

Ministry of Education and Science of the Republic of Kazakhstan



«Approved»

Dean, School of Law _____
Vice President of Academic Affairs _____

«_____» _____ 2018

Course Title: International Human Rights Law
Code: LAW 4504

Pre-requisites: The completion or parallel study of Public International Law (LAW 3311) or International Institutions and Law (IRL 3517) is an advantage.

Credits: 3

Course Length: 15 weeks in Spring Semester

Form of Education: Full time

Contact hours: 45 hours

Independent Study: 80 hours

Almaty 2018

Course Code and Title: LAW 4504: International Human Rights Law	Course Credits: 3 (5 ECTS credits)
Semester: Fall 2017	Time and Place of the Lecture: Hall #117 NEW Building; Tuesday, Thursday 13:00-14:15
Instructor: Sergey Sayapin, Dr. iur.	Office Phone: 27XX
Office: 122, New Building	Office Hours: Tuesday, Thursday, 13:00 – 16:00
Email: s.sayapin@kimep.kz	
Teaching Assistant: Nuray Dairova	Teaching Assistant Office Hours: N/A
Prerequisite : The completion or parallel study of Public International Law (LAW 3311) or International Institutions and Law (IRL 3517) is an advantage.	

1. Course Description

This course serves as a basic introduction to International Human Rights law. The course will acquaint students with every significant aspect of this critical field including its history, theory, and practice. Beginning with a focus on the historical origins, philosophical foundations and the emergence of the concept of human rights, the course will go on to cover such topics as: the United Nations human rights system, the Universal Declaration of Human Rights and United Nations Charter; the various generations of rights - including political, civil, economic, social and cultural rights - and remedies for human rights violations including the use of force and humanitarian intervention; major international and regional human rights conventions and other related legal instruments and organizations; and the mechanisms for the implementation human rights and the reporting of violations, including through the advocacy efforts of NGOs.

2. Intended Learning Outcomes

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

2.1 Knowledge outcomes

- acquire knowledge of the concepts and institutions of International Human Rights Law for further specialisation and study in preparation for their future careers, whether in the legal profession, or in academic or other areas of employment.
- develop their understanding of the relevance of certain concepts in the theory, doctrine, method and goals of International Human Rights Law.
- develop their understanding of a number of conceptual devices.
- familiarise themselves with the literature and legal sources associated with International Human Rights Law.

2.2 Skills outcomes

- learn to organise their own learning programme and manage their time effectively.
- learn to assimilate large amounts of material and extract from it relevant information to successfully prepare for and complete each seminar and written assignment.
- learn to listen and participate effectively in class.
- learn to express ideas cogently orally and in writing.
- develop problem-solving skills and the ability to generate practical ideas for the solution of legal problems.

3. Relationship of Course and Program

This course is an elective in the Bachelor in Law and Bachelor in International Law Programmes.

4. Teaching and Learning Methodology

- *Personal Objectives:* The lectures will lay down the structure and foundations of International Human Rights Law, in order to facilitate the personal study of the requested readings. Students are encouraged to actively participate to the lectures as these are aimed also at solving the doubts or uncertainties that the topic at stake may arise.
- *Teaching and Learning Approaches:* Students are expected to regularly attend classes, to give full attention to the instructor, and to keep up with readings throughout the semester so that they may participate in meaningful discussions and make optimal use of their class time.
- Course Teaching and Learning Methodology: See Course learning activities for details.

5. Course Learning Activities

Learning Activities	Estimation	Learning Hours
Lectures	45 sessions (3 classes per week, duration 50 minutes per class)	45
Reading time	400 pages, $400 \times 10 = 4000$ minutes / 60 = 33 hours	67
First mid-term Examination	Take-home exam: 5 hours	5
Second mid-term Examination	Take-home exam: 3 hours	3
Final Examination	Take-home exam: 5 hours	5
Total		125

6. Assessment Scheme

The grade will be given based on the following criteria:

First mid-term assessment (take-home exam: 5 hours)	30%
Second mid-term assessment (take-home exam: 3 hours)	30%
Final assessment (take-home exam: 5 hours)	40%

Total: 100%

The assessments will be conducted in the form of take-home essays.

The students who do not earn at least 30 points before the final exam are not admitted to the final exam and are asked to withdraw from the course within two weeks. The students who do not withdraw receive automatically an F grade.

