

## INTERNATIONAL HUMAN RIGHTS LAW

## First part of the course

## 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 first part of the course (from 15.09. to 15.10.). They will be followed by the lectures of my colleague *Fajri Matahati Muhammadin* in the second part of the course.

### § 1 Introduction

- I. Historical foundations of international human rights law
- II. Universality or cultural determination of human rights?
- III. Human rights and fundamental rights
  - 1) On the terms "human rights" and "fundamental rights"
  - 2) Human and fundamental rights regimes and other mechanisms
- IV. The parallelism of national and international human and fundamental rights regimes
  - 1) The primary responsibility of the state for the effective protection of human rights
  - 2) The development of a plurality of human and fundamental rights regimes
  - 3) The reasons for the plurality of human and fundamental rights regimes
  - 4) In particular: Geo-regional human rights regimes as expressions of identity of civilisations
  - 5) General aspects of the parallelism of human and fundamental rights regimes

### § 2 Human and fundamental rights as binding law

- I. The direct applicability of human and fundamental rights
- II. The holders and the addressees of human and fundamental rights
- III. The responsibility for the protection of the human and fundamental rights
- IV. The state's duty of protection against violations by private persons
- V. 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

- I. The protection of an absolute minimum standard of human rights by mandatory customary public international law
- II. The role of the United Nations (UN) to promote and encourage the respect for human rights
- III. Global human rights treaties
  - 1) The International Covenant on Civil and Political Rights (ICCPR)
  - 2) The International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - 3) Global human rights treaties on special subjects
- IV. Mechanisms to control the compliance with global human rights law
  - 1) Instruments of the UN Human Rights Council (in particular the Universal Periodic Review)
  - 2) Control mechanisms under the UN human rights treaties
- V. The complementary human rights protection by the international criminal justice

#### **§ 4 Geo-regional human rights law**

- I. European human rights law (overview)
  - in particular the European Convention on Human Rights (ECHR)
- II. American human rights law (overview)
- III. African human rights law (overview)
- IV. The controversial Arab human rights law (short comments from European perspective)
- V. The missing Asian human rights law (short comments from European perspective)

More information on this course contribution at [www.thomas-schmitz-yogyakarta.id](http://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](mailto:tschmit1@gwdg.de).