

International Charter of Human Rights

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Compulsory, conducted in English and Chinese, 2 hours per week, 36 hours' class in total, given in spring semester. 2 credits

(AIM) The purpose of this course is to introduce students to the international charter of human rights. It complements the compulsory course 'International Mechanisms for Human Rights Protection'.

(CONTENT) This course will start with the Universal Declaration of Human Rights and the two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The provisions in these documents can often be explained or supplemented by other instruments subsequently adopted within the UN system, as well as various studies and reports submitted by the UN Special Rapporteurs of the Human Rights Council. As to some of the major content categories, emphasis should be placed on equal enjoyment of all human rights and non-discrimination in that enjoyment; special measures for eliminating discrimination and thus achieving equal rights, the right of peoples to self-determination; the integrity and security of the individual person; the administration of justice and in particular of criminal justice; the freedoms of movement and association; the right to education including human rights education; social rights with a focus on the right to health; economic rights; and the availability of national remedies for implementation purposes. The placement of the emphasis may vary from year to year depending on the specializations of the teacher(s) involved.

Furthermore, the course should look into the universality of human rights, the equal value of all human rights, and the indivisibility and inter-dependence of all human rights, as well as the possibility of historical or cultural/regional particularities. On these issues, reference will be made to the 1993 Vienna Declaration and the accompanying Action Plan. For comparative purposes, student participants may be invited to examine human rights instruments adopted by regional organizations in Africa, the Americas and Europe as well as the case-law from the respective monitoring institutions, notably the Inter-American and the European Courts of Human Rights.

(RESULT) At the end of the course, students should be able to:

- (1) work out which treaties any State is bound by,
- (2) identify which human rights are engaged in any given situation (eg a hypothetical problem scenario),
- (3) critically evaluate the scope and nature of any human right,
- (4) conduct research on any given international human rights topic

(ASSESSMENT) Each student will be required to participate in seminars (20% of the total points). A short essay (3000 words, 70% of the total points) will be submitted as required by the Law School at the end of the semester. Class attendance will be 10% of the total points.

(SCHEDULE)

Note the schedule may change due to matters of interest or unforeseen matters

February

Introduction, relevant aspects of international law
The UN, the Universal Declaration of Human Rights and the Bill of Rights
How do states adopt treaties?
Research skills – finding international human rights materials

March

Right to Self-Determination (Art. 1, Covenant A and B)
Anti-Discrimination (Art. 2, Covenant B)
Minority protection (Art. 27, Covenant B)
Art. 4, Covenant B: Non-Derogated Rights

April

Right to life (CCPR Art.6, April 13)
Right to education (ESCR Art. 13, April 20)
Free from torture (CCPR Art. 7, April 27, Monday)
Right to liberty and security of person (CCPR Art. 9, April 30, Thursday)

May

Freedom of expression (CCPR Art. 19, May 7, Thursday)
Hatred speech (CCPR Art. 20, May 9, Saturday)
Freedom of association (CCPR Art. 22, May 10, Sunday)
Political rights (CCPR Art 25, May 11, Monday)
Work in the Human Rights Committee (a brief introduction, May 14, Thursday)

June

Last two weeks' seminars and conclusions – Seminar topics will be handed out during the course.

(READING)

Manfred Nowak, *Commentary on the ICCPR*

Eide et al (ed), *Covenant on Economic, Social and Cultural Rights*

References provided by Professor G. Zyberi:

1. G. Zyberi, 'The International Court of Justice and the Rights of Peoples and Minorities' in Christian Tams and James Sloan (eds.), *The Development of International Law by the International Court of Justice* (Oxford University Press, 2013), pp. 327-352.
2. G. Zyberi, 'The International Court of Justice', in G. Zyberi (ed.), 'An Institutional Approach to the Responsibility to Protect' (Cambridge University Press, 2013), pp. 365-385.
3. G. Zyberi, 'The Role and Contribution of International Courts in Furthering Peace as an Essential Community Interest', in Cecilia M. Bailliet and Kjetil Mujezinović Larsen (eds.), *Promoting Peace Through International Law* (Oxford University Press, 2015), pp. 344-367.
4. G. Zyberi, 'Responsibility of States and Individuals for Mass Atrocity Crimes' in André Nollkaemper and Ilias Plakokefalos (eds.), *The Practice of Shared Responsibility in International Law* (Cambridge University Press, 2017), pp. 236-262.
5. The last General Comment of the UN Human Rights Committee on the Right to Life (GC 36, Right to Life, 2018).

The actual treaties are mostly in the textbook of International Human Rights Law at the website of the Peking University Research Center for Human Rights and Humanitarian Law.

In addition, students are expected to become familiar with the website of the Office of the High Commissioner of Human Rights and various other official and reputable international websites. Students are required to undertake individual research online. This will ensure that the students can successfully work in human rights in future years accessing up to date material online, irrespective of access to textbooks.