

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

HUMAN RIGHTS TREATY BODIES

Specialty "Jurisprudence"

40.04.01, Master Degree

"International Protection of Human Rights"

Goals and objectives of course

The main goal of the present course is to contribute to the students' knowledge about the place, role and importance of the human rights treaty body system in the universal human rights system.

The objectives of the course are to introduce the readers to the norms, principles and institutes of the modern international human rights law, which define the organization and activities of the human rights treaty bodies whose aim is to monitor the implementation of the obligations undertaken by State parties to the core international human rights treaties.

Within the course the students will get familiar with the core international human rights treaties, initial and periodic reports of States parties, individual complaints case law materials, national legislation of the States and national protection mechanisms, scientific works of international lawyers, and documents adopted by treaty bodies within their respective competence.

Position of course in *curriculum*

The course is delivered as a core subject in the second semester. The volume of the course is 2 ESTC credits. The knowledge gained from this course may be used by students' in almost any courses within the LLM program.

Requirements for the results of the course

The graduate should have the following professional competences (PC):

the ability to competently apply legal acts in specific areas of legal activities, to implement the norms of substantive and procedural law in professional activities (PC-2);

able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3);

able to draw up an expert opinion reflecting the progress and results of the study on the issues raised by the initiator of the expert task (PC-4);

able to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5).

As a result, student must:

Know:

- The international legal basis of functioning of the human rights treaty bodies;
- The main directions of the activities of the human rights treaty bodies;
- The basic doctrinal approaches to various theoretical and practical problems of functioning of the human rights treaty bodies.

To be able to:

- Free to operate the basic categorial apparatus of international human rights law;

- Assess the effectiveness of the human rights treaty bodies.

Be skilled in:

- Working with the system of websites UN, OHCHR, the UN Library, UN University, UN specialized agencies, regional intergovernmental organizations;
- Working and analyzing legal positions of the human rights treaty bodies;
- Suggesting ways of solving the problems of implementation of core international the human rights treaties and the recommendations of the human rights treaty bodies at the domestic level.

The volume of course and types of activities

Type	Total hours	Semesters	
		III	
Total classes workload	32	32	
Lectures			
Classes	32	32	
Homework	112	112	
Volume, hours	144	144	
Volume, credits	4	4	

Contents of course

Section 1. Conceptual and normative basis of the work of the treaty bodies in the institutional system of human rights. International human rights treaties establishing monitoring treaty bodies.

Review of the fundamental rights and freedoms set up in the international human rights treaties over which the TB exercise their monitoring work; CERD – first TB; the challenges and legal basis of the establishment of CESCR; the main reasons behind the need for establishing two separate monitoring organs for the Convention against Torture, CAT and SPT. Review of the provisions of the Optional protocols establishing additional substantive rights coming under the purview of TBs; review of the provisions of Optional protocols which establish Treaty Bodies or provide for their competences.

Section 2. Human rights treaty bodies: establishment, membership, competencies.

Review of particularities and issues common to all TBs in the their establishment and membership; the specifics of the establishment of the CESCR; the Chair, the Vice Chair and the Rapporteur of a Treaty Body (TB); the Bureau of the TB, composition and competence; election rules in the cases of a vacant position; the principle of equitable geographic representation, and the principle of the representation of all forms of civilization and legal systems of the world in the process of election of the members of the Treaty Bodies (TBs).

The competencies of human rights treaty bodies.

Section 3. Procedure of consideration of periodic reports by human rights treaty bodies.

Preparation and content of a report; Preparation of the list of issues to reflect in the report; Sources of information for the discussion of report of states; Written reports; Constructive dialogue, presentation of the report by the State representative at the beginning of the session meeting discussing the relevant report; Questioning by TB members and responses by state representatives; Open and closed meetings at the sessions of the UN TBs, preparation of the concluding observations and its reporting to the relevant state party; Follow up on the recommendations of UN TBs. Simplified reporting procedure.

Section 4. Procedure of consideration of individual communications by human rights treaty bodies. Issues of consideration of interstate communications.

The competence of some treaty bodies with a right to receive individual complaints. The adoption of provisional measures. Challenges of the interstate complaints procedures.

The early warning procedure of the CERD.

