



**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 6003**

*International Mechanism for the  
Protection and Promotion of  
Human Rights*

**Cơ chế quốc tế bảo vệ và thúc  
đẩy 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 6003
Tên/ Course title	Cơ chế quốc tế bảo vệ và thúc đẩy quyền con người <i>International Mechanism for the Protection and Promotion of Human Rights</i>
Số tín chỉ/# of credits	3 credits
Số thời gian lên lớp / Lecturing hours	10 teaching sessions @ 3 hours = 30 teaching hours 4 seminar sessions @ 3 hours= 12 seminar hours
Time	15-19/7: Mike Hayes 23-27/7: La Khanh Tung & Vu Cong Giao
Tên giảng viên dự kiến Name of course instructors/lecturers	1. Dr. Mike Hayes 2. Dr. Vu Cong Giao 3. LLM La Khanh Tung
Language conduct	English with Vietnamese translation assistance

### 1. Mục tiêu đào tạo/ Course objective

Môn học nhằm giúp học viên:

1. Hiểu được những vấn đề lý luận về sự cần thiết và đặc điểm của cơ chế của Liên hợp quốc về quyền con người.
2. Hiểu được cơ cấu tổ chức, chức năng, nhiệm vụ của hệ thống các cơ quan nhân quyền của Liên hợp quốc.
3. Hiểu được các thủ tục giám sát, điều tra các vi phạm về quyền con người được các cơ quan nhân quyền Liên hợp quốc áp dụng; hiệu lực thực tế và xu hướng phát triển của cơ chế quốc tế về quyền con người.

The course aims to:

1. explain the international mechanism on promotion and protection of human rights including; the development and needs of UN mechanism on HR;
2. structure and mandate of the related UN institutions;
3. the procedures of monitoring and investigation of HR violations commissioned by the UN institutions. In addition, the course provides an update on trend and effects of the UN institutions in the HR situation today.

### 2. Nội dung tóm tắt/ Course content

Môn học nhằm giúp học viên:

1. Khái lược về mục tiêu và những hoạt động của Liên hợp quốc trong lĩnh vực quyền con người
2. Khái quát về cơ chế bảo vệ và thúc đẩy quyền con người của Liên hợp quốc

The course aims to:

1. UN mandate and objective in human rights
2. UN mechanism on promotion and protection of HR
3. HR procedures under the UN system

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>3. Các cơ quan nhân quyền Liên hợp quốc</li> <li>4. Các thủ tục và tiến trình về quyền con người trong hệ thống Liên hợp quốc</li> <li>5. Hiệu lực thực tế và xu hướng phát triển của cơ chế của Liên hợp quốc về quyền con người.</li> </ul> | <ul style="list-style-type: none"> <li>4. UN institutions related the Human Rights areas UN organs on human rights</li> <li>5. Effect and trend of UN institutions on HR</li> </ul> |
|--|---|

### 3. Criteria for Evaluation and Exam

One paper (of 1500 words recommended in English)	20 %
Class Participation	15 %
Group Assignment/Presentation(in class and in the seminar)	15 %
Final exam	50 %.

#### Seminar and Group assignment:

Students will be formed into group and assigned to present the analysis and arguments on some papers given to present at the seminar according to the seminar topics.

### 4. Lịch học/Course Schedule:

Time	Name of lecture	Lecturers
16/7 Tue 9:00-12:00	<p><b><i>Lecture 1: The UN and Human Rights: general</i></b></p> <p>Historical context of the UN Charter.</p> <p>Human rights in the UN Charter</p> <p>Post-Charter refinement of human rights in the UN: the split of the covenants and the evolving role of the UN</p> <p><b>Giới thiệu Liên hợp quốc và quyền con người</b> Khái lược về mục tiêu và những hoạt động của Liên hợp quốc trong lĩnh vực quyền con người:</p>	Mike Hayes
16/7 Tue 14:00-17:00	<p><b><i>Lecture 2: The UPR Process compared to State Reports</i></b></p> <p>Human Rights Council and the UPR State party reports</p> <p><b>Các cơ quan nhân quyền Liên hợp quốc, cơ chế đặc biệt</b></p>	Mike Hayes

<p>17/7 Wed 14:00-17:00</p>	<p><i>Lecture 3: UN's mechanism for protection and promotion of Human Rights</i></p> <ul style="list-style-type: none"> <li>• <i>UN Security Council</i></li> <li>• <i>UN General Assembly</i></li> <li>• <i>OHCHR, UNHCR and World Conferences</i></li> <li>• <i>Jurisdiction: comparing jurisdiction to the HRC in relation to the treaty bodies; ICJ and human rights</i></li> </ul> <p><b>Khái quát về cơ chế bảo vệ và thúc đẩy quyền con người của Liên hợp quốc</b></p>	<p>Mike Hayes</p>
<p>18/7 Thu 14:00-17:00</p>	<p><i>Lecture 4: Human Rights in the Broader UN:</i></p> <ul style="list-style-type: none"> <li>• <i>UNDP, UNWomen, UNHCR</i></li> <li>• <i>Relationship to Specialized bodies: ILO, World Bank, IMF</i></li> <li>• <i>Politics and the human Rights Council</i></li> </ul>	<p>Mike Hayes</p>
<p>19/7 Fri 14:00-17:00</p>	<p><i>Lecture 5 Human Rights Council and Special procedures</i></p> <ul style="list-style-type: none"> <li>• <i>Special Rapporteurs</i></li> <li>• <i>1503 Complaint Procedure</i></li> <li>• <i>HRC Advisory Committee</i></li> <li>• <i>Commission on Status of Women, Permanent Forum of Indigenous Peoples and ECOSOC &amp; the role of NGOs</i></li> </ul> <p>Recap of charter-based mechanisms</p>	<p>Mike Hayes</p>
<p>23/7 Tue 14:00-17:00</p>	<p><b>Lecture 6: Treaty-based Protection Mechanisms 1.</b></p> <ul style="list-style-type: none"> <li>• Structure and elections</li> <li>• Mandate</li> <li>• Operating procedures, including complaints</li> <li>• Reservations, derogations, and limitations</li> <li>• Interstate Complaints</li> <li>• Inquiry Procedure (CEDAW/CAT)</li> <li>• General Comments</li> <li>• Use of treaty bodies by NGOs, individuals,</li> </ul>	<p>Vu Cong Giao</p>
<p>24/7 Wed 14:00-17:00</p>	<p><b>Lecture 7: Treaty-based Protection Mechanisms 2: State Party Reports and individual Complaints</b></p> <ul style="list-style-type: none"> <li>• Process of State Party Reports</li> <li>• Operating procedures</li> <li>• Shadow Reports</li> <li>• Problems with State Reporting Procedure</li> <li>• Complaint procedures for ICCPR, CEDAW, ICERD, and CAT.</li> <li>• Effects of final decisions</li> </ul>	<p>Vu Cong Giao</p>

<p>25/7 Thu 14:00-17:00</p>	<p><b>Lecture 8: UN Human Rights Individual Communication (Compliant) Procedures (continued): Case Studies</b> Standard setting and case studies of complaints procedures</p> <p>McLawrence v. Jamaica, 1997 Kennedy v. Trinidad and Tobago, 2002 Toonan v. Australia, 1994 Lovelace v. Canada 1981 Ballantyne v. Canada, 1999.</p>	<p>Vu Cong Giao</p>
<p>26/7 Fri 9:00 – 12:00</p>	<p><b>Lecture 9: International Criminal Court</b></p> <ul style="list-style-type: none"> <li>• Structure of Court</li> <li>• Jurisdiction</li> <li>• The Rome Statute (1999)</li> <li>• Bringing a case to the court</li> <li>• Current Cases under examination</li> </ul> <p>UNSC membership and veto and a possible World Court of Human Rights</p>	<p>Vu Cong Giao</p>
<p>26/7 Fri 14:00-17:00</p>	<p><b>Seminar: 1 UN's development and effectiveness</b> Examination of specific current event cases</p> <p><b>Hiệu lực thực tế và xu hướng phát triển của cơ chế của Liên hợp quốc về quyền con người (2)</b></p> <p><b>Seminar 2 : Wrap up and comments on student/group assignment</b> Class exercises: Advising on a protection mechanism Assessing and individual Complaint Assessing International Crimes</p>	<p>La Khanh Tung</p>

