



Vienna Law School

**LL.M. in International Law
Summer Semester 2024**

Course Title: International Human Rights Law

Professor: Dr. Aniruddha Rajput

I. Course Description and Objectives

After the devastating human tragedy of the holocaust, the international community was united and concerned about the need for the protection of human rights as a part of the new international order that was being created after the Second World War. Along with maintenance of international peace and development, protection of human rights constitutes one of the three pillars of the regime of the Charter of the United Nations (UN Charter). The preamble of the UN Charter sets out the importance of human rights by reaffirming “faith in fundamental human rights, in the dignity and worth of the human person”. Since the UN Charter the role, importance and the categories of human rights protected have increased.

There are four broad themes within which the current course is divided. First, the general framework of human rights. Second, specific human rights. Third, the procedures and mechanisms for implementation and effective protection of human rights. Fourth, contemporary developments and challenges such as business and human rights, threats to human rights protection while undertaking counter-terrorism operations and protection of human rights during armed conflict.

The UN Charter, Universal Declaration of Human Rights (UDHR) and nine international human rights treaties and monitoring bodies provide a framework for protection of human rights. Some human, if not all are absolutely non-derogable and have achieved the status of peremptory norms of general international law (*jus cogens*). The first aim of this course is to appraise students of the legal principles governing this regime and strengthening their understanding of the functioning of these regimes. Simultaneously, the intention is to develop critical thinking about the implementation and use of human rights. Despite its importance and developments, protection of human rights has not always been successful or effective. On the other hand there are concerns of expansive interpretations of rights and political use of human rights by power States against weaker States, primarily from the Third World. The objective of the course is to critically appraise and discuss these aspects for a holistic and realistic assessment of the regime of human rights that currently exists and the shape it may take with the changing geo-political environment.



The goal is to equip students to understand the nature, contents and role of human rights and limits in their implementation to prepare students with knowledge that would aid them in any context, whether working for non-governmental organisations (NGOs), corporations or governments (public service).

Course Outline

1. Introduction and Historical Development
2. Sources of International Human Rights Law and Stake-holders in the Protection of Human Rights
3. Civil and Political Rights
4. Economic, Social and Cultural Rights
5. Right of self-determination, Indigenous Persons, Women and Children Rights
6. Extra-Territorial Application of Human Rights and Compliance at National Level
7. UN Charter and Treaty System for Monitoring and Enforcement
8. Protection of Human Rights in Europe
9. Business and Human Rights
10. Human Rights and Counter-Terrorism Operations
11. International Human Rights and Other Areas of International Law (International Humanitarian Law & International Criminal Law)

II. Basic Text

Ilias Bantekas and Lutz Oette, *International Human Rights Law and Practice* (2nd edn, Cambridge University Press, 2016) [Bantekas and Oette]

Olivier de Schutter, *International Human Rights Law Cases, Materials, Commentary* (3rd edn, Cambridge University Press, 2019) [De Schutter]

III. Websites:

UN, Office of High Commissioner https://www.ohchr.org/en/ohchr_homepage

IV. Teaching Method

The course will be taught in weekly class sessions. Each class session will be a combination of lectures and class discussions. The teaching and the discussions would be based on the course material set out in this syllabus. Students are expected to do the readings in advance and participate in the class discussions based on their understanding of the reading material and their own critical approaches to the topics intended to be taken up in the class. To facilitate discussions in the class, a set of questions is provided in this syllabus. Students are expected to think about these questions towards preparation for the class.

V. Assessment Method

- A. A one and half hour final written exam (80%)
- B. Class participation (20%)