

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

**INTER AMERICAN SYSTEM OF HUMAN RIGHTS**

Specialty "Jurisprudence"

40.04.01, Master Degree

"International Protection of Human Rights"

## Goals and objectives of course

The goals and objectives of the discipline are to create complex idea of International Human rights protection, particularly the regional systems: Inter-American system of human rights protection. The course is designed for the Law students having basic training on International Public and International Private Law specializing in master programs of international legal regulations.

The course aims to train students' skills on elaboration of recommendations to the improvement of the National and the Regional legislations in the ground of Human Rights Protection based on Treaties and Regulations of Human Rights Law at universal, regional and national levels.

The main objectives of the course are as the following: to acquaint students with specific subject of Human Rights Law; to define the place of international human rights law in the system of the Public International Law;- to analyze and study the system of sources of Human Rights Law, to create students' vision on the necessity of international intergovernmental and non-governmental organization participations in elaboration of Human Rights Law.

## Position of course in curriculum

The course is delivered as subject to be selected in second semester. The volume of the course is 4 ESTC credits.

№	Competences	Previous disciplines	Subsequent disciplines
Professional competences			
1	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)	The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law
2	able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of	The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection

	complexity with the development of independent conclusions and practical proposals (PC-3)		International Humanitarian Law
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)	The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law
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)	The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law

### **Requirements for the results of the course**

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

able to professionally apply normative legal acts in specific areas of legal activity, to implement the norms of substantive and procedural law in professional activity (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:**

**To know:**

- The degree of negative impact of globalization on the international legal order;
- Benefits of globalization in the world of unity, interrelatedness and interdependence of nations;
- The basic theoretical problems of modern international law;
- The basic doctrinal approaches to various theoretical problems of modern international law;
- Ways and means to prevent, overcome and resolve international legal problems of a global nature, adversely affecting the international legal order.

**To be able to:**

- Assess the effectiveness of the UN chief to address the problems within their competence;
- Predicting the International Law Commission United Nations to further the progressive development of international law;
- To propose concrete steps for the application of regulatory and institutional capacity of the UN and the regional systems to resolve global problems;
- Specify the path to improve the national legal resources on the implementation of international commitments of the national legal system.

**Be skilled in:**

- Work with the system of websites UN, the UN Library, UN University, UN specialized agencies, regional intergovernmental organizations such AU, CE, OAS;
- Work with international legal acts adopted on important aspects of maintaining international peace and security;
- Analysis of recent court decisions and the International Court of Justice, of the European Court of Human Rights, Inter-American Court of human rights, African Court of human rights, the legal community perceived ambiguously;
- Solving the problems of interpretation or implementation of international obligations of States on the fundamental international agreements.

## The volume of course and types of activities

Type	Total hours	Semesters	
			II
Total classes workload	32		32
Lectures			
Classes	32		32
Independent work	112		112
Volume, hours	144		144
Volume, credits	4		4

### Contents of course

#### **Section I. Integration process in Americas and the Creation of the Organization of American States (OAS)**

Background on human rights protection in Americas. Washington Conference 1889-1890. Bogota Conference and the creation of the OAS in 1948. The OAS Charter of the OAS. Buenos Aires (Argentina) in 1967 and entered into force in 1970. Cartagena de Indias (Colombia) of 1985 and entered into force in 1986. Managua (Nicaragua) of 1993 and entered into force in 1996. Washington (USA) of 1992 and entered into force in 1997. Main pillars of the OAS. Human rights. Democracy. Economical development. Security. Main Organs of the OAS. Structures of the OAS. Functions of the OAS. Competences of the OAS.

#### **Section II. Inter-American Commission on human rights (IACHR).**

Creation of the IACHR. OAS and the IACHR. IACHR as one of the main organs of the OAS according to the OAS Charter. The idea of the creation of the IACHR.

The Article 106 of the OAS Charter and the creation of the Inter-American Commission on Human Rights.

The American Convention on human rights and the IACHR: The main tasks of the IACHR. Promoting, Protection, enforcement the observance and protection of human rights. Consultative function of the IACHR in human rights issues. Receiving and consideration of complaints.

Competence to lodge complaints. Condition for admissibility. Interaction between the IACHR and the Inter-American Court on human rights.

The composition of The IACHR. Independency of the Commissioners. Terms of office of the Commissioners. The structure and composition of the IACHR. Rule of procedure of the IACHR. Interaction between the IACHR and the Other organs of the OAS. Interaction between the IACHR and the assembly of head of states. The year report of the IACHR to the Assembly. Educational function of the IACHR. Country visits.

.The main instruments of the Inter American system on human rights. The Inter American Charter. The Inter American declaration of human rights and duties. The Inter American Convention on human rights. The Inter American democratic Charter. The Inter American convention against all forms of discrimination and intolerance. The Inter American convention against racism, racial discrimination, and related forms of intolerance. The Inter American Convention on the elimination of all forms of discrimination against person with disability. The Inter American convention on forced disappearance of persons. The Statute of the IACHR. The Inter American convention on protecting of human rights of elder persons.