## 5. Syllabus

### Lecture 1: The United Nations and Human Rights

- Nature and context of the UN Charter
- Human rights in the Charter (Arts. 1(3), 55 & 56)
- The limitation of Article 2 (7)
- The Commission on Human Rights
- The Sub-commission on Human Rights

Required Reading [40p]:

- Oscar Schachter. *United Nations Law*. American Journal of International Law, vol. 88, p.1, 1999. [23p]
- Vincent Chetail, “The Human Rights Council and the Challenges of the United Nations System on Human Rights: Towards a Cultural Revolution?”, pp. 193-210 only [17p]

Suggested Reading:

- Stephen C. Schlesinger. *Act of Creation: The Founding of the United Nations*. Boulder, Colorado, USA: Westview Press, 2003.
- Mary Ann Glendon. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. Random House, 2001.
- Philip Alston. *Appraising the United Nations Human Rights Regime*, Oxford University Press, 1996.

Supplementary readings:

- United Nations :*Universal Human Rights Instruments*, tại <http://www2.ohchr.org/english/law/index.htm#instruments>
  - Khoa Luật., QUYỀN CON NGƯỜI TẬP TÀI LIỆU CHUYÊN ĐỀ CỦA LIÊN HỢP QUỐC. Nhà Xuất Bản Công An Nhân Dân (Fact Sheets translated into Vietnamese) ĐHQGHN ©2010
  - United Nations, *Human Rights Mechanism*, Fact Sheet No.1, Geneva, 1987.
- 

**Lecture 2: The Human Rights Council**

- From Commission to Council
- The Universal Periodic Review
- The Advisory Committee
- The 1503 Complaint Procedure

Required Reading [42p]:

- Henry Steiner, Philip Alston & Ryan Goodman. *International Human Rights in Context: Law, Politics, Morals*. Oxford University Press, 3<sup>rd</sup> Ed., 2008. P. 746-764. [18p]
- *United Nations Factsheet: Work and Structure of the Human Rights Council* (2007) [2p]
- Nan Yeboah, *The Establishment of the Human Rights Council*. Centre for UN Reform, 2009 [18p]
- Marianne Lilliebjerg. “The Universal Periodic Review of the Human Rights Council: An NGO Perspective.” *Netherlands Quarterly of Human Rights*, vo. 26, p. 311, 2008. [4p]

Suggested Reading:

- Philip Alston. *Reconceiving The UN Human Rights Regime: Challenges Confronting The New UN Human Rights Council* [39p]
-

### **Lecture 3: The Frontline of Human Rights in the United Nations**

- The Office of the High Commissioner for Human Rights
- The Office of the High Commissioner for Refugees
- The Secretary General of the UN
- Special Procedures (rapporteurs, experts & working groups)
- ECOSOC Commissions and Forums
- ECOSOC and NGOs
- Specialized Agencies

Reading [55p]:

- Manfred Nowak, *Introduction to the International Human Rights Regime*, The RWI Library, Martinus Nijhoff Publishers, Lieden, 2003. P. 110-116, 119-123, 131-38 [20p]
  - Henry Steiner, Philip Alston & Ryan Goodman. *International Human Rights in Context: Law, Politics, Morals*. Oxford University Press, 3<sup>rd</sup> Ed., 2008. P. 765-790, 824-834. [35p]
- Suggested Reading:

