



NATIONAL UNIVERSITY HANOI
SCHOOL OF LAW

COURSE SYLLABUS
Đề cương môn học

**MASTER
PROGRAMME
ON HUMAN
RIGHTS
LAWS**

**Thạc sỹ Pháp
Luật về Quyền
con người**

Class

2011-2013

CAL 6002

***International Human
Rights Norms and
Standards***

**Các nguyên tắc và tiêu chuẩn
quốc tế về quyền con người**

With the support of

**Norwegian Center for Human Rights
of University of Oslo**



NỘI DUNG MÔN HỌC/ COURSE SYLLABUS

Mã/Course code	CAL 6002
Tên Course title	Các nguyên tắc và tiêu chuẩn quốc tế về quyền con người <i>International Human Rights Norms and Standards</i>
Số tín chỉ /# of credits	4 credits
Số thời gian lên lớp / Lecturing hours	15 teaching sessions @ 3 hours = 45 teaching hours 5 seminar sessions @ 3 hours= 15 seminar hours
Time	5-17 Dec 2011
Tên giảng viên dự kiến Name of course instructors/lecturers	<ol style="list-style-type: none"> 1. Dr. Lone Lindholm, Danish Institute of Human Rights 2. Dr. Mike Hayes, Mahidol University 3. Prof. Dr. Nguyễn Đăng Dung – Dean of Constitution and Administration Dept, School of Law 4. Dr. Vũ Công Giao, Lecturer, School of Law <p>Teaching Assistants</p> <ol style="list-style-type: none"> 1. NCS La Khanh Tung – School of Law 2. NCS Ngô Hương – School of Law
Ngôn ngữ Language conduct	English

1. Mục tiêu đào tạo/ Course objective

Môn học này dự định giúp học viên:

Hiểu được lịch sử ra đời và phát triển của luật quốc tế về quyền con người; đặc điểm, vị trí, vai trò của luật quốc tế về quyền con người với ý nghĩa là một ngành độc lập của luật quốc tế hiện đại.

Hiểu được các nguyên tắc và tiêu chuẩn quốc tế cơ bản về quyền con người và nội hàm của các nguyên tắc, tiêu chuẩn này theo nhận thức chung trên thế giới.

Course objective

The course will provide students with strong understanding development history of international law on human rights: characters, role of international law on human rights. In addition, the course explains the norm and international standards on human rights that is popular in the world.

2. Nội dung tóm tắt

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| <ol style="list-style-type: none">1. Khái niệm và lịch sử phát triển luật quốc tế về quyền con người2. Vị trí, đối tượng, phương pháp điều chỉnh và nguồn của luật quốc tế về quyền con người3. Khái quát về các quyền và tự do của cá nhân4. Các quyền dân sự, chính trị5. Các quyền kinh tế, xã hội, văn hóa | <ol style="list-style-type: none">1. Concept and historical development of international law on human rights2. Role, subject and scope of international law on human rights3. Overall understanding on human freedoms4. Overall understanding on substantive rights on political and civil rights5. Overall understanding on substantive rights on economic, social and cultural rights |
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3. Criteria for Evaluation and Exam:

One paper (hand-in in Vietnamese or English)	20 %
Class Participation and	15 %
Group Assignment/Presentation	15 %
Final exam	50 %.

Mid term paper:

The paper will be two academic paper in English of around 1500-2000 words, of publishable standard (this means a critical analytical paper. The paper topic is “.....”.

Group assignment:

The group assignment is “.....”. *tbd by lecturers*

4. Course syllabus:

	<u>Morning (9-12)</u>	<u>Afternoon (14-17)</u>
W 1	<i>Dr. Lone Lindholt</i>	
Mon 5/12/2011	<i>Lecture 1: Intro 1: International instruments</i> History and development, mapping the field of international human rights instruments; Relation to other fields of IL	<i>Free study</i>
Tue 6/12/2011	<i>Lecture : Intro 2: Basic legal principle</i> e.g. hard/soft law; signature/accession/ratification; reservation; derogation	<i>Free study</i>
Wed 7/12/2011	<i>Lecture 3: Intro 3: The concept of HR Actors</i> Institutions and entities who are relevant stakeholder and agents in relation to the international human rights regulation internationally and domestically (state; independent institutions; non-state; external)	<i>Seminar 1</i> Discussion of the international regime of human rights in relation to Vietnam Guest lecturer: Martina Caroni Universität Luzern Dr. Vu Cong Giao – School of Law
Thu 8/12/2011	<i>Lecture 4: Civil rights/freedoms 1</i> Life, death penalty, arbitrary arrest/detention, disappearances	<i>Lecture 5: Civil right/freedoms 2</i> Personal security, torture and ill-treatment
Fri 9/12/2011	<i>Seminar 2</i> Rights of persons deprived of liberty; suspects in criminal procedure	<i>Free study</i> <i>(tentative launching of HR database)</i>
W 2	<i>Dr. Mike Hayes</i>	
Mon 12/12/2011	<i>Lecture 6: Civil rights/freedoms 3</i> Fair trial	<i>Lecture 7: Political/participation rights (1)</i> Association, assembly, communication and information
Tue 13/12/2011	<i>Lecture 8: Political/participation rights(2)</i>	<i>Lecture 9: Political/participation rights (3)</i>

	Movement, residence, privacy	Religion/belief, participation in governance
Wed 14/12/2011	<i>Lecture 10: Civil and political/participation rights (4)</i> Equality and non-discrimination	<i>Seminar 3</i> Mid term Wrap up & Q&A on CP rights
Thu 15/12/2011	<i>Lecture 11: ESCR 1: Context to ESCR: Progressive Realization</i> Justiciability Minimum Core Rights	<i>Lecture 12: ESCR 2: Livelihood Rights 1:</i> Right to Food and Water
Fri 16/12/2011	<i>Lecture 13: ESCR 3: Livelihood Rights 2:</i> Shelter and Health	<i>Seminar 4:</i> <i>Cases studies of livelihood cases</i>
W 3	<i>Dr. Mike Hayes</i>	
Mon 19/12/2011	<i>Lecture 14: ESCR 4: Work and Human Rights</i> Right to employment, rights in the workplace, role of ILO in establishing workers rights.	<i>Free study</i>
Tue 20/12/2011	<i>Lecture 15: ESCR 5: Right to health</i> Primary and emergency health	<i>Seminar 5</i> <i>Q&A on ESCR</i>
W 4	Mock exams and preparation for exams etc.	

5. Readings

Lectures 1, 2, 3: Basic introduction

International law and human rights: history, concepts and trajectory; basic human rights concepts including rights holders/duty bearers, human rights actors; hard and soft law; role, subject and scope of international human rights instruments; different categories of rights; rights and responsibilities

Required reading:

- Overview of international (UN) human rights instruments,
<http://www2.ohchr.org/english/law/index.htm#core>
- General Comments 24, 29,31 ((<http://www2.ohchr.org/english/bodies/hrc/comments.htm>))

- Jacobsen, Ch. 2 (39-62)

Supplementary reading:

- Nowak, “Introduction”, pp. XIX – XXXIX
- Cassese 2005, ch. 3, 9 and 19 (46-68; 170-82; 375-398)
- Landman, ch. 1 (8-18)
- Haas, ch. 4 (72-99), ch. 9 (188-214)
- Van Ness, ch. 1 (25-31), ch. 3 (56-79)
- Symonides, ch. 1 (3-30), ch. 2 (31-66)
- Nickel, ch. 2 (13-35)

Lectures 4, 5, 6: Substantive rights (1), civil rights/freedoms

Specific rights: Life, death penalty, arbitrary arrest/detention, disappearances; personal security, torture and ill-treatment; fair trial

Required reading:

- ICCPR, art. 6, 7, 8, 9,10,14,15,16 (<http://www2.ohchr.org/english/law/index.htm#core>);
- General Comments 6,7,8,9,14,20,21,32 (<http://www2.ohchr.org/english/bodies/hrc/comments.htm>)
- Jacobsen, ch. 3 (63-94), 4 (95-138), 5 (139-182), 6 (183-244)11B (403-429)