Section 5. Legal nature of the outcome documents of the human rights treaty bodies and their legal status in national legal systems of States: Concluding Observations, General Comments, Views, Inquiry, on-site visits, Follow-up measures and the process of implementation of TB recommendations.

The legal nature of the concluding observations of UN TBs; positive aspects reflected in the concluding observations; recommendations to a State party about the adoption of additional measures; reflection of the recommendations in the subsequent periodic reports; Legal nature of the general comments; the influence of the General Comments in the implementation by States of the international human rights treaties; The ambit of questions raised in a General Comment, Influence of general comments in the subsequent periodic reports of States. Interaction between the civil society and the government in the preparation of the periodic reports; the role of the civil society organizations in the process of national law reforms; The plan of action of civil society organizations for monitoring the implementation of the recommendations contained in the concluding observations; Monitoring of the human rights situation by civil society organizations and the steps undertaken locally for the implementation of the concluding observations; the Role of civil society organizations in the information of the public opinion about the recommendations in the concluding observations.

Section 7. Cooperation of the human rights treaty bodies with the national human rights institutions (NHRI) and non-governmental organisations (NGOs).

Participation of NHRI and NGOs in the work of the human rights treaty bodies. Submission of alternative reports. Dialogue with the treaty bodies during their sessions.

The role of NGOs in elaboration of new international human rights standards as well as their contribution to promoting ratification/accession of States to the existing international human rights conventions.

The participation of representatives of Specialized agencies in the sessions of treaty bodies.

Informal briefings of NGOs beyond the official sessions of treaty bodies.

Days of general discussions in treaty bodies.

Section 8. Cooperation of the human rights treaty bodies with the OHCHR and the UN Human Rights Council (including Special Procedures and Universal Periodic Review).

The role of the OHCHR in the preparation and servicing of the sessions of Treaty bodies; efforts to establish an effective cooperation of human rights treaty bodies with the Human Rights Council; Interaction between the Treaty Bodies and the Special Procedures mandate holders of the Human Rights Council.

Section 9. Initiatives on strengthening the human rights treaty body system. The intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system.

Questions related with the working methods of the UN treaty bodies discussed within the framework of the reform process of the UN human rights protection mechanism; Questions related with the coordination of the activity of the UN treaty bodies; Optimization of the requirements to the preparation of the States reports using the common core document and thematic reports on specific treaties.

The call of the UN High Commissioner for Human Rights on Stakeholders for proposals on the ways of strengthening the UN treaty bodies system. The results of the meetings in Dublin, Dublin II, Pretoria, Poznan, Seoul, Lucerne and Marrakesh and the report of the High Commissioner for Human Rights on the strengthening of the work of the UN treaty bodies system (June 2012).

The intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system (2012-2014). Progress achieved up to date.

Sections of Course and Education forms

Sections	Lectures	Classes	Homework	Total hours
1	2	2	12	16
2	2	2	12	16
3		4	12	16
4		4	12	16
5		4	12	16
6		4	12	16
7		2	12	14
8		2	12	14
9		4	16	20

Technical equipment

Inter-University Resource Center for Human Rights Master Studies (office 365), OHCHR database, Oxford Journals database, desktop computers, laptop PCs, a bookbinding machine, a projector with a screen, a magnetic board, a flip chart, a laminating machine and a multifunction device.

Additional resources

UN Audiovisual Library of International Law (<http://legal.un.org/avl/>), The Dag Hammarskjöld Library (<http://digitallibrary.un.org/>), Springer (<https://rd.springer.com/>).

Bibliography

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Guidelines on the organization of the course:

Lectures. Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia and audiovisual and presentation. Classes. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of lecture material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical report on them. Methodological model of the learning process. In framework of classes the following techniques and methods: survey, discussion, interactive. Independent work. In a broad sense, the independent work of master should be understood as the set of all self-employment in the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source. Forms of control. Under the two forms of control means in the form of certification testing, writing essays.

Evaluation

Materials for assessing the level of the educational materials of the course (evaluation materials), including questions on the topics of the course, concepts, roles and expected result for each task, examples of test tasks, an example of a hypothetical case, topics of reports / abstracts / term papers are developed in full and are available to students on the course page on system.rudn.ru.

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