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**Federal State Autonomous Educational Institution for Higher Education
PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA
(RUDN University)**

LAW INSTITUTE

Educational Division

COURSE SYLLABUS

Human Rights Treaty Bodies

(Course title)

Recommended by the Didactic Council for the Education Field

40.04.01 Jurisprudence / Юриспруденция

(Code and Name of the Field of Education / Specialty)

Courses (modules) are Taught as Part of the Educational Program of Higher Education

Международная защита прав человека

(name (profile/specialisation))

2022

1. COURSE GOAL

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.

2. LEARNING OUTCOMES

The course is aimed at building and enhancing the following target competencies (parts of competencies):

Table 2.1. List of target competencies (parts of competencies)

| Шифр Code (UC, GPC, PC) | Компетенция Competence | Индикаторы достижения компетенции (в рамках данной дисциплины) Competence indicators |
|----------------------------------|--|--|
| GPC-6 | Able to ensure compliance with the principles of legal ethics, including taking measures to prevent corruption and suppress corruption (other) offences | GPC-6.1. Knows the specifics of ethical norms in professional legal activity; |
| | | GPC-6.2. Ensures compliance with the principles of ethics in specific types of legal activity, including taking measures to prevent corruption and suppress corruption (other) offences; |
| | | GPC-6.3. Has systematic skills in ensuring compliance with the principles of legal ethics, including taking measures to prevent corruption and suppress corruption (other) offences. |
| PC-3 | Able to draft individual provisions or relatively exhaustive drafts of international legal acts (international treaty; final act of an international conference or summit; resolution for adoption by international organisations; communiqué; joint statement, etc.) using modern achievements of international law in general and its individual branches, taking into account requirements of the Russian Constitution and basic principles and norms of modern international law, as well as with application of effective international means | PC-3.1. Able to identify the relevance and need to regulate certain areas of international relations and imminent threats to the international community in order to prevent them and justify the application of existing approaches and concepts to improve efficiency in rule-making activities; |
| | | PC-3.2. Knows the international legal and conceptual framework and specifics of the process of drafting international legal acts in various branches and areas of regulation of modern international law; |

3. COURSE IN ACADEMIC PROGRAMME STRUCTURE

The course belongs to the mandatory part of Block 1 of the curriculum.

As part of the curriculum, students also study other courses and/or internships that contribute to the achievement of expected learning outcomes.

Table 3.1. The list of components of the Educational Program of Higher Education that contribute to the achievement of the expected results of the development of the course

| Шифр Code (UC, GPC, PC) | Наименование компетенции Competence | Предшествующие дисциплины/модули, практики* Previous courses/internships* | Последующие дисциплины/модули, практики* Subsequent courses/internships* |
|----------------------------------|---|---|--|
| GPC-6 | Able to ensure compliance with the principles of legal ethics, including taking measures to prevent corruption and suppress corruption (other) offences. | Философия права | Европейская система защиты прав человека Учебная практика (педагогическая) Производственная практика, в т.ч. преддипломная |
| PC-3 | Able to draft individual provisions or relatively exhaustive drafts of international legal acts (international treaty; final act of an international conference or summit; resolution for adoption by international organisations; communiqué; joint statement, etc.) using modern achievements of international law in general and its individual branches, taking into account requirements of the Russian Constitution and basic principles and norms of modern international law, as well as with application of effective international means. | Международное право и развитие (актуальные проблемы) | Производственная практика, в т.ч. преддипломная |

* - filled in based on the competency matrix

4. COURSE WORKLOAD AND ACADEMIC ACTIVITIES

Course workload is 4 credits (144 academic hours)

Table 4.1. Types of academic activities for **full-time** education

| Types of academic activities | TOTAL, academic hours | Semester / Module | | | |
|---|-----------------------------|-------------------|---|---|---|
| | | 5 | 6 | 7 | 8 |
| <i>Classroom learning, academic hours</i> | 36 | 36 | | | |
| including: | | | | | |
| Lectures (LC) | - | - | | | |
| Lab work (LW) | - | - | | | |
| Seminars (workshops/tutorials) (S) | 36 | 36 | | | |
| <i>Self-study (ies), academic hours</i> | 90 | 90 | | | |

| Types of academic activities | | TOTAL, academic hours | Semester / Module | | | |
|--|----------------|-----------------------------|-------------------|---|---|---|
| | | | 5 | 6 | 7 | 8 |
| <i>Evaluation and assessment (exam or pass/fail grading)</i> | | 18 | 18 | | | |
| Course Workload | academic hours | 144 | 144 | | | |
| | credits | 4 | 4 | | | |