Supplementary reading:

- Nowak, p. 120 – 240, 302-376
- Cassese 2005, ch. 13 (295-331)
- Joseph/Schultz/Castan, ch.8 (154-193); 9 (194-293); 11 (303-347);14 (388-461)
- Haas, ch. 5 (100-114)
- Symonides, ch. 3 (69-107)

Lectures 7, 8, 9, 10 - Substantive rights (2), political/participation rights/freedoms

Specific rights: Association, assembly, communication and information; movement, residence, privacy; Religion/belief, participation in governance; equality and non-discrimination

Required reading:

- ICCPR art. 17,18,19,20,21,22, 23, 24, 26, 27 (<http://www2.ohchr.org/english/law/index.htm#core>);
- General Comments 17, 19, 23 (<http://www2.ohchr.org/english/bodies/hrc/comments.htm>)
- Jacobsen, ch. 7 (245-281); 8 (283-308); 9 (309-342); 11B (403-430); 13 (491-522); 14 (523-555); 15 (557-603)

Supplementary reading:

See also under previous section, many of these apply to both 4-6 and 7-10

- Nowak, p. 377 – 512; 513 – 562; 597 – 667

- Joseph/Schultz/Castan, 12 (348-376);16 (476-500); 17 (501-516); 18 (517-567); 19 (568-584); 23 (679-751)
 - Manfred Nowak, *U.N Covenant on Civil and Political Rights – ICCPR Commentary*, N.P. Engel Publisher, 2005., s.
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Lecture 11: Economic, Social and Cultural Rights

OHCHR. Economic, Social and Cultural Rights. Handbook for National Human Rights Institutions UNITED NATIONS: New York and Geneva, 2005. Read Chapter 1.B

Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, Maastricht, (1986)

Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997)

International Commission of Jurists. *Courts and the Legal Enforcement of Economic, Social and Cultural Rights Comparative experiences of justiciability*. Geneva: International Commission of Jurists, 2008. Read: Chapter 1 – ESC rights before courts: Introduction; Chapter 2 – Defining the content of ESC rights

See also:

Manisuli Ssenyonjo. 2008. Economic, Social and Cultural Rights in International Law. Oxford: Oxford and Hart. Ch 1.2

Dankwa, V., Flinterman, C., and Leckie, S., *Commentary to the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, 20 HRQ 1998, pp. 705-730.

Eide, Asbjorne *et al* eds. “Economic, Social and Cultural Rights as Human Rights.” *Economic, Social and Cultural Rights: A Textbook*. 2nd ed. Dordrecht: Martinus Nijhoff, 2001. 9-28.

Audrey Chapman. “A ‘Violations Approach’ for Monitoring the ICESCR.” *Human Rights Quarterly* 18.1 (1996): 23-66.

Michael J. Dennis and David P. Stewart. “Justiciability of Economic, Social, and Cultural Rights: Should There Be an International Complaints Mechanism to Adjudicate the Rights to Food, Water, Housing, and Health?” *The American Journal of International Law*, Vol. 98, No. 3 (Jul., 2004), pp. 462-515

Lecture 12: Livelihood Rights: Food and Water

Food

Jonsen, J. & Sollner, S. 2006. “The legal content of the right to adequate food.” University of Mannheim, Germany, and FIAN International.

George Kent. “The Hunger Problem: The Human Right to Food.” University of Hawai'i: World Alliance on Nutrition and Human Rights, 2006.

ICESCR General Comment No. 12 The right to adequate food

Water

John Scanlon, Angela Cassar and Naemi Nemes. *Water as Human Right?* ICUN Environmental Policy Law Paper No. 51ICUN 2004.

Peter H. Gleick. "The human right to water." *Water Policy* 1 (1998) 487-503.

