

**AZƏRBAYCAN RESPUBLİKASI TƏHSİL NAZİRLİYİ
BAKİ DÖVLƏT UNİVERSİTETİ**

FƏNN SİLLABUSU

Təsdiq edirəm _____
(kafedra müdiri)

İmza: _____

Tarix: “ _____ ” _____ **20** _____ **-ci il**

Kafedra: _____ İnsan hüquqları və informasiya hüququ

Fakültə: _____ Hüquq _____

I. Fənn haqqında məlumat

Fənnin adı: Current issues of international legal protection of human rights

Tədris yükü (saat) cəmi: _____ müəhazirə 30 seminar 15 praktik (laboratoriya) _____

Tədris ili _____ Semestr _____ Bölmə _____

Kredit sayı (hər 30 saata 1 kredit) _____

II. Müəllim haqqında məlumat: Bayramova Parvana Adilkhan, PhD in Law
(Soyadı, adı, atasının adı, elmi adı və dərəcəsi)

Məsləhət günləri və saatları: _____

E-mail ünvanı: parvana_bairamova@hotmail.com

İş telefonu: _____

III. Tələb olunan dərsliklər və dərs vəsaitləri:

Əsas:

1. Olivier De Schutter. International Human Rights Law. Cases, Materials, Commentary. Cambridge University Press, 2010.
2. J. Rehman. International Human Rights Law. 2010.
3. International Human Rights Law. D. Moekli, S. Shah, S. Sivakumaran. Oxford University Press, 2010.

4. D.J. Harris, M. O'Boyle, C. Warbrick. Law of the European Convention on Human Rights. London, Dublin, Edinbourg, 2005.

Əlavə:

5. Human Rights of Women. National and International Perspectives. Rebecca J. Cook ed., 1994

6. Fortin. Children's Rights and the Developing Law. Butterworths, 2003.

IV. Fənnin təsviri və məqsədi:

(Fənn haqqında qısa məlumat, onunla şərtləşən fənlər (bilavasitə bağlı olan/uyğun gələn), fənnin tədrisinin məqsədləri. Bu fənni öyrənməklə tələbələrin nəyi biləcəkləri, nəyə nail olacaqları və hansı vərdişlərə yiyələnəcəkləri qeyd edilir)

Kursun qısa təsviri: This course is intended to familiarize students with current issues of international legal protection of human rights. The course examines the themes in international human rights law; the UN system and the modern human rights regime; the International Bill of Human Rights; regional protectionism of human rights; and group rights.

The course will be split into 11 topics and will be conducted in the English language. The course will cover both theoretical issues of protection of human rights as well as study of the relevant case-law. One of the topics of the course will be dedicated to the analysis of the legislation of the Republic of Azerbaijan in the field human rights law.

Kursun məqsədi: Four objectives of the course include:

- To familiarize students with international and domestic legal norms in the field of human rights law;
- To equip students with practical tools necessary to protect human rights;
- To develop students' ability to analyze the compliance of domestic law to international law;
- To teach students how to read the court cases critically.

V. Fənnin təqvim planı:

Topic 1:

Introduction: The Idea and Development of Human Rights - (4 hours)

- Human rights of the individual in international law

- Themes in international human rights law
 - Universalism and cultural relativism
 - Naturalism and positivism
- International law and human rights
- Sources of international law
- Sui generis character of international human rights law
- Jus cogens and human rights law
- Erga omnes obligations
- Positive and negative obligations
- Classification of human rights

Reading:

1. International Human Rights Law. D. Moekli, S. Shah, S. Sivakumaran. Oxford University Press, 2010. pp. 391-520.
2. Olivier De Schutter. International Human Rights Law. Cases, Materials, Commentary. Cambridge University Press, 2010.
3. J. Rehman. International Human Rights Law. 2010.
4. Sophocles. Antigone.

Topic 2:

International Human Rights Framework: Overview of Key Treaties, Bodies, and Mechanisms - (4 hours)

- Universal Declaration of Human Rights;
- ICCPR;
- ICESCR;
- African Charter on People's and Human Rights;
- European Convention on Human Rights;
- American Convention on Human Rights

Reading:

1. Review the Universal Declaration of Human Rights, available at www.un.org/en/documents/udhr/;
2. ICCPR and the ICESCR, available at www2.ohchr.org/english/law/ccpr.htm and www2.ohchr.org/english/law/cescr.htm;
3. European Convention on Human Rights, available at www.hri.org/docs/ECHR50.html;
4. African Charter on Human and People's Rights, available at www.hrcr.org/docs/Banjul/afhr.html and Protocol to said Charter on the Rights of Women in Africa, available at <http://www1.umn.edu/humanrts/africa/protocol-women2003.html>;
5. American Convention on Human Rights, available at www.oas.org/juridico/english/treaties/b-32.html.