### **Section III. Inter-American Court of human rights (Court)**

Background and evolution of the Court. The Ninth International Conference of American States (Bogotá, Colombia, 1948). The adoption of the Resolution XXXI and the creation of the Court. The Fifth Meeting of Consultation of Ministers of Foreign Affairs of (1959). The Inter-American Council of Jurist. The draft and the establishment of an “Inter-American Court of Human Rights” and others organs for the protection and observance of those rights. The American Convention on Human Rights and the establishment of the Inter-American Court of Human Rights in 1969.

Composition of the Court. The Statute of the Court by the Resolution No. 4481979. The independency of the judges of the Inter-American Court. Terms of office of the judges. Structure of the Court.

Functions of the Court. Applying and interpretation of the American Conventions on human rights. Advisory opinion of the Court. The judicial function of the Court. Submission of the case by the Commission and the States. The contentious jurisdiction of the Court. The interaction between the Court and other organs of the OAS. The interaction between the Court ant the IACHR. Annual report of the Court to the Assembly.

#### **Section. IV. Comparing universal and other regional human rights systems and Inter-American system of human rights protection**

Inter-American system of human rights protection and African system of human rights. Inter-American system of human rights protection and European human rights system. Inter-American system of human rights protection and International protection of human rights (United Nations systems of human rights protection). Inter-American system of human rights protection and UN human rights bodies. Interaction Inter-American system of human rights protection and others human rights bodies: African system of human rights protection, European system of human rights protection and UN system of human rights protection.

#### **Sections of Course and Education forms**

Sections	Lectures	Classes	Independent work	Total hours
1		8	19	27
2		8	19	27
3		8	19	27
4		8	19	27

#### **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.

#### Databases and search systems

<http://www.oas.org/en/iachr/>, <http://www.oas.org/>, <http://www.corteidh.or.cr>, [www.un.org](http://www.un.org), [www.ohchr.org](http://www.ohchr.org), <https://www.echr.coe.int>, [www.au.int](http://www.au.int), [www.achpr.org](http://www.achpr.org), [www.african-court.org](http://www.african-court.org), [www.amnesty.org](http://www.amnesty.org), [www.e-library.ru](http://www.e-library.ru), [www.oxfordjournals.org](http://www.oxfordjournals.org), [www.myilibrary.com](http://www.myilibrary.com), [www.ebooks.cambridge.org](http://www.ebooks.cambridge.org)

#### 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**

1. The Practice and Procedure of the Inter-American Court of Human Rights  
Author: Jo M. Pasqualucci, Cambridge University press, 2003
2. The Inter-American Court of Human Rights: Case Law and Commentary  
Authors: Laurence Burgorgue-Larsen, Amaya Ubeda de Torres.- Oxford University Press, 2011
3. The Inter-American Court of Human Rights.- J. S. Davidson.- Dartmouth Publishing Company Limited, 1992
4. Provisional Measures in the Case Law of the Inter-American Court of Human Rights.  
Author: Clara Burbano Herrera.- Intersentia, 2010  
  
The Inter-American Human Rights System  
Author: Scott Davidson.- Dartmouth, 1997

## **Additional literature**

1. I/A Court H.R., Case of the Kaliña and Lokono Peoples v. Suriname. Merits, Reparations and Costs. Judgment of November 25, 2015. Series C No. 309  
[http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda\\_casos\\_contenciosos.cfm?lang=en](http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda_casos_contenciosos.cfm?lang=en)
2. I/A Court H.R., Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 28, 2014. Series C No. 283.  
[http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda\\_casos\\_contenciosos.cfm?lang=en](http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda_casos_contenciosos.cfm?lang=en)
3. I/A Court H.R., Case of Expelled Dominicans and Haitians v. Dominican Republic. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 28, 2014. Series C No. 282.  
[http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda\\_casos\\_contenciosos.cfm?lang=en](http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda_casos_contenciosos.cfm?lang=en)
4. I/A Court H.R., Case of the Supreme Court of Justice (Quintana Coello et al.) v. Ecuador. Interpretation of the Judgment of Preliminary Objection, Merits, Reparations and Costs. Judgment of August 21, 2014. Series C No. 280.  
[http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda\\_casos\\_contenciosos.cfm?lang=en](http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda_casos_contenciosos.cfm?lang=en)
5. I/A Court H.R., Case of the Massacres of El Mozote and nearby places v. El Salvador. Interpretation of the Judgment on Merits, Reparations and Costs. Judgment of August 19, 2013. Series C No. 264.  
[http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda\\_casos\\_contenciosos.cfm?lang=en](http://www.corteidh.or.cr/CF/Jurisprudencia2/busqueda_casos_contenciosos.cfm?lang=en)



### **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.

### **Author**

Associate Professor of the Department of International Law, Candidate of Legal Sciences



A. Solntsev

### **Programme supervisor**

Professor of the Department of International Law, Doctor of Legal Sciences



N. Emelyanova

**Head of the Department** of International Law, doctor of legal sciences, professor



A. Abashidze