

Belarusian State University

APPROVE

Vice Rector

_____C.N. Hodin

« 29 » Jule 2015 y.

Registration № УД-1400/уч.

Human Rights

The curriculum of institutions of higher education in academic discipline for the specialty:

1-23 80 07 Political Science

1-24 01 02 Jurisprudence

2015 y.

SYLLABUS

Description of the Teaching Course

Human Rights

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Introduction

The process of democratization of society and the creation of a state of law are organically linked with the development of human rights and freedoms. An important role in this process is to be played by the mastering of knowledge about human rights and freedoms. The greatest potential for solving this problem is in educational institutions of the educational system, where the course “Human Rights” is being studied.

The main goal of this course should be the formation of a humanistic world outlook, a sense of human dignity, civic responsibility, and a deep people’s understanding of their rights and obligations. Human rights education will contribute to a significant increase in the level of the spiritual and moral state of society. Humanization of education and its development trends objectively require the study of human rights at all levels, so knowledge of human rights should become an important part of the educational and educational process in the modern education system.

The aims of the course:

- to form students' humanistic understanding of the world, a sense of human dignity, civic responsibility, a deep understanding of their rights and obligations;
- to ensure the possibility of further self-education of students in the field of human rights;
- foster a culture of human rights, the acquisition by students of practical skills to protect their rights.

Upon completion the course students expected to:

- know the essence of the basic concepts and categories of human rights;
- know and be able to analyze national, international legal acts and scientific literature on human rights;

- know the main principles and concepts of protecting the rights and freedoms of the individual;
- know the national and international mechanisms for the protection of human rights.

Learning outcomes

- to be guided in regulatory legal acts and legal institutions in the field of human rights;
- find the most effective, appropriate to the law and morals, ways and methods of protection of human rights;
- analyze the state and trends of the realization of fundamental human rights and freedoms in the modern world and in your country;
- protect the rights and freedoms of social groups and citizens.

Academic hours for the teaching course in the class: 20 h. lec., 22 h. sem. Final exam.

Total Academic hours – 138 h.

Course outline

№	<u>Topics</u>	Classroom			
		Lectures	Seminars		
1	Human Rights in The System of Social and Humanitarian Knowledge	2	2		
2	History of Ideas and Insights About Human Rights	2	2		
3	Human Rights – The Phenomenon of World Culture and Civilization	2	2		
4	Modern Structure of Human Rights	2	2		
5	International Protection of Human Rights and Freedoms	2	2		
6	National System for the Protection of Human Rights	2	2		
7	The Rights and Freedoms of Social Communities	2	2		
8	Civil Society and Human Rights	2	2		
9	The Rule-Of-Law and Social Welfare State – the Main Conditions for The Realization of Human Rights	2	2		
10	Protection of human rights in the context of armed conflict and international terrorism	2	2		
11	International human rights documents		2		
Total:		20	22		

Course content

Topic 1. Human Rights in The System of Social and Humanitarian Knowledge

The history of the formation of human rights as an independent academic discipline. The creation of the United Nations (UN, 1945) is the beginning of the formation of a new field of social and humanitarian knowledge and a special academic discipline. Universal Declaration of Human Rights and its importance in the dissemination of knowledