

INTERNATIONAL HUMAN RIGHTS LAW SCHEDULE

1ST SEMESTER OF ACADEMIC YEAR 2020/2021

Lecturers: Prof. Dr. Thomas Schmitz, Dr. Fajri M. Muhammadiyah

Concentration class: 2 sessions/week

1. Introduction

- A. Historical foundations of international human rights law
- B. Universality or cultural determination of human rights?
- C. Human rights and fundamental rights
- D. The parallelism of national and international human and fundamental rights regimes
 - i. The primary responsibility of the state for the effective protection of human rights
 - ii. The development of a plurality of human and fundamental rights regimes
 - iii. The reasons for the plurality of human and fundamental rights regimes
 - iv. In particular: Geo-regional human rights regimes as expressions of identity of civilisations
 - v. General aspects of the parallelism of human and fundamental rights regimes

2. Human and fundamental rights as binding law

- A. The direct applicability of human and fundamental rights
- B. The holders and the addressees of human and fundamental rights
- C. The responsibility for the protection of the human and fundamental rights
- D. The state's duty of protection against violations by private persons
- E. The dogmatic structure of (defensive) human and fundamental rights, in particular the limits of rights and the limitation of restrictions by the principle of proportionality

3. Global human rights law

- A. The protection of an absolute minimum standard of human rights by mandatory customary public international law
- B. The role of the United Nations (UN) to promote and encourage the respect for human rights
- C. Global human rights treaties
 - i. The International Covenant on Civil and Political Rights (ICCPR)
 - ii. The International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - iii. Global human rights treaties on special subjects
- D. Mechanisms to control the compliance with global human rights law
 - i. Instruments of the UN Human Rights Council
 - ii. Control mechanisms under the UN human rights treaties
- E. The complementary human rights protection by the international criminal justice

4. Geo-regional human rights law (Part 1: Before Mid-Semester Exams)

- A. European human rights law outside the European Convention
- B. American human rights law (overview)
- C. African human rights law (overview)

5. Geo-Regional human rights law (part 2: Before Mid-Semester Exams)

- A. Arab human rights law
- B. Asian (Lack of) human rights law

6. TWAIL

- A. An “Alternate” Reading of History?
- B. International law-making and what to make of it
- C. Human Rights and the Clash of Civilizations/Cultures/Identities?

7. Human Rights and Religion

- A. Clash of epistemologies
- B. Religious responses to human rights
- C. International instruments on human rights and religion
- D. Political complexities of human rights and religion

8. Human Rights and Armed Conflict

- A. The relation between two sub-legal regimes
- B. Negotiating human rights
- C. Jus Post Bellum

9. Indonesia and Human Rights

- A. From Colonialism to the Present day
- B. The question of incorporation/transformation
- C. Ideological and political discourses of legal interpretation
- D. Indonesian Human Rights 4.0