5. COURSE UNITS AND CONTENTS

Table 5.1. The content of the course and types of academic activities

| Course Units / Sections | Topics | Type of academic activity* |
|--|--|----------------------------|
| Section 1. Conceptual and normative basis of the work of the treaty bodies in the institutional human rights system | Topic 1.1. Review of the fundamental rights and freedoms set up in the international human rights treaties over which the TB exercise their monitoring work. | S |
| | Topic 1.2. 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. | S |
| Section 2. Human rights treaty bodies: establishment, membership, competencies | Topic 2.1. The specifics of the Human Rights Treaty Bodies establishment. | S |
| | Topic 2.2. The process of election and the status of the Human Rights Treaty Bodies members. | S |
| | Topic 2.3. Functions and competencies of the Human Rights Treaty Bodies. | S |
| | Topic 2.4. Human Rights Treaty Bodies and the Office of the High Commissioner for Human Rights. | S |
| Section 3. Procedure of consideration of periodic reports by human rights treaty bodies and individual communication by human rights treaty bodies | Topic 3.1. The preparation and consideration of periodic reports by States. Differences between the “initial” and “periodic” report. Simplified reporting procedure. | S |
| | Topic 3.2. The individual complaint procedure within the treaty bodies system. The admissibility criteria for the submission of individual complaints within the HRTBs system. Opinions of the HRTBs on individual complaints and their legal force. | S |
| | Topic 3.3. Procedure for the consideration of interstate communications. | S |
| Section 4. Legal nature of the outcome documents of the human rights treaty bodies and their legal status in national legal systems | Topic 4.1. Legal Nature of and recommendations contained in concluding observations issued by the HRTBs on periodic state reports. Main challenges. Legal Nature of Opinions of the HRTBs on individual complaints. | S |
| | Topic 4.2. The legal nature and content of General Comments of the HRTBs. The weight of the interpretation given by the UN HRTBs. | S |

| Course Units / Sections | Topics | Type of academic activity* |
|---|--|----------------------------|
| | Topic 4.3. The procedure of inquiry, on-site visits, Follow-up measures and the process of implementation of TB recommendations. | S |
| Section 5. Cooperation of the human rights treaty bodies with the national human rights institutions (NHRI), non-governmental organisations (NGOs), the OHCHR and the UN Human Rights Council | Topic 5.1. The NHRIs and the NGOs. Participation of NHRI and NGOs in the work of the human rights treaty bodies. The role of the NGOs in the development of new international human rights standards, as well as in the ratification / accession of States to existing international human rights conventions. | S |
| | Topic 5.2. The interaction of the Treaty Bodies with the Human Rights Council (Special Procedures and UPR) and the OHCHR. | S |
| | Topic 5.3. Representatives of the UN specialized agencies participate in the session of the Human Rights Treaty Bodies. | S |
| Section 6. HRTBs Mooting seminar. | Topic 6.1. Simulation of a fictional dispute between an individual and a State before the HRTB, the quasi-judicial organ of the United Nations. | S |

* - filled in **only for full-time** education: LC - lectures; LW - laboratory work; S - seminars.

6. CLASSROOM EQUIPMENT AND TECHNOLOGY SUPPORT REQUIREMENTS

Table 6.1. Classroom Equipment and Technology Support Requirements

| Classroom for Academic Activity Type | Classroom Equipment | Specialized hardware and software (if necessary) |
|--------------------------------------|--|---|
| Lecture | Classroom for lectures, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |
| Lab | Classroom for lab work, group and individual consultations, evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |
| Seminars | Classroom for seminars, group and individual consultations, evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |
| Computer classroom | Computer classroom for academic activity, group and individual consultations, | Multimedia projector, laptop, projection screen, |

| Classroom for Academic Activity Type | Classroom Equipment | Specialized hardware and software (if necessary) |
|---|---|---|
| | evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, 30 personal computers, projection screen, stable wireless Internet connection. | stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |
| Self-studies Classroom | Classroom for Self-studies, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |
| Courtroom | Classroom for court hearing simulation equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |

* - It is necessary to specify a classroom for self-study of students

7. RECOMMENDED SOURCES FOR COURSE STUDIES

Main reading (sources):

1. De Schutter, O. *International Human Rights Law: Cases, Materials, Commentary* / ed. by O. De Schutter. – 3rd ed. – Cambridge University Press, 2019.
2. Alston, P., Goodman, R. *International Human Rights. The Successor to International Human Rights in Context: Law, Politics and Morals. Text and Materials* / ed. by P. Alston, R. Goodman. – Oxford University Press, 2013.

