



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

Semester: I

LL.M. (One Year Programme)

Paper Code: LM-115

International Human Rights Law

Credit - 02

Introduction:

The course aims to provide a basic introduction to international human rights, their conceptual and historical foundations, as well as the main international legal instruments and institutions aimed at protecting and promoting human rights worldwide. The course will offer a variety of disciplinary perspectives on the subject of human rights starting most prominently from international law, but including also history, philosophy, social anthropology and theories of international relations. Throughout the course, concrete case studies will be used to illustrate the range of human rights problems as well as the utility of the accountability paradigm to current international and national events and problems. The combination of theoretical approaches, legal analysis and an investigation into specific historical events and concrete case studies will enable students to acquire key skills in the application of human rights to their research and practice in a variety of areas.

Course Objectives:

1. To understand the Evolution and Notions of Human Rights.
2. To analyze the generations of human rights and its relation to state sovereignty, politics culture and religion.
3. To understand the various international instruments on Human Rights and their respective impact.
4. To analyze the role of such international human rights instruments in municipal laws of the countries, especially India.

Learning Outcomes:

On the successful completion of course, students will be able to:

1. Learn about the Evolution and Notions of Human Rights;
2. Know about the generations of human rights and its relation to state sovereignty, politics culture and religion;
3. Understand the various international instruments on Human Rights and their respective impact;
4. Analyse the role of such international human rights instruments in municipal laws of the countries, especially India.

Module - I**Concept, Development and Philosophy of Human Rights**

- 1.1. Evolution and Theories (Traditional and Contemporary);
- 1.2. Notion of Human Dignity, Human Rights and Constitutional Values;
- 1.3. Generations of Human Rights;
- 1.4. Human Rights, Globalization and State Sovereignty;
- 1.5. Human Rights in relation to Politics, Culture and Religion.

Module - II**Human Rights: International Perspective**

- 2.1. United Nations Charter;
- 2.2. Universal Declaration of Human Rights;
- 2.3. Civil, Political, Social and Economic Rights;
- 2.4. Regional Instruments;
- 2.5. Consultative Status of Civil Society.

Module - III**International Regime of Enforcement of Human Rights**

- 3.1. The United Nations (UN): Security Council;
- 3.2. The UN Human Rights Council;
- 3.3. The European Union;
- 3.4. Inter-American Convention on Human Rights;
- 3.5. UN and Regional Human Rights System.

Module - IV
International Human Rights and Municipal Legal Systems

- 4.1. European Court of Justice and Status of International Human Rights Law in Municipal Laws;
- 4.2. International Human Rights Law and the Indian State;
- 4.3. Indian Supreme Court and International Human Rights;
- 4.4. Science, Technology and Human Rights;
- 4.5. Democracy, Rule of Law and Good Governance.

Prescribed Legislations:

1. The Convention on the Elimination of All Forms of Discrimination against Women.
2. The Convention on the Rights of the Child, 1989.
3. The Declaration on the Rights of Disabled Persons, 1975.
4. The ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989.
5. The International Covenant on Civil and Political Rights, 1966 (ICCPR).
6. The International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR).
7. The United Nations Declaration of Rights of Indigenous People, 2007.
8. The Universal Declaration of Human Rights, 1948.

Prescribed Books:

1. Steven Wheatley, IDEA INTERNATIONAL HUMAN RIGHTS LAW, (Oxford University Press, 2019).
2. Jack Donnelly and Daniel J. Whelan, INTERNATIONAL HUMAN RIGHTS, ROUTLEDGE, (2020).
3. Ilias Bantekas and Lutz Oette, INTERNATIONAL HUMAN RIGHTS LAW AND PRACTICE (Cambridge University Press, 2020).
4. Dr. S. K. Kapoor, HUMAN RIGHTS UNDER INTERNATIONAL LAW AND INDIAN LAW, (Central Law Agency, 2017).
5. Prof. Javaid Rehman, INTERNATIONAL HUMAN RIGHTS LAW: A PRACTICAL APPROACH, Longman, (2002).

Prescribed Readings

1. Amartya Sen, *Elements of a Theory of Human Rights*, (4)32,(PHILOSOPHY & PUBLIC AFFAIRS, 2004).
2. Johannes Morsink, *The Philosophy of the Universal Declaration*, (HUMAN RIGHTS QUARTERLY, 1984).
3. Hultman Lisa, Jacob Kathman and Megan Shannon, *Beyond Keeping Peace : United Nations Effectiveness in the Midst of Fighting*, Vol. 108, No. 4 , THE AMERICAN POLITICAL SCIENCE REVIEW, (2014).
4. Nigel Rodley, *United Nations Human Rights Treaty Bodies and Special Procedures of the Commission on Human Rights: Complementarity or Competition*, HUMAN RIGHTS QUARTERLY, (2003).
5. Christopher McCrudden, *Why Do National Court Judges Refer to Human Rights Treaties? A Comparative International Law Analysis of CEDAW*, THE AMERICAN JOURNAL OF INTERNATIONAL LAW, (2015).
6. Marsha A. Freeman, *The Human Rights of Women under the CEDAW Convention: Complexities and Opportunities of Compliance*, 91, *Proceedings of the Annual Meeting* AMERICAN SOCIETY OF INTERNATIONAL LAW, (1997).
7. Sonia Harris-Short, *International Human Rights Law: Imperialist, Inept and Ineffective? Cultural Relativism and the UN Convention on the Rights of the Child*, Vol. 25, No. 1, HUMAN RIGHTS QUARTERLY, (2003).
8. Emilie C. Schwarz, *Human vs. Machine: A Framework of Responsibilities and Duties of Transnational Corporations for Respecting Human Rights in the Use of Artificial Intelligence*, 58 COLUM. J. TRANSNAT'L L. 232, (2019).

Suggested Readings:

1. Eric Neumayer, *Do International Human Rights Treaties Improve Respect for Human Rights?* THE JOURNAL OF CONFLICT RESOLUTION, (2005),
2. Thomas Buergenthal, *The Evolving International Human Rights System*, THE AMERICAN JOURNAL OF INTERNATIONAL LAW, (2006).
3. Rebecca J. Cook, *International Human Rights and Women's Reproductive Health*, STUDIES IN FAMILY PLANNING, (1993).

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15/04/2024
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