- Manfred Nowak, *Introduction to the International Human Rights Regime*, The RWI Library, Martinus Nijhoff Publishers, Lieden, 2003. P. 139-156.
  - Lucia Nader. "The Role of NGOs in the UN Human Rights Council." In *International Journal on Human Rights*, vol. 7, no. 7, 2007.
  - Subedi, Wheatley, Mukherjee & Ngane. "The Role of the Special Rapporteurs of the United Nations Human Rights Council in the Development and Promotion of International Human Rights Norms." In *International Journal of Human Rights*, vol. 15, no. 2, pp. 155-161, feb/2011.
- 

### **Lecture 4: The Primary UN Organs and Human Rights**

- The General Assembly
- The Security Council
- The International Court of Justice
- The Trusteeship Council

Reading [33p]:

- Manfred Nowak, *Introduction to the International Human Rights Regime*, The RWI Library, Martinus Nijhoff Publishers, Lieden, 2003. P. 124-130. [6p]
  - Henry Steiner, Philip Alston & Ryan Goodman. *International Human Rights in Context: Law, Politics, Morals*. Oxford University Press, 3<sup>rd</sup> Ed., 2008. P. 835-843. [8p]
  - Christopher J. LeMon & Rachel S. Taylor. "Security Council Action in the Name of Human Rights: From Rhodesia to the Congo." *U.C. Davis Journal of International Law & Policy*, vol. 10, no. 2, spring/2004. P. 197-208 only. [12p]
  - John R. Crook, "The International Court of Justice and Human Rights," *Northwestern University Journal of International Human Rights*, v. 1, n. 2, 2004. [7p]
- 

### **Lecture 5: The Future of Human Rights in the United Nations**

- Review of the Charter-based Mechanisms: What have We Learned and Where are the Weaknesses?
- Security Council Reform: The Permanent Five and the ‘Veto’
- Toward a World Court of Human Rights?

Reading [63p]:

- Martin Scheinin, *Towards a World Court of Human Rights*. June 2009 [63p]
- 

### **Lecture 6: Introduction to treaty based bodies**

International Service for Human Rights. “A Simple Guide to the Treaty Bodies.” Geneva: ISHR, n.d.

OHCHR. The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies. Fact Sheet No. 30. 23-46.

United Nations: *Common Comments and Recommendations adopted by Human Rights Treaties*, <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

---

### **Lecture 7: State party Reports**

J. Connors. 2000. “An Analysis and Evaluation of the System of State Reporting.” Anne F. Bayefsky. Ed. *The UN Human Rights Treaty System in the 21 Century*. The Hague: Kluwer International, 2000.

B.G. Ramcharan, 2000. “Follow-Up of Treaty Body Conclusions by the Treaty Bodies and the UN Mechanisms Beyond” Anne F. Bayefsky. Ed. *The UN Human Rights Treaty System in the 21 Century*. The Hague: Kluwer International, 2000.

---

### **Lecture 8: Individual Complaints**

- Byrnes, 2000. “An Effective Complaints Procedure in the Context of International Human Rights Law.” Anne F. Bayefsky. Ed. *The UN Human Rights Treaty System in the 21 Century*. The Hague: Kluwer International, 2000.

- Sarah Joseph. 2006. “United Nations Human Rights Committee: Recent Cases.” *Human Rights Law Review* 6:2 (2006), 361-377

#### **The following case summaries are in:**

Sepulveda, Magdalena, et al, *Universal and regional human rights protection : cases and commentaries*, University for Peace, Costa Rica, 2004.

Toonen v. Australia. Sepulveda. 320-322.

McLawrence v. Jamaica, 1997. Sepulveda 28-29.

Kennedy v. Trinidad and Tobago, 2002. Sepulveda 30

Ballantyne v. Canada, 1999. Sepulveda 475.

---

### **Lecture 9: The International Criminal Court**



William A. Schabas. "Creation of the Court," "Crimes Prosecuted by the Court," "Jurisdiction and Admissibility." *An Introduction to the International Criminal Court*. Cambridge: Cambridge UP, 2001.

---

***Lecture 10 : Wrap up and comments on student/group assignment***

---