Additional (optional) reading (sources):

3. Abashidze A. Role of the Committee on Economic, Social and Cultural Rights in implementation and development of Human Rights and Fundamental Freedoms // *Вестник Российского университета дружбы народов. Серия: юридические науки.* - М: РУДН, 2012, №1. - С. 185-194.
4. Abashidze A. The Complementary Role of General Comments in Enhancing the Implementation of Treaty Bodies' Recommendations and Views (the Example of CESCR) // *New Challenges for the UN Human Rights Machinery. What Future for the UN Treaty Body System and the Human Rights Council Procedures?* / Edited by: M. Cherif Bassiouni, William A. Schabas - Antwerp: Intersentia Publishers, 2011. - С. 137-148.
5. Egan, S. Strengthening the United Nations Human Rights Treaty Body System / S. Egan // *Human Rights Law Review.* – 2013. – Vol. 13 (2). – P. 209–243.
6. Egan, S. *The UN Human Rights Treaty System: Law and Procedure* / S. Egan. – Dublin: Bloomsbury, 2011. – 524 p.
7. Fabrizio Marella. The human right to water and ICSID arbitration: two sides of a same coin or an example of fragmentation of international law? // *Актуальные проблемы современного международного права: Материалы ежегодной межвузовской научно-*

- практической конференции. Москва, 9-10 апреля 2010 г. Часть II / Под ред. А.Х. Абашидзе, М.Н. Копылова, Е.В. Киселевой. - М: РУДН, 2011. - С. 11-42.
8. Felice, D.G. A voice not an echo: universal periodic review and the UN treaty body system / D.G. Felice // Human rights law review. – 2007. – Vol. 7 (1). – P. 109–139.
 9. Kjaerum, M. State Reports // International Human Rights Monitoring Mechanisms. Essays in Honour of Jakob Th.Moeller / M. Kjaerum; ed. by A. Gudmundur et al. – 2nd revised. – The Hague–Boston–London: Martinus Nijhoff Publishers, 2009. – P. 17–24.
 10. Koneva A. Challenges facing the human rights treaty body system // Вестник Российского университета дружбы народов. Серия: юридические науки. - М: РУДН, 2014, №1. - С. 245-255.
 11. New Challenges for the UN Human Rights Machinery. What Future for the UN Treaty Body System and the Human Rights Council Procedures? / Edited by: M. Cherif Bassiouni, William A. Schabas - Antwerp: Intersentia Publishers, 2011.
 12. Schabas, W.A. On the Binding Nature of the Findings of the Treaty Bodies // New Challenges for the UN Human Rights Machinery. What Future for the UN Treaty Body System and the Human Rights Council Procedures? / W.A. Schabas; ed. by M.Ch. Bassiouni, W.A. Schabas. – Antwerp: Intersentia Publishers, 2011. – P. 97–107.
 13. Smith, Rh.K.M. Textbook on International Human Rights / Rh.K.M. Smith – 6th ed. – Oxford: Oxford University Press, 2014. – 448 p.
 14. Surya P. Subedi. The Effectiveness of the UN Human Rights System. Reform and the Judicialisation of Human Rights System / ed. by Surya P. Subedi. – Routledge, 2017.
 15. The Optional Protocol to the International Covenant on economic, social and cultural rights. A commentary / edited by M. Langford, B. Porter, R. Brown, J. Rossi. Pretoria University Press, 2014.
 16. The United Nations and Human Rights: A Critical Appraisal / Eds.: Frédéric Mégret, Philip Alston. – 2nd ed. – Oxford University Press, 2020.
 17. Tomuschat, C. Human Rights: Between Idealism and Realism / Ed. by C. Tomuschat. – 3rd ed. – Oxford University Press, 2014.
 18. UN Human Rights Treaty Bodies / Eds.: Helen Keller, Universität Zürich, Geir Ulfstein. - Cambridge University Press, 2012.

Internet-(based) sources:

1. Electronic libraries with access for RUDN students
 - RUDN Electronic library system <http://lib.rudn.ru/MegaPro/Web>
 - Electronic library system «University Library online» <http://www.biblioclub.ru>
 - Electronic Library «URAIT» <http://www.biblio-online.ru>
 - Electronic library system «Student. Consultant» www.studentlibrary.ru
 - Electronic library system «Lan» <http://e.lanbook.com/>
 - Electronic library system "Troitskyi most"
2. Databases and search engines:
 - Electronic Legal and Regulatory Documentation Fund <http://docs.cntd.ru/>
 - Search system Yandex <https://www.yandex.ru/>
 - Search system Google <https://www.google.ru/>
 - SCOPUS <http://www.elsevierscience.ru/products/scopus/>

* - Learning toolkits for self-studies in the RUDN Learning materials for self-studies on the relevant course pages in TUIS

8. ASSESSMENT AND EVALUATION TOOLKIT

Mid-Term Assessment and Evaluation Toolkit, Assessment and Grading Criteria are presented in the Appendix to this Course Syllabus

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