## PART-I: MODULE CORE INFORMATION

<table>
<thead>
<tr>
<th>Course Title:</th>
<th>INTERNATIONAL HUMAN RIGHTS LAW</th>
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<tr>
<td>Course:</td>
<td>Compulsory</td>
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<tr>
<td>Course Code:</td>
<td>LW-4</td>
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<tr>
<td>Course Instructor:</td>
<td>Dr. Nafees Ahmad</td>
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<td><a href="mailto:dnafeesahmad@sau.ac.in">dnafeesahmad@sau.ac.in</a> (Institutional)</td>
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<td><a href="mailto:nafeestarana@gmail.com">nafeestarana@gmail.com</a> (Individual)</td>
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<tr>
<td>Course Duration:</td>
<td>One Semester</td>
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<td>Credit Units:</td>
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<td>Medium of Instruction:</td>
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<tr>
<td>Prerequisites:</td>
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<tr>
<td>Precursors:</td>
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<tr>
<td>Equivalent Courses:</td>
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## PART-II: MODULE INSTRUCTOR AVAILABILITY

## PART-III: TALKING TEACHING TERRITORY (t3)

## PART-IV: MODULE CLASS ATTENDENCE

## PART-V: MODULE CLASS PARTICIPATION

## PART-VI: MODULE ASSIGNMENTS

## PART-VII: MODULE STRUCTURE

## PART-VIII: MODULE OBJECTIVE

## PART-IX: MODULE UPDATES
PART-X: MODULE CONTENTS

WEEK: 1. INTRODUCTION TO THE INTERNATIONAL HUMAN RIGHTS LAW


Discussion Topics:

- What is a right? What are human rights? Why do we have them?
- Who counts as a human and on what grounds?
- Does the disagreement about the meaning of human rights undermine it as a political project?
- What kinds of human rights problems does the world face today?
- What role do national and international judicial institutions play in addressing these?
- How did human rights come to shape the foreign policy imperatives of states in post-1945?
- What do human rights treaties require states to do?
- Why do states sign up to human rights treaties? Do they ever keep human rights commitments?
- How do citizens and NGO's put pressure on states? Is human rights politics just “Selectivism”?
- Why does the US promote human rights while refusing to sign on to major human rights treaties?
- Is human rights just window-dressing for national interests?
- Should democracies promote democracy? Can outsiders help insiders frame a democratic constitution: One Case of Any Country?

Cases: One leading case shall be discussed.

Core Readings:


More Readings:


WEEK: 2. THE HUMAN RIGHTS MOVEMENT IN RETROSPECT


Discussion Topics:

✧ What are the legal foundations of human rights?
✧ What are the sources of international human rights law?
✧ How was international law applied through the end of World War II?
✧ What limits do human rights impose on states combating terrorism?
✧ Should states promote international justice for human rights violations?
✧ What role do the legislative, judicial, and executive actions of states play in the promotion and observance of human rights?
✧ How has the spread of liberal constitutionalism helped these efforts?
✧ Through what arrangements may minority groups exercise self-determination or autonomy within a state?
✧ Is there a trend within the human rights movement toward recognizing the legitimacy of demands for internal self-determination?
✧ How do nongovernmental organizations (NGOs) and international nongovernmental organizations (INGOs) contribute to the promotion and enforcement of human rights?
✧ How effective are they? How has their role changed and developed over time?

Cases: One leading case shall be discussed.

Core Readings:

WEEK: 3. INTERNATIONAL HUMAN RIGHTS LAW AND GLOBAL SOUTH PERSPECTIVES


Discussion Topics:

- Where do human rights come from and how have they changed world politics?
- What duties do universal human rights place on political authority?
- Is the notion of “humanity” in human rights actually universal?
- Do human rights create exclusion and serve powerful states?
- How are human rights used in political practice?
- What are the approaches to human rights?
- Why there is a multitude of approaches to human rights?
- What is the rationale behind all these approaches?
- How human rights values are promoted and preserved in multiple legal orders?
- Is there any one universally accepted approach to human rights?
- Whether the contemporary concepts of legal pluralism and human dignity share an affinity and mutually reinforcing relationship?
- Whether, on the contrary, they are antonymic or even antagonistic ways of conceiving of law and organizing its operations?

Core Readings:


More Readings:


**WEEK: 4. NORMATIVE FOUNDATION OF CORE INTERNATIONAL HUMAN RIGHTS TREATIES- CIVIL & POLITICAL RIGHTS & ECONOMIC, SOCIAL CULTURAL RIGHTS -I**


**Discussion Topics:**

- Which civil and political rights fall under the category of human rights?
- What are the instruments for their protection?
- What is the relationship between civil/political and social/economic rights?
- What roles do—and should—the courts play in developing the second set of rights?
- What rights do children have?
- What objections have been raised to the legitimacy of such rights?
- What kinds of practices raise serious children’s rights issues?

