



# 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**

**2012-2014**

**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

<b>Mã/Course code</b>	<b>CAL 6002</b>
<b>Tên Course title</b>	Các nguyên tắc và tiêu chuẩn quốc tế về Quyền con người <i>International Human Rights Norms and Standards</i>
<b>/# of credits</b>	3 credits
<b>Số thời gian lên lớp / Lecturing hours</b>	3 hours x 10 teaching sessions = 30 hours  2 seminars (lecturer) + 1 seminar (student) = 3 seminars x 2 hours = 6 hours
<b>Time</b>	24-26/6/2013 ( <a href="mailto:matthew.john.mullen@gmail.com">matthew.john.mullen@gmail.com</a> ) 8-12/7/2013 (Dr. Mike Hayes) 15/7 (La Khanh Tung, Phd fellow, Ngo Huong, Phd fellow)
<b>Name of course instructors/lecturers</b>	Dr. Mike Hayes Matt Mullen La Khanh Tung, Phd fellow Ngo Huong, Phd fellow
<b>Ngôn ngữ Language conduct</b>	English/Vietnamese

### 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"> <li>1. Khái niệm và lịch sử phát triển luật quốc tế về quyền con người</li> <li>2. Vị trí, đối tượng, phương pháp điều chỉnh và nguồn của luật quốc tế về quyền con người</li> <li>3. Khái quát về các quyền và tự do của cá nhân</li> <li>4. Các quyền dân sự, chính trị</li> <li>5. Các quyền kinh tế, xã hội, văn hóa</li> </ol> | <ol style="list-style-type: none"> <li>1. Concept and historical development of international law on human rights</li> <li>2. Role, subject and scope of international law on human rights</li> <li>3. Overall understanding on human freedoms</li> <li>4. Overall understanding on substantive rights on political and civil rights</li> <li>5. Overall understanding on substantive rights on economic, social and cultural rights</li> </ol> |
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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 of around 3-3,500 words, of publishable standard (this means a critical analytical paper. The paper topic is “.....”.

### **Group assignment:**

The group assignment is “.....”.

## 4. Course schedule/ Lịch học

No	Time	Name of lecture	Lecturer
1	24/6 14:00-17:00	<i>Lecture 1: Intro 1: International instruments</i>  History and development of human Rights treaties Basics of International human Rights Law: signature/accession/ratification;	Matt Mullen

		reservation; derogation Development of international human rights instruments; Relation to other fields of IL e.g. hard/soft law;	
2	25/6 14:00-17:00	<i>Lecture 2: The UDHR and Human Rights Actors</i> Development of the UDHR. Categories of rights 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) Discussion of the international regime of HR, in relation to Vietnam(status)	Matt Mullen
3	26/6 9:00-12:00	<i>Lecture 3: Civil rights/freedoms 1</i> Equality and non-discrimination Right to Life, death penalty Civil rights: movement, family, Religion, privacy.	Matt Mullen
4	26/6 14:00-17:00	<i>Lecture 4: Civil right/freedoms 2</i>  Fair trial and detention Rule of law Access to justice Rights of prisoners	Matt Mullen
5	8/7 9:00-12:00	<i>Lecture 5: Civil rights/freedoms 3</i>  Expression, Association, assembly, communication and information	Ngo Huong – Phd fellow
6	9/7 14:00-17:00	<i>Lecture 6: Torture Convention</i> Defining torture Universal jurisdiction Torture prevention	Dr. Mike Hayes
7	10/7 14:00-17:00	<i>Lecture 7: Political/participation rights</i> Political rights, participation in governance, Human rights and good governance Human rights and democracy	Dr. Mike Hayes
8	11/7	<i>Lecture 8: ESCR 1: Context to ESCR</i>	Dr. Mike Hayes

	14:00-17:00 PM	The challenge of ESCR Progressive Realization and Minimum Core Rights Justiciability	
9	12/7 9:00-12:00	Lecture 9: ESCR 2: Livelihood Rights Right to health and Right to education Right to Food, Water and Housing	Dr. Mike Hayes
10	12/7 14:00-17:00	Lecture 10: Economic Rights Work and Human Rights: Right to employment, role of ILO in establishing workers rights.	Dr. Mike Hayes
11	15/7 9:00-12:00 AM	Seminar 1: cases on Civil and political rights	La Khanh Tung, PhD fellow
12	15/7 14:00-17:00 PM	Seminar 2: cases on ESCR	La Khanh Tung, Phd fellow
13	15/7	Mock exams and preparation for exams, assessments etc.	Tung/Huong

\*Wolfgang Benedek. *Understanding Human Rights: A manual on Human Rights Education*. Pages are for English edition. Vietnamese edition available from : <http://www.etc-graz.at/typo3/index.php?id=899#c2059>

## 5. Full Reading List:

### Books In Vietnamese

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. Hội Luật gia Việt Nam, *Tập hợp các văn kiện pháp lý quốc tế cơ bản về quyền con người*, Nhà xuất bản Tư pháp, 2007.

