

**LAW AND HUMAN RIGHTS**

First part of the course

**Contents**

**Preliminary remark:** At the Faculty of Law of Universitas Diponegoro the courses are shared by several lecturers. This table informs about my lectures in the first part of the course (from 27.08. to 08.10.). They will be followed by the lectures of my colleague *Dr. Adya Paramita Prabandari* in the second part of the course.

**§ 1 Introduction**

- I. Historical foundations of human rights and their protection
- II. Universality or cultural determination of human rights?
- III. Human rights and fundamental rights
- IV. The parallelism of national and international human and fundamental rights regimes

**§ 2 International human rights law**

- I. The role of the United Nations (UN) to promote and encourage the respect for human rights
  - 1) The guarantee of an absolute minimum standard of human rights by mandatory customary public international law and its enforcement by the United Nations
  - 2) The general mission of the United Nations to promote and encourage respect for human rights
  - 3) The institutions of the United Nations for the promotion and protection of human rights
- II. 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
- III. Mechanisms to control the compliance with global human rights law
  - 1) Instruments of the UN Human Rights Council (in particular Universal Periodic Review)
  - 2) Control mechanisms under the UN human rights treaties
  - 3) The complementary human rights protection by the international criminal justice
- IV. Geo-regional human rights law (overview)
  - 1) European human rights law
  - 2) American human rights law
  - 3) African human rights law
  - 4) The controversial Arab human rights law
  - 5) The missing Asian human rights law

**§ 3 Introduction to comparative fundamental rights law**

- I. The anchoring of human rights as fundamental rights in the national constitution
- II. Comparative general fundamental rights doctrine
  - 1) Fundamental rights as directly binding law
  - 2) The holders and the addressees of the fundamental rights
  - 3) The state's duty to protect against violations by private persons

- 4) The dogmatic structure of freedom rights: sphere/scope of protection, encroachment/interference, limits and "limits of limits" of fundamental rights
  - 5) In particular: the limitation of restrictions by the principle of proportionality
- III. The enforcement of fundamental rights by the courts and constitutional courts

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 via e-mail ([tschmit1@gwdg.de](mailto:tschmit1@gwdg.de)) or WhatsApp (+62 852 1402 9884).