

## *Compulsory Paper*

### International Human Rights

The continuing aspiration of an individual to seek an environment where one is treated with equity, equality and justice represents the evolution of Human Rights. The concept of human rights of justice and of human dignity as such date back to antiquity. The institutionalisation of human rights in national and international constitutional documents is a development which has penetrated into international system at the end of eighteenth century. During this period, fundamental rights were for the first time listed in catalogues similar to those available in our constitutions today. The objective of this paper is to make student familiar with various aspects of human rights. Human rights education not only provides understanding of one's own rights but also fostering of an attitude of tolerance, goodwill and removal of prejudices towards fellow human beings. The topics are chosen carefully so that the students can be motivated to pursue their interest in the field of human rights area.

## Course Outline

### HUMAN RIGHTS LAW

#### **Module I: International Law on Human Rights**

1. Introduction: The Development of International Human Rights Law.
2. Universal Declaration of Human Rights (UDHR)
3. International Covenant on Civil and Political Rights
  - i. Optional Protocol I
  - ii. Optional Protocol II
4. International Covenant on Economic, Social and Cultural Rights
  - i. Protocol to Economic, Social and Cultural Rights
5. UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
  - i. Optional Protocol to the Convention against Torture
6. International Convention on the Elimination of All Forms of Racial Discrimination.
7. UN Convention on the Elimination of All Forms of Discrimination Against Women
  - i. Optional Protocol to CEDAW
8. UN Convention on the Rights of the Child
  - i. Optional Protocol to the CRC on the involvement of Children in Armed Conflict
  - ii. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
9. International Convention on the Protection of All Migrant Workers and Members of their Families
10. International Convention for the Protection of All Persons from Enforced Disappearance
11. UN Convention on the Rights of Persons with Disabilities
  - i. Optional Protocol to the Convention on the Rights of Persons with Disabilities
12. Declaration on the Rights of Indigenous Peoples
13. ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries ( No.169)

#### **Module II: Regional Instruments**

1. European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950
2. American Declaration of the Rights and Duties of Man, 1948
3. American Convention on Human Rights, 1978
4. Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador”, 1988
5. African (Banjul) Charter on Human and Peoples Rights 1986

#### **Module –III: National**

##### **Part A**

1. Fundamental Rights and Directive Principles of State policy under the Indian Constitution
2. Role of Judiciary in Protection of Human Rights in India
3. Role of Non-Governmental Organizations in the Protection of Human Rights in India

##### **Part B**

1. National Human Rights Commission of India
2. National Commission for Women
3. National Commission for Minorities

## **Compulsory Readings:**

### **Primary Sources**

Report of the Secretary General of the United Nations, *In Larger Freedom: Towards Development, Security and Human Rights for All*

### **Secondary Sources**

Introduction to Commission on Human Rights

Ramcharan, B.G., “The Protection Concept of the Human Rights Council” in Manoj K. Sinha (ed.) *International Criminal Law and Human Rights* (Manak Publications, New Delhi, 2010), pp.27-56.y

Ghandhi, Sandy, *International Human Rights Law: Origins, Governance and Education*, Manoj K. Sinha(ed.) *Global Governance, Human Rights and Development*( Satyam Law International Law, New Delhi, 2009)y

Walker, Scott & Poe, Steven C, “Does Cultural Diversity Affect Countries for Respect for Human Rights?” *Human Rights Quarterly*, vol.24, 2002, pp.237-263

Waltz, Susan, “Universalising Human Rights: The Role of Small States in the Construction of Universal Declaration of Human Rights” *Human Rights Quarterly*, vol.23, 2001, pp.44-72.y

Joseph, Sarah, “Human Rights Committee: Recent Cases” *Human Rights Law Review*, vol.5, n.1, 2005, pp.105-116

Sinha, Manoj Kumar, “Respect of Human Rights in Time of State of Emergency: International and National Perspectives” *Indian Journal of International Law*, vol.47 (2007), pp. 225-236.

Felice, William F., “The UN Committee on All Forms of Racial Discrimination: Race, and Economic and Social Rights” *Human Rights Quarterly*, vol.24 (2002), pp.205-36.

Neuwirth, Jessica, “Inequality Before the Law: Holding States Accountable for Sex Discriminatory Laws Under the Convention on the Elimination of All Forms of Discrimination Against Women Through the Beijing Platform for Action” *Harvard Human Rights Journal*, Vol.18, 2005, pp.19-54.y

Olivier, Audrey and Narvaez, Marina , “OPCAT Challenges and the Way Forwards: The Ratification and Implementation of the Optional Protocol to the UN Convention against Torture” *Essex Human Rights Review*, vol.6,n.1, 2009.