5. Chu Hồng Thanh, *Quyền con người và luật quốc tế về quyền con người*. NXB CTQG, H.,1997.
6. Wolfgang Benedek (Chủ biên), *Tìm hiểu về quyền con người*, NXB Tư pháp, Hà Nội, 2008.

### **Books In English**

1. Manfred Novak, *Introduction to the International Human Rights Regime*. Martinus Nijhoff Publishers, Leiden/Boston 2003
2. Manfred Nowak, *U.N Covenant on Civil and Political Rights – ICCPR Commentary*, N.P. Engel Publisher, 2005,
3. Magdalena Sepúlveda et al. *Human Rights Reference Book*. Costa Rica: University for Peace, 2004.
4. Antonio Cassese, *International Law*, Second Edition, Oxford University Press, 2005.
5. 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
6. Janusz Symonides (ed.), *Human Rights: Concepts and Standards*, Ashgate/Dartmouth, UNESCO 2000
7. Javaid Rehman. *International Human Rights Law: A Practical Approach*. London: Longman, 2003.

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### **Lectures 1 and 2**

#### *Required reading:*

- ASEAN textbook Chapter 1
- ASEAN textbook Chapter 4
- Understanding “Introduction” pp 21-35
- Manfred Novak. “What are Human Rights and “History of Human Rights.” Introduction to the International Human Rights Regime. Boston: Martinus, 2004. 9-30
- Magdalena Sepúlveda. Ch 3, 4, 5 (pp 29-52).

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### **Lectures 3 and 4**

#### *Required reading:*

- ASEAN textbook Chapter 1
- ASEAN textbook Chapter 4
- Understanding “Introduction” pp 21-35
- Manfred Novak. “What are Human Rights and “History of Human Rights.” Introduction to the International Human Rights Regime. Boston: Martinus, 2004. 9-30
- Magdalena Sepúlveda. Ch 3, 4, 5 (pp 29-52).

*Supplementary reading:*

- Cassese 2005, ch. 13 (295-331)
- Joseph/Schultz/Castan, ch.8 (154-193); 9 (194-293); 11 (303-347);14 (388-461)
- Symonides, ch. 3 (69-107)

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### **Lecture 5(Huong)**

*Required reading:*

*Supplementary reading:*

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### **Lecture 6: Torture**

*Required reading:*

- *Understanding* “Prohibition of Torture” pp 59-80
- Malcolm Evans. ‘Getting to Grips with Torture.’ *International and Comparative Law Quarterly*, 51 (2002): 365 – 383.
- OHCHR. “UN Fact Sheet: No. 6 (rev. 2)), Enforced or Voluntary Disappearances.” Geneva: United Nations

*Supplementary reading:*

- Rehman Ch 7

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### **Lecture 7 Political Participation**

*Required reading:*

- *Understanding* “Right to Democracy” pp 317-340\*

*Supplementary reading:*

- Nowak (2005) pp ??-??
- Magdalena Sepúlveda. Part Three, Ch 11 (pp 299-306)
- ASEAN Human Rights Textbook, Chapters 2 & 8.

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### **Lecture 8: Economic, Social and Cultural Rights**

*Required reading:*

- 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

*Supplementary reading:*

- 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*. 2<sup>nd</sup> 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

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## **Lecture 9: Livelihood Rights: Food, Water, Housing, Health, Education**

### *Required reading:*

- *Understanding* “Right to Health” pp 125-146\*
- *Understanding* “Right to Education” pp 125-146\*
- ICESCR General Comment No. 12 The right to adequate food
- ICESCR General Comment No. 15 The right to Water
- ICESCR General Comment No. 4. The right to adequate housing

### *Supplementary reading:*

#### **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.

#### **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.

#### **Housing**

- 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,

#### **Education**

- 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.

#### **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 \(2008\)](#).
- 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.

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## Lecture 10: Workers Rights

### *Required reading:*

- *Understanding* "Right to Work" pp 273-296\*
- 13. 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

### *Supplementary reading:*

- 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."