**Cases:** One leading case shall be discussed.

**Core Readings:**


**WEEK: 5. NORMATIVE FOUNDATION OF CORE INTERNATIONAL HUMAN RIGHTS TREATIES- WOMEN’S RIGHTS AS HUMAN RIGHTS-II**

Discussion Topics:

- How does the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) define women’s human rights?
- How does CEDAW seek to protect Women’s Rights?
- What questions do international requirements concerning women’s rights raise regarding the distinction between the public and private spheres?
- What role do customary law and UN resolutions play in the definition of international human rights law?

Cases: One leading case shall be discussed.

Core Readings:

1. UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

More Readings:


WEEK: 6. INTERNATIONAL HUMAN RIGHTS MONITORING INSTITUTIONS


Discussion Topics:

- What role do international organizations play in developing, monitoring, and enforcing international human rights?
- What is state sovereignty?
- How does the United Nations system deal with human rights?
What are thematic mechanisms? How does the Security Council use humanitarian interventions and sanctions to protect and enforce human rights? How successfully have these tools been used in recent years?

What tensions exist between these organizations’ purposes and state sovereignty?

What is a treaty organ?

How does the Human Rights Committee of the International Covenant on Civil and Political Rights function?

What role does Human Rights Committee of the International Covenant on Civil and Political Rights play in the promotion and enforcement of human rights?

What kinds of complaints are brought before the ICCPR Committee?

How does it differ from other treaty regimes?

**Cases:** One leading case shall be discussed.

**Core Readings:**


**MID-SEMESTER EXAMINATION**

**WEEK: 7. EVOLUTION AND REGIONAL APPROACHES TO HUMAN RIGHTS ARRANGEMENTS**


**Discussion Topics:**

- What regional arrangements exist to protect and promote human rights?
- How do they differ from universal systems?
- What are their advantages and disadvantages? How does the European system work?
- What kinds of conflicts does the European Court handle? With what results?
- How do the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights go about promoting human rights?
- How does the African System attempt to enforce human rights? How does it compare with the European and Inter-American systems?

**Cases:** One leading case shall be discussed.
Core Readings:


WEEK: 8. UNIVERSALISM OF HUMAN RIGHTS CULTURE, HUMAN RIGHTS INSTRUMENTS INTERPRETATION AND AMPHITHEATRE OF DEVELOPMENT, FINANCE AND TRADE


Discussion Topics:

- What is the contemporary Western understanding of rights?
- What is the relationship between rights and duties in different traditions of political thought around the world?
- Are human rights universal, or does their legitimacy depends on their conformity with certain cultures?
- What conflicts exist between the traditional gender roles dominant in some cultures and universal human rights norms?
- What problems exist in developing a feminist perspective on human rights?
- What problems exist in developing a feminist perspective on human rights?
- What reservations have some states made concerning their acceptance of CEDAW?
- What conflicts exist between state sponsorship of particular religious belief or practice and universal human rights norms?
- How do different analysts define globalization and its impact on human rights? Is there a right to socio-economic development?

Cases: One leading case shall be discussed.

Core Readings:

2. Aurel Croissant & Christoph Trinn, *Culture, Identity and Conflict in Asia and Southeast Asia*, Culture, Identity and Conflict in Asia and Southeast Asia, ASIEN 110 (Jan. 2009), S. 13-43

**WEEK: 9. CLIMATE CHANGE AND HUMAN RIGHTS**

- General Framework, Climate Change and Human Rights, Relationship between Climate Change and Interdependent Human Rights, Global Warming and Environmental Protection, Rights Perspectives on Climate Change, Rights-Based Approach to Climate Change, Role of States: Limits and Potentialities of the Human Rights Protection System, the Missing Link between Harmony and Invention and Summation.

**Discussion Topics:**

- What are climate change and its multi-dimensional ramifications?
- What are the key rights central to human existence affected by the climate change?
- Do anthropogenic greenhouse gas emissions affect human rights?
- Should fundamental rights shape climate policies?
- How to balance human rights with climate policies?
- Is there relationship between United Nations Framework Convention on Climate Change (UNFCCC) and Human Rights Regulatory Regimes?
- How to explore the relationship between climate change and interdependent human rights, through the lens of an international and comparative perspective?
- Is there any possibility of overcoming the divide between universal rights and climate change, and underlying barriers?