Thornberry, Patrick, “ Confronting Racial Discrimination: A CERD Perspective” *Human Rights Law Review*, Vol.5, n.2, 2005, pp.239-269.

Alastair Mowbray, “The Creativity of the European Court of Human Rights” *Human Rights Law Review*, Vol.5, n.1, 2005, pp.55-79

Bello, E.G., “The African Charter on Human and People’s Rights”, *Recueil Des Cours* (The Hague), vol.194, 1985-86, pp.21-268.

Baderin, Mashood A., “Recent Developments in the African Regional Human Rights System” *Human Rights Law Review*, Vol.5, n.1, 2005, pp.117-149

Cassese, Antonio, “ How Could Non-Governmental Organisations Use UN Bodies More Effectively?”

### **Optional Readings**

Abranches, Carlos Alberto Dunshee de, “The Inter-American Court of Human Rights”, *American University Law Review* (Washington), vol.30, no.1, 1980, pp.79-125.

Alston, Phillip, Crawford ed., *The Future of UN Human Right Treaty Monitoring* (Cambridge: Clarendon Press, 1992).

Alston, Phillip, & Simma, Bruno, “First Session of the UN Committee on Economic, Social and Cultural Rights” *American Journal of International Law*, vol.81 (1987), pp.747-757.

-----, “Second Session of the UN Committee on Economic, Social and Cultural Rights” *American Journal of International Law*, vol.82 (1988), pp.603-615

Dennis, M. & Steward, D.P., “Justiciability of Economic, Social and Cultural Rights: Should there be an International Complaints Mechanism to Adjudicate the Rights to Food, Water, Housing and Health?” *American Journal of International Law*, vol.98 (2004), pp.462-515.

Dhir, Aaron A., “ Human Rights Treaty Drafting through the Lens of Mental Disability: The Proposed International Convention on Protection and Promotion of the Rights and Dignity of Person with Disabilities” *Stanford Journal of International Law*, vol.41, pp.181-216.

Guggenheim, Martin, “ Ratify the U.N. Convention on the Rights of the Child, But Don’t Expect and Miracles” *Emory International Law Review*, vol.20(2006), pp.43-68.

Harris, D.J., et.al., *Law of the European Convention on Human Rights* (London: Butterworth, 1995).

Singh, M.P., “Constitutionalization and Realization of Human Rights in India” in C.Rajkumar and K. Chockalingam (ed.) *Human Rights, Justice, and Constitutional Empowerment* (Oxford, University Press, New Delhi), pp. 26-46.

Sinha, Manoj Kumar, *Implementation of Basic Human Rights* (Manak Publications, New Delhi, 2002)

-----, “Sexual Harrasment: A Wrong Beyond Discrimination”*Journal of the Indian Law Institute*, vol.41(1999), pp.478-488.

Steiner, Henry J, Alston, Philip & Goodman, Ryan, *International Human Rights in Context: Law, Politics and Morals*, ed. 3<sup>rd</sup> ( Oxford University Press, Oxford, 2008)

### **Internet Resources**

Below are some of the resources available on the internet. For current International Law and Human Rights web sites:

Concise Guide to Human Rights on the Internet

<http://www.derechos.org/human-rights/manual.htm>

Electronic Information System for International Law

<http://www.eisil.org/>

The International Network for Economic, Social and Cultural Rights (ESCR-Net)

<http://www.escr-net.org/>

United Nations High Commissioner for Human Rights

<http://www.ohchr.org>

United Nations Development Programme

<http://www.undp.org/>

Country Reports on Human Rights Practices (U.S. Dept. of State)

<http://www.state.gov/g/drl/hr/>

University of Minnesota Human Rights Library

<http://www1.umn.edu/humanrts/>

Project Diana: Online Human Rights Archives

<http://www.yale.edu/lawweb/avalon/diana/index.html>

Human and Constitutional Rights Resource Page at Columbia University

<http://www.hrcr.org/>

Electronic Resource Centre for Human Rights Education

<http://erc.hrea.org/>

Amnesty International

<http://www.amnesty.org/>

Human Rights Internet

<http://www.hri.ca/>

Human Rights Watch

<http://www.hrw.org/>

Institute for Global Communications (IGC)

<http://www.igc.org/igc/gateway/index.html>

International Human Rights Law Group

<http://hrlawgroup.org/>

Human Rights First (formerly Lawyers Committee for Human Rights)

<http://www.humanrightsfirst.org/>

Overseas Development Institute

<http://www.odi.org.uk/>

Women's Human Rights Resources

<http://www.law-lib.utoronto.ca/Diana/index.htm>