ICESCR General Comment No. 15 The right to Water

Lecture 12: Livelihood Rights: Shelter and Education

Shelter

Centre for Housing Rights and Eviction (COHRE). "The Justiciability of Housing Rights. Introduction: Right to a Remedy" and "Framing The Discussion About Housing Rights: Why take a rights-based approach to housing issues?" COHRE Training Materials,

ICESCR General Comment No. 4. The right to adequate housing

Education

Katarina Tomashevksi. [The State of the Right to Education Worldwide. Free or Fee: 2006 Global Report.](#)

Katarina Tomaševski. "Has the Right to Education a Future Within the United Nations? A Behind-the-Scenes Account by the Special Rapporteur on the Right to Education 1998–2004." *Human Rights Law Review* 5.2 (2005): 205-237.

Lecture 13 Workers Rights

Manisuli Ssenyonjo. 2009. "Right to Work and Rights in Work: Articles 6 and 7" *Economic, Social and Cultural Rights in International Law*. Oxford: Hart Publishing

ILO. 1998. Characteristics of International Labour Standards. Training Manual No. 4. Turin, ILO. Tuncay Güloğlu. 2009.

Read: "ILO and Labor Rights as Human Rights in the Contemporary World."

J.G. Ruggie. 2007. "[Business and human rights: the evolving international agenda](#)" *The American Journal of International Law*.

Lecture 14: Health

Manisuli Ssenyonjo. 2009. "The Right to Health: Article 12" *Economic, Social and Cultural Rights in International Law*. Oxford: Hart Publishing

Paul Farmer, 2008. Challenging orthodoxies: The road ahead for health and human rights." *Health and Human Rights* [Vol 10, No 1 \(2008\)](#).

See Also:

Anand Grover. UN Special Rapporteur on the enjoyment of the highest attainable standards of physical and mental health, 2008 [Report \(A/HRC/7/11\)](#), focusing on the progress made in reaching the three objectives of the Rapporteur's mandate and on a human rights-based approach to health indicators

Paul Hunt and Gunilla Backman. 2009. *Health Systems and the Right to the Highest Attainable Standard of Health*. Essex: Essex University Centre for Human Rights, 2009.

Books In English

1. Anette Faye Jacobsen (ed.), *Human Rights Monitoring*. Martinus Nijhoff/Brill, 2008
2. Manfred Nowak, *U.N. Covenant on Civil and Political Rights – ICCPR Commentary*, N.P. Engel Publisher, 2005,
3. Antonio Cassese, *International Law*, Second Edition, Oxford University Press, 2005.
4. Antonio Cassese, *The Human Dimension of International Law*, Oxford University Press, 2008
5. Todd Landman, *Studying Human Rights*, Routledge, 2006
6. Sarah Joseph, Jenny Schultz and Melissa Castan (ed.), *The International Covenant on Civil and Political Rights. Cases, Materials, and Commentary*, Second Edition, Oxford University Press, 2004
7. Michael Haas, *International Human Rights. A Comprehensive Introduction*, Routledge, 2008
8. Peter Van Ness (ed.), *Debating Human Rights*, Routledge, 1999
9. Janusz Symonides (ed.), *Human Rights: Concepts and Standards*, Ashgate/Dartmouth, UNESCO 2000
10. James W. Nickel, *Making Sense of Human Rights*, University of California Press, 1987
11. Michelin Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, Berkeley: University of California Press, 2004.

Other recommended books in Vietnamese/Các tài liệu khác đọc thêm

1. Khoa Luật-Đại học Quốc gia Hà Nội, *Giáo trình Lý luận và Pháp luật về quyền con người*, NXB CTQG, Hà Nội, 2009.
2. Khoa Luật-Đại học Quốc gia Hà Nội, *Hỏi-Đáp về quyền con người*, NXB CTQG, Hà Nội, 2009.
3. Khoa Luật-Đại học Quốc gia Hà Nội, *Tuyên ngôn toàn thế giới về quyền con người – Những chuẩn mực chung cần đạt được*, NXB CTQG, Hà Nội, 2009.
4. Khoa Luật-Đại học Quốc gia Hà Nội - Trung tâm nghiên cứu quyền con người và quyền công dân *Quyền kinh tế, xã hội, văn hóa trong pháp luật và thực tiễn ở Việt Nam*. NXB Lao động – xã hội. 2011