (1997) 19(4) HUMAN RIGHTS QUARTERLY 703-723.
- Elena A. Baylis, 'General Comment 24: Confronting the Problem of Reservations to Human Rights Treaties' (1999) 17(2) BERKELEY JOURNAL OF INTERNATIONAL LAW 277-329.
- Michael Freeman, 'Why it remains important to take Children's Rights Seriously' (2007) 15 INTERNATIONAL JOURNAL OF CHILDREN'S RIGHTS 5-23.
- Diane Marie Amann, 'The Child Rights Convention and International Criminal Justice' (2015) 84 NORDIC J. INT'L L. 248.
- Diane Marie Amann, 'Securing Child Rights in Time of Conflict' (2016) 22 ILSA J. INT'L & COMP. L. 483.
- J A Robinson, 'International Humanitarian and Human-Rights Law Pertaining to Child Civilians in Armed Conflict: An Overview' (2002) 65 THRHR 186.
- Philip E. Veerman, 'The Ageing of the UN Convention on the Rights of the Child' (2010) 18 INT'L J. CHILD. RTS. 585.
- Joost Kooijmans, 'The ILO and Its Work against Child Labour: The Normative Framework and Recent Progress' (2007) 14 TILBURG L. REV. 31.

## **International Instruments**

- Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (adopted 16 March 2001, entered into force 18 January 2002) A/RES/54/263.
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (adopted 25 May 2000, entered into force 12 February 2002) A/RES/54/263.
- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure 2011 (adopted 19 December 2011, entered into force 14 April 2014) A/RES/66/138.
- Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.
- Convention for the Amelioration of the Condition of the Sick and Wounded in Armed Forces in the Field (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 31.
- Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 85.
- Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135.
- Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287.
- Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3.
- Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 609.
- Universal Declaration of Human Rights (adopted 10 December 1948) 217 A (III).
- International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.
- International Covenant on Economic, Social and Cultural Rights, (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.
- Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.
- European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950
- African Charter on Human and Peoples' Rights, 1981
- African Charter on the Rights and Welfare of the Child, 1990
- American Convention on Human Rights, 1969
- Worst Forms of Child Labour Convention, 1999

- Minimum Age Convention, 1973
- General Comment No. 1 (2001): The Aims of Education CRC/GC/2001/1
- General Comment No. 2 (2002): The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child CRC/GC/2002/2
- General Comment No. 3 (2003): HIV/AIDS and the rights of the children CRC/GC/2003/3
- General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child CRC/GC/2003/4
- General Comment No. 5 (2003): General Measures of Implementation of the Convention on the Rights of the Child CRC/GC/2003/5
- General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside Their Country of Origin CRC/GC/2005/6
- General Comment No. 7 (2005): Implementing child rights in early childhood CRC/C/GC/7/Rev.1
- General Comment No. 8 (2006): The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia) CRC/C/GC/8
- General Comment No. 9 (2006): The rights of children with disabilities CRC/C/GC/9
- General Comment No. 10 (2007): Children's rights in juvenile justice CRC/C/GC/10
- General Comment No. 11 (2009): Indigenous children and their rights under the Convention CRC/C/GC/11
- General Comment No. 12 (2009): The right of the child to be heard CRC/C/GC/12
- General Comment No. 13 (2011): The right of the child to freedom from all forms of violence CRC/C/GC/13
- General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) CRC/C/GC/14
- General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24) CRC/C/GC/15
- General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights CRC/C/GC/16
- General Comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31) CRC/C/GC/17
- Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices CEDAW/C/GC/31/CRC/C/GC/18
- General Comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4) CRC/C/GC/19
- General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence CRC/C/GC/20
- General Comment No. 21 (2017) on children in street situations CRC/C/GC/21
- Joint General Comment No. 3 of the CMW and No. 22 of the CRC in the context of International Migration: General principles CRC/C/GC/22
- Joint General Comment No. 4 of the CMW and No. 23 of the CRC in the context of International Migration: States parties' obligations in particular with respect to countries of transit and destination CRC/C/GC/23
- General Comment No. 24 (2019) on children's rights in the child justice system CRC/C/GC/24