Topic 3:**Limitations and derogations – (4 hours)**

- The right to life
- The freedom of expression
- The right to privacy
- The concept of emergency
- Emergency and international legal safeguards
- Derogations in emergencies
- Non-derogable rights

Reading:

1. J. Rehman. International Human Rights Law. 2010. pp. 537-550.
2. International Human Rights Law. D. Moekli, S. Shah, S. Sivakumaran. Oxford University Press, 2010.
3. P. Bayramova. Protection of Human Rights in Emergencies. Baku, 2005.

Case study:

- Handyside v UK (5493/72), ECHR.

Topic 4:

Equality and non-discrimination – (2 hours)

- Equality and non-discrimination within international law
- International Convention on the Elimination of All Forms of Racial Discrimination
- Direct and indirect discrimination
- Inconsistencies with international standards and difficulties in implementation
- Holding the state responsible for private violence: due diligence;

Reading:

1. Olivier De Schutter. *International Human Rights Law. Cases, Materials, Commentary.* Cambridge University Press, 2010.
2. J. Rehman. *International Human Rights Law.* 2010.
3. International Human Rights Law. D. Moekli, S. Shah, S. Sivakumaran. Oxford University Press, 2010.
4. International Convention on the Elimination of All Forms of Racial Discrimination. Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

Topic 5:

Prohibition of Torture – (2 hours)

- Defining the concept of ‘torture’, ‘cruel’, ‘inhuman’ or degrading treatment’ or ‘punishment’
- Torture and the issues of sovereign immunity and universal jurisdiction
- The Convention against Torture
- The UN Special Rapporteur
- Regional initiatives

Reading:

1. Olivier De Schutter. International Human Rights Law. Cases, Materials, Commentary. Cambridge University Press, 2010.
2. J. Rehman. International Human Rights Law. 2010.
3. International Human Rights Law. D. Moekli, S. Shah, S. Sivakumaran. Oxford University Press, 2010.
4. D.J. Harris, M. O'Boyle, C. Warbrick. Law of the European Convention on Human Rights. London, Dublin, Edinbourg, 2005.

Topic 6:

The rights of minorities – (2 hours)

- Definition of minorities
- Analysing the substantive right of minorities
 - The right to life and physical existence
 - The right to religious, cultural and linguistic autonomy
- Modern initiatives in international law

Reading:

1. Olivier De Schutter. International Human Rights Law. Cases, Materials, Commentary. Cambridge University Press, 2010.
2. J. Rehman. International Human Rights Law. 2010.
3. International Human Rights Law. D. Moekli, S. Shah, S. Sivakumaran. Oxford University Press, 2010.
4. D.J. Harris, M. O'Boyle, C. Warbrick. Law of the European Convention on Human Rights. London, Dublin, Edinbourg, 2005.

Topic 7:

The rights of Women – (2 hours)

- Rights of women and human rights regime
- Women and violence during armed conflict
- CEDAW Convention
- CEDAW Committee
- General recommendations
- Violence against women

Reading:

1. Convention on the Elimination of All Forms of Discrimination against Women. Available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
2. Human Rights of Women. National and International Perspectives. Rebecca J. Cook ed., 1994, pp. 3-36, 58-84.
3. J. Fitzpatrick. The Use of International Human Rights Norms to Combat Violence against Women. In Human Rights of Women, Rebecca J. Cook ed., 1994. pp. 532-540, 555-58.
4. R. Copelon. Intimate Terror: Understanding Domestic Violence as Torture. In Human Rights of Women, Rebecca J. Cook ed., 1994. pp. 116-152.
5. J. Rehman. International Human Rights Law. 2010, pp. 551-553.
6. CEDAW, General Recommendation No. 19. Available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>
7. UN Declaration on the Elimination of Violence against Women. Available at <http://www.un.org/documents/ga/res/48/a48r104.htm>
8. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. available at <http://www.oas.org/juridico/english/treaties/a-61.html>

Cases:

9. Veasquez Rodriquez Case. Inter-Am. Ct.H.R. 28 I.L.M. 291 (1988). Available at http://www1.umn.edu/humanrts/iachr/b_11_12d.htm
10. Opuz v. Turkey. ECtHR. App No. 33401/02. Available at [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{"fulltext":\["domestic violence"\],"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"DECISION S":\["itemid":\["001-92945"\]}\]](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{)

Topic 8:

The rights of the child – (2 hours)

- International instruments on the rights of the child;
- The Convention on the Rights of the Child;
- Analyzing the substantive provisions;
- Children in wars and armed conflicts;
- Concerns of disability and health;
- Implementation of the CRC

Reading:

1. J. Rehman. International Human Rights Law. 2010. pp. 555-599.
2. Fortin. Children's Rights and the Developing Law. Butterworths, 2003.
3. Ali, Goonesekere, Mendez and Rios-Kohn. Protecting the World's Children: Impact of the Convention on the Rights of the Child in Deverse Legal Systems. Cambridge University Press, 2007.
4. The Convention on the Rights of the Child. Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>
5. Understanding the Convention on the Rights of the Child. Available at http://www.unicef.org/crc/index_understanding.html