7. Grading Scale

90-100	Pass	A+	63-66	Pass	C
85-89	Pass	A	60-62	Pass	C-
80-84	Pass	A-	57-59	Pass	D+
77-79	Pass	B+	53-56	Pass	D
73-76	Pass	B	50-52	Pass	D-
70-72	Pass	B-	Below 50	Failure	F
67-69	Pass	C+	Incomplete		I

Source: KIMEP Catalog, AY 2017-2018

8. Instructor's Policy

Regular attendance is necessary to succeed in the course. Missing classes will not result in penalties but most likely in lower scores at the examinations and possibly failure. The final exam is comprehensive. Make-up work, such as extra papers or presentations, is not allowed. Using cellphones, taking pictures, videos, or audio records is not allowed. Students are urged to take notes.

9. Instructional Resources

Materials will be shared online before each class.

10. Course content:

Week 1: Introduction

- Introduction to the course
- Group exercise

Week 2: Historical background

- Individuals and international law before the Second World War
- Individuals and international law after the Second World War: mutually complementary legal regimes
- Three "generations" of human rights
- Introduction to substantive rights

Week 3: International Bill of Human Rights

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights (ICCPR)
- First and Second Optional Protocols to the ICCPR
- International Covenant on Economic, Social and Cultural Rights

Week 4: Equality and non-discrimination

- The concept of equality and the prohibition of discrimination
- Sex discrimination
- Racial discrimination
- Religious discrimination
- Other grounds of discrimination

Week 5: The right to life

- A positive obligation to protect life
- Death penalty
- Death by actions of State security forces
- Death in armed conflict
- Abortion
- Genocide and crimes against humanity

Week 6: Freedom from torture and other ill-treatment

- Torture
- Inhuman or degrading treatment or punishment
- The treatment of detainees
- Emergency situations

Week 7: The right to liberty of person

- Slavery and servitude
- Deprivation of liberty
- Grounds of detention
- Procedural guarantees
- Derogations from the provisions

Week 8: The right to a fair trial

- Recognition, equality, and access to justice
- Prohibition of retroactive penal legislation
- Independence and impartiality of courts
- Presumption of innocence
- Minimum guarantees for criminal trials

Week 9: Freedom of expression

- Freedom of expression
- Freedom of the press and media
- Freedom of correspondence
- Exceptions

Week 10: The right to work

- The right to work
- The right to just and favourable conditions of work and remuneration
- The right to equal pay for equal work

Week 11: The right to education

- Access to education
- Nature of education
- Academic freedom
- The right to human rights education

Week 12: Minority rights

- The need for minority protection
- Defining "minorities"
- The scope of applicable international law
- Regional developments

Week 13: Group rights

- The right to self-determination
- Indigenous peoples
- Women
- Children
- Refugees
- The right to peace

Week 14: United Nations Human Rights machinery

- The main UN organs
- The High Commissioner for Human Rights
- Treaty-monitoring bodies

- Other international organs

Week 15: Cultural relativism and regional human rights mechanisms

- The advantages of regional human rights mechanisms
- Europe
- The Americas
- Africa
- Other regional mechanisms

11. Reference texts:

- A. Abass, *International Law: Text, Cases, and Materials*, 2nd edition (Oxford University Press, 2014)
- C. Archer, *International Organizations*, 4th edition (Routledge, 2015)
- A. Cassese, *International Law*, 2nd edition (Oxford University Press, 2005)
- A. Cassese, *International Criminal Law*, 2nd edition (Oxford University Press, 2008)
- A. Cassese, P. Gaeta, L. Baig, M. Fan, C. Gosnell and A. Whiting, *Cassese's International Criminal Law*, 3rd edition (Oxford University Press, 2013)
- R. Cryer, H. Friman, D. Robinson, E. Wilmshurst, *An Introduction to International Criminal Law and Procedure* (Cambridge University Press, 2007)
- L. F. Damrosch and S. D. Murphy (eds.), *International Law: Cases and Materials*, 6th edition (West Academic Publishing, 2014)
- M. D. Evans (ed.), *International Law*, 4th edition (Oxford University Press, 2014)
- D. Harris and S. Sivakumaran, *Cases and Materials on International Law*, 8th edition (Sweet & Maxwell, 2015)
- K. Kittichaisaree, *International Criminal Law* (Oxford University Press, 2001)
- M. Shaw, *International Law*, 7th edition (Cambridge University Press, 2014)

Please refer to the course folder on the instructor's L drive, for further reading materials.