

International Mechanisms of Human Rights Protection

Professor BAI Guimei

Compulsory course, 2 hours per Weeks, 36 hours in total, 2 credits.

(AIM) This course offers students a thorough overview of the international human rights monitoring mechanisms and the inter-relationship among them. It complements the compulsory course “International Charter of Human Rights”.

(CONTENT) The course includes five parts: The first part focuses on Charter-based organs in United Nation and related procedures, such as the personal complaint procedures, special rapporteurs, etc, with the focus on the UN Human Rights Council. The second part centers on the treaty-based organs and the related procedures, such as Human Rights Committee and Committee on the Elimination of Discrimination against Women, etc.. The third part is concentrated on discussions of regional human rights monitoring mechanism, including European Court of Human Rights, the Inter-American Commission on Human Rights, Inter-American Court of Human Rights and African Commission on Human and People's Rights. *Due to the absence of the same kind of institutions in Asia (with the ASEAN Intergovernmental Commission on Human Rights as an exception)*, the course will analyze the possibility of setting up human rights monitoring mechanism according to present situation in Asia. The fourth part will focus on the international courts and tribunals, such as the International Criminal Court and the International Criminal Tribunal for the Former Yugoslavia. The last part will focus on national human rights institutions and its relation to the United Nations and human rights treaty bodies. Cases will be studied in forms of students team work and group discussions. The proportion of lecturing and discussion of the course is 50-50. Group work and case studies will be used during the whole process.

(RESULT) On completion of this course, students should be able to:

- (1) Explain and evaluate mechanisms of human rights protection based on the UN Charter;
- (2) Analyze mechanisms of human rights protection based on international human rights conventions;
- (3) Demonstrate a good understanding of regional systems of human rights protection;
- (4) Critically evaluate national human rights institutions and their roles;

(5) Comment on the inter-relationship between different mechanisms.

(ASSESSMENT) Group work and attendances of discussion comprises 20% of the total points. A short essay (70% of the total points) will be submitted as required by the Law School at the end of the semester. Class attendance will comprise 10% of the total points.

(SCHEDULE)

The following schedule may change due to unforeseen circumstances or alteration of topics.

Week 1 General introduction to the mechanisms of international human rights protection (**Professor Bai Guimei**)

1. The concept of international human rights protection
2. Historical development
3. UN Charter and human rights protection
4. Practice of UN in human rights protection
5. Charter based Bodies on human rights protection
6. Treaty based bodies on human rights protection
7. Regional mechanisms
8. The role played by NGOs.
9. National Human Rights Institutions

Week 2 UN Human Rights Council (**Ambassador Liu**)

1. The establishment of the Council
2. The composition of the Council
3. The main purposes of the Council
4. The structure of the Council
5. China and the Council

Week 3 Special Procedures of HRC (**Professor Rhona Smith**)

1. Brief introduction of special procedures
2. Thematic mandates (topics)
3. Country-specific mandates (countries under study)
4. Roles played by special procedures (human rights experts): take Special Rapporteur on the situation of human rights in Cambodia as an example

Week 4 Universal Periodic Report (UPR) (**Professor Bai Guimei**)

1. Significance of UPR

2. Procedures
3. China and UPR

4. Group work

Week 5 International Human Rights Treaty Bodies (Ambassador Liu)

1. General introduction
2. Composition and operation
3. Relationship with the United Nations
4. NGOs and their Role
5. Main problems and strategies to cope with them

Week 6 Reporting system of treaty bodies (Professor Bai Guimei)

1. Significance and role of the reporting system
2. Reform of the reporting system
3. The drafting of the report (take CEDAW as an example)
4. The submitting and reviewing of the reports
5. Concluding recommendations and their effects
6. Follow-up actions

7. Group work

Week 7 Individual Complaints mechanisms/procedures (Professor Bai Guimei)

1. Legal foundations: provisions of international human rights conventions
2. Role in human rights protection
3. Criteria for admissibility
4. Review by the commissions
5. Views of the commissions and their effects
6. Follow-up actions

Week 8 Regional human rights mechanisms (Ambassador Liu)

1. European Human Rights Court

2. American Human Rights Commission and Court

Week 9 1. African Human Rights Commission and Court (Ambassador Liu)

2. Status of Asian Human Rights Protection (ASEAN

Intergovernmental Commission on Human Rights)

Week 10 International NGOs and human rights protection (Professor Bai Guimei)

1. NGOs' status in international law

2. Main international human rights NGOs
3. Relations with the United Nations
4. NGOs in China

Week 11. ICC and human rights protection (Professor Bai Guimei)

1. The process of the establishment of ICC
2. Jurisdictions of ICC
3. Case studies
4. Comments

5. Group work

Week 12. Human Rights Protection and China (Ambassador Liu)

Week 13. Questions and Answers (Bai Guimei and Ambassador Liu)

(READING) One of the books provided by the program: Manfred Nowak, *Introduction to the International Human Rights Regime* and some handouts if needed.

Other readings, if necessary, will be sent to the students at least one week before the class.