



**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

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| Mã/Course code  | CAL 6002   |
| Tên<br>Course title   | Các nguyên tắc và tiêu chuẩn quốc tế về quyền con người<br><i>International Human Rights Norms and Standards</i>   |
| Số tín chỉ//# of credits  | 4 credits  |
| Số thời gian lên lớp /<br>Lecturing hours                         | 15 teaching sessions @ 3 hours = 45 teaching hours<br>5 seminar sessions @ 3 hours= 15 seminar hours   |
| Time  | 5-17 Dec 2011  |
| Tên giảng viên dự kiến<br>Name of course<br>instructors/lecturers | 1. Dr. Lone Lindholm, Danish Institute of Human Rights<br>2. Dr. Mike Hayes, Mahidol University<br>3. Prof. Dr. Nguyễn Đăng Dung – Dean of Constitution and<br>Administration Dept, School of Law<br>4. Dr. Vũ Công Giao, Lecturer, School of Law<br><br>Teaching Assistants<br>1. NCS La Khanh Tung – School of Law<br>2. NCS Ngô Hương – School of Law |
| Ngôn ngữ Language<br>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. Thêm vào đó, học viên cũng 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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### 1. Criteria for Evaluation and Exam:

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| 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*

## 2. Course syllabus:

|                   | <u>Morning (9-12)</u>   | <u>Afternoon (14-17)</u>   |
|-------------------|---|--|
| <b>W 1</b>        | <b>Dr. Lone Lindholt</b>  |  |
| Mon<br>5/12/2011  | <i>Lecture 1: Intro 1: International instruments</i><br><br>History and development, mapping the field of international human rights instruments;<br>Relation to other fields of IL   | <i>Free study</i>  |
| Tue<br>6/12/2011  | <i>Lecture 2 : Intro 2: Basic legal principle</i><br><br>e.g. hard/soft law;<br>signature/accession/ratification;<br>reservation; derogation  | <i>Free study</i>  |
| Wed<br>7/12/2011  | <i>Lecture 3: Intro 3: The concept of HR Actors</i><br><br>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><br><br>Discussion of the international regime of human rights in relation to Vietnam<br><br>Guest lecturer: Martina Caroni<br>Universität Luzern<br>&<br>Dr. Vu Cong Giao – School of Law |
| Thu<br>8/12/2011  | <i>Lecture 4: Civil rights/freedoms1</i><br><br>Life, death penalty, arbitrary arrest/detention, disappearances   | <i>Lecture 5: Civil right/freedoms 2</i><br><br>Personal security, torture and ill-treatment   |
| Fri<br>9/12/2011  | <i>Seminar 2</i><br><br>Rights of persons deprived of liberty; suspects in criminal procedure   | <i>(tentative) Seminar on HR dáy and introduction of Online Human Rights Database</i>  |
| <b>W 2</b>        | <b>Dr. Mike Hayes</b>   |  |
| Mon<br>12/12/2011 | <i>Lecture 6: Civil rights/freedoms 3</i><br><br>Fair trial   | <i>Lecture 7: Political/participation rights (1)</i>   |

|                   |  |  |
|-------------------|--|--|
|                   |  | Association, assembly, communication and information   |
| Tue<br>13/12/2011 | <i>Lecture 8: Political/participation rights(2)</i><br><br>Movement, residence, privacy  | <i>Lecture 9: Political/participation rights (3)</i><br><br>Religion/belief, participation in governance |
| Wed<br>14/12/2011 | <i>Lecture 10: Civil and political/participation rights (4)</i><br><br>Equality and non-discrimination   | <i>Seminar 3</i><br>Mid term Wrap up & Q&A on CP rights  |
| Thu<br>15/12/2011 | <i>Lecture 11: ESCR 1: Context to ESCR: Progressive Realization<br/>Justiciability<br/>Minimum Core Rights</i>   | <i>Lecture 12: ESCR 2: Livelihood Rights 1: Right to Food and Water</i>                                  |
| Fri<br>16/12/2011 | <i>Lecture 13: ESCR 3: Livelihood Rights 2: Shelter and Health</i>   | <i>Seminar 4:<br/>Cases studies of livelihood cases</i>  |
| <b>W 3</b>        | <b><i>Dr. Mike Hayes</i></b>   |  |
| Mon<br>19/12/2011 | <i>Lecture 14: ESCR 4: Work and Human Rights<br/>Right to employment,<br/>rights in the workplace,<br/>role of ILO in establishing workers rights.</i> | <i>Free study</i>  |
| Tue<br>20/12/2011 | <i>Lecture 15: ESCR 5: Right to health<br/>Primary and emergency health</i>  | <i>Seminar 5: final Wrap up<br/>Q&amp;A on ESCR</i>  |

## 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)
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### **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)
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**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 e 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*. 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 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

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### **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.

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### **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*.

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### **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