

HUMAN RIGHTS LAW

Third part of the course, with special focus on geo-regional human rights law

Contents

Preliminary remark: At the Faculty of Law of Universitas Gadjah Mada the courses are shared by several lecturers. This table informs about my lectures in the second part of the course (starting on 01.10.), which focus on geo-regional human rights law.

§ 1 The Multi-level protection of human rights and the parallelism of human and fundamental rights regimes

- I. Human and fundamental rights
- II. Human and fundamental rights regimes and other mechanisms
- III. The parallelism of human and fundamental rights regimes
- IV. Geo-regional human rights regimes as expressions of identity of civilisations

§ 2 Focusing on the essential: human and fundamental rights as binding law

- I. Human and fundamental rights as directly applicable law
 - in particular: the direct binding effect towards all public authorities
- II. The effective enforcement of the human and fundamental rights as a primary mission of the courts
- III. The state's duty of protection against violations by private persons
- IV. The dogmatic structure of (defensive) human and fundamental rights
 - 1) Scope/sphere of protection, encroachment/interference, fundamental rights' limits and limits of limits
 - 2) In particular: the principle of proportionality as a limit to all restrictions

§ 3 European human rights law

- I. The role of the Council of Europe to promote the protection of human rights
- II. The European Convention on Human Rights (ECHR)
 - 1) Wording and reality: the European Convention as a "living instrument"
 - 2) The rights guaranteed in the European Convention and its protocols
 - 3) The specific limitation clauses in the European Convention and its protocols
 - 4) Central elements of human rights doctrine under the European Convention
- III. The European Court of Human Rights
 - 1) The European Court of Human Rights as treaty-body of the European Convention
 - 2) Composition and structure
 - 3) Individual complaints to the Court (art. 34 ff. ECHR)
 - 4) The supervision of the execution of the judgements by the Council of Europe's Committee of Ministers (art. 46 ECHR)
- IV. European human rights treaties on special subjects
- V. Excursus: Fundamental rights in European Union law
 - in particular: the Charter of Fundamental Rights of the European Union

§ 4 American human rights law

- I. The role of the Organisation of American States (OAS) to promote human rights
- II. The American Convention on Human Rights (ACHR)
- III. The Inter-American Commission of Human Rights
- IV. The Inter-American Court of Human Rights
- V. American human rights treaties on special subjects

§ 5 African human rights law

- I. The African Union and human rights
- II. The African Charter on Human and Peoples' Rights (Banjul Charta)
- III. The African Commission on Human and Peoples' Rights
- IV. The African Court of Human and Peoples' Rights
- V. African human rights treaties on special subjects

§ 6 An emerging Arab human rights law?

- I. The Arab Charter on Human Rights
- II. Compatibility of the Arab Charter on Human Rights with universal human rights standards?
- III. The projected Arab Court of Human Rights

§ 7 The missing Asian human rights law

- I. "Asian values" and the long way to the acceptance of the idea of human rights
- II. ASEAN and human rights
- III. The ASEAN Human Rights Declaration (AHRD) - on the way to an ASEAN charter of human rights?

§ 8 Discussion and conclusion on the merits and weaknesses of the existing geo-regional human rights regimes

§ 9 A topic cross-cutting issue: business and human rights

- I. The traditional focus of human rights law on public authorities
- II. Global enterprises and their direct and indirect impact on human rights
- III. The responsibility of enterprises in the field of human rights
- IV. Approaches to implement the responsibility of enterprises in the field of human rights

§ 10 [Preparation of a course paper on geo-regional human rights law]

More information on this course contribution at www.thomas-schmitz-yogyakarta.id. For any questions, suggestions and criticism please contact me in my office (Building A, room A.IV.11) or via e-mail at tschmit1@gwdg.de.