Topic 9:

Human trafficking as modern slavery - (2 hours)

- Palermo Protocol;
- Military abduction;
- Forced pregnancy;
- Sexual enslavement;
- Forced labor;
- Child marriage;
- Forced marriage

Reading:

1. Palermo Protocol. Available at http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf
2. J. Rehman. International Human Rights Law. 2010, pp. 572-583.
3. Wolte S. Armed Conflict and Trafficking in Women. Eschborn, 2004.
4. Kim J. Prosecuting Human Trafficking as a Crime against Humanity under the Rome Statute. http://blogs.law.columbia.edu/gslonline/files/2011/02/Jane-Kim_GSL_Prosecuting-Human-Trafficking-as-a-Crime-Against-Humanity-Under-the-Rome-Statute-2011.pdf
5. <http://www.childtrafficking.com/>

Topic 10:

Rights of persons with disabilities – (2 hours)

- The UN and the rights of the disabled persons
- The UN Convention on the Rights of Persons with Disabilities
- Independence, accessibility and participation in all aspects of life
- Implementatino of the Convention
- The Optional Protocol to the CRDP

Reading:

1. Olivier De Schutter. *International Human Rights Law. Cases, Materials, Commentary.* Cambridge University Press, 2010.
2. J. Rehman. *International Human Rights Law.* 2010.
3. International Human Rights Law. D. Moekli, S. Shah, S. Sivakumaran. Oxford University Press, 2010.
4. The UN Convention on the Rights of Persons with Disabilities. Available at: <http://www.un.org/disabilities/convention/conventionfull.shtml>

Topic 11:

International Criminal Law and International Human Rights Law - (4 hours)

- Introduction
- Definition and characteristic of International Criminal Law
- International Criminal Court
- Categories of international crimes
 - War crimes
 - Crimes against humanity
 - Genocide
 - Aggression
- Recent developments at the ICC
- UN *ad hoc* Tribunals

Reading:

1. International Criminal Tribunal for the Former Yugoslavia – www.icty.org
2. International Criminal Tribunal for Rwanda – www.icttr.org
3. International Criminal Court – www.icc-cpi.int
4. Olivier De Schutter. *International Human Rights Law. Cases, Materials, Commentary.* Cambridge University Press, 2010.
5. J. Rehman. *International Human Rights Law.* 2010.

6. International Human Rights Law. D. Moekli, S. Shah, S. Sivakumaran. Oxford University Press, 2010.

Case study:

- Akayesu case. Case No. ICTR-96-4-T. available at <http://www.unict.org/Portals/0/Case/English/Akayesu/judgement/akay001.pdf>

VI. İmtahanın keçirilməsi forması -yazılı, şifahi, dialog və ya test.

VII. Semestr ərzində qiymətləndirmə və bal bölgüsü:

Balların maksimum miqdarı – 100 bal.

A) *Semestr ərzində toplanan maksimum bal – 50 (imtahana keçid bal – 25)*

Dərsə davamiyyətə görə	10 bal
Mühazirə mətnlərinin tərtibatına görə	5 bal
Tələbələrin sərbəst işinə (referat, prezentasiya, tədqiqat işi və s.) görə Qeyd: Plagiat halları qəti qadağandır! Sərbəst işlə əlaqədar bütün tapşırıqların qısa təsviri, təqdim olunma şərtləri, vaxtı və qiymətləndirmə üsulu dəqiq göstərilir.	5 bal
Seminar (məşğələ) və ya laboratoriya dərslərinin nəticələrinə görə (eyni fəndən həm seminar (məşğələ), həm də laboratoriya dərsləri nəzərdə tutulduğu halda onların hər birinə 10 bal ayrılır).	20 bal
Kurs işinin hazırlanmasına və müdafiəsinə görə (fənn üzrə kurs işi (layihəsi) nəzərdə tutulmayıbsa, ona ayrılan 10 bal seminar (məşğələ) və ya laboratoriya dərslərinə əlavə olunur).	10 bal

B) *Semestr imtahanı nəticəsinə görə - maksimum 50 bal*

Hər biletdə – 5 sual, hər suala – 10 bal verilir

Qeyd: Tələbənin imtahandan topladığı balın miqdarı 25-dən az olmamalıdır.

C) *Semestr nəticəsinə görə qiymətləndirmə (imtahan və imtahana qədər toplanan ballar əsasında):*

91 – 100 bal	əla	A
81 – 90 bal	çox yaxşı	B
71 – 80 bal	yaxşı	C
61 – 70 bal	kafi	D
51 – 60 bal	qənaətbəxş	E
51 baldan aşağı	qeyri-kafi	F

Müəllim: Bayramova Parvana Adilkhan
(soyadı, adı, atasının adı)

İmza: _____

Tarix: _____