**Cases:** One leading case shall be discussed.

**Core Readings:**

More Readings:

1. Adams, Barbara and Luchsinger, Gretchen, *Climate Justice for a Changing Planet: a Primer for Policy Makers and NGOs* (UN Non-Governmental Liaison Service, 2009)

WEEK: 10. HUMAN RIGHTS IN SAARC NATIONS


South Asian Constitutional Texts:

- Preamble with Articles 6, 7, 8, 22-59 of the Constitution of Afghanistan
- Preamble with Article 26-47A of the Constitution of Bangladesh
- Preamble with Articles of the Constitution of Bhutan
- Preamble with Articles 12-32 of the Constitution of India
- Preamble with Articles 16-69(FR), 189 (HRC) of the Constitution of Maldives
- Preamble with Articles of the Constitution of Nepal
- Preamble with Articles 8-28 of the Constitution of Pakistan
- Preamble with Articles 10-17 of the Constitution of Sri Lanka

Discussion Topic:

- Do Asian Values make international human rights norms inapplicable to Asian countries?
- How serious a challenge do they raise for the idea that human rights are universal?
- Is there any feasibility of evolving the South Asian Charter of Human Rights?

Cases: One leading case shall be discussed.

Core Readings:


**WEEK: 11. CURRENT KEY ISSUES AND CHALLENGES IN INTERNATIONAL HUMAN RIGHTS LAW**

- Terrorism and Counter-terrorism and Human Rights, Cultural Relativity, Sexual Orientation and Gender Identity and Human Rights, The Rights of Minorities and Indigenous Peoples, The Right to Development, Amnesties and Human Rights, Transnational Corporations and Human Rights, The Extraterritorial Application of International Human Rights Obligations, The Right to Fair Trial Guarantees, The Right to Freedom from Torture and Inhuman or Degrading Treatment (including the use of torture in so-called “ticking bomb” scenarios), Freedom of expression (including the protection awarded to expression that is offensive to religious feelings, holocaust denial, and hate speech), Life and death (including the issue of abortion and assisted suicide), Massive Human Rights Tragedies: Prosecutions and Truth Commissions, Universal Jurisdiction and International Crimes, International Criminal Tribunals for the Former Yugoslavia and Rwanda etc. (*Only one issue shall be discussed*)

- Film: *Calling the Ghosts* (Please arrive on time for class; the film is 63 minutes long) and Other Thematic Human Rights Short Movies and Documentaries for Academic Research & Understanding.

**Discussion Topic:**

- Terrorism, Counter-terrorism and human rights
- Non-state actors and human rights
- Implementation of economic, social and cultural rights
- The relationship of religion and human rights
- International development, global impoverishment and human rights
- Gender challenges for international human rights
- The extraterritorial application of international human rights law on civil and political rights
- Enforcement and remedies
- Victims’ participation and reparations in international criminal proceedings
- Continuing evolution of the United Nations treaty bodies system
- The future of the United Nations Special Procedures
- The role and future of the Human Rights Council
- Transitional justice
- How can we respond to massive violations of human rights?
- What are the principles on which such responses are mounted?
- What kinds of responses have been attempted in the past?
- What has been the international and internal state response to the 1994 genocide in Rwanda?
- How effective has this response been? What factors complicate an effective response?
- How do truth commissions deal with massive human rights violations? What are the advantages of truth commissions? What challenges do they face, and what problems do they raise?
- What are terrorism and its dimensions?
- Is there any universally accepted definition of terrorism?
- Do terrorists have human rights?
- Why terrorism is employed as a theology of liberation in major regions of the world?
- What is the difference between Jihad and terrorism?
Cases: One leading case shall be discussed.

Core Readings:


WEEK: 12. CRITIQUING AND EVALUATING INTERNATIONAL HUMAN RIGHTS LAW

- International Human Rights Law Course Contents, Term Papers Presentations, Course Wrap-up, Thanks-Giving and Online Feedback

Part-XI: - CASE LAW DIGEST

Part XII:-ADVANCED READINGS:

Part-XIII:-LEGAL TEXTUAL READINGS:

Part-XIV

A. THE RECEPTION AND INCORPORATION OF INTERNATIONAL HUMAN RIGHTS REGIME IN SOUTH ASIAN NATIONS

B. THE HUMAN RIGHTS LEGAL FRAMEWORKS IN OTHER COUNTRIES:

US, Canada, Europe, Australia, China, Latin America, Japan, Malaysia and South Africa etc

Part-XV: - GRADING SYSTEM FOR THE STUDENTS’ ACHIEVEMENT:

Standard (A+, A, A-…F) Grading is based on students’ overall performance in the assessment tasks/activities/assignments/term papers etc.

To pass this course, students must obtain an aggregate mark of 50% and a minimum of 50% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.