



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

**PROGRAMME: LL.M. ONE YEAR PROGRAMME**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER – ACADEMIC YEAR 2023-2024**

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	2.3 IL SP III	INTERNATIONAL HUMAN RIGHTS LAW	2 PER WEEK				

**A. CODE AND TITLE OF THE COURSE: 2.3 IL SP III INTERNATIONAL  
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:

- 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 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 international law for further studies

## **4. DETAILED STRUCTURE OF THE COURSE**

### **MODULE 1**

- Historical Development of Human Rights
- Obligations upon States under Customary International Law
- Rights of aliens under Customary International Law
- Obligation of states to conform to international human rights standards
- State responsibility for the violation of international human rights
- Reservations and withdrawal of reservation to human rights treaties

## **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**

- Civil and political rights
- Economic Social and Cultural 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 (OUP 1992) .
- Robert Jennings and Arthur Watts, *Oppenheim's International Law* Vol 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.
- 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.
- Mathew Davies, 'Rhetorical Inaction? Compliance and the Human Rights Council of the United Nations' (2010) 35 ALTERNATIVES 449-468.
- William F. Felice, The United Nations Committee on the Elimination of All Forms of Racial Discrimination: Race and Economic and Social Human Rights, 24, HUMAN RIGHTS QUARTERLY, 205-236 (2002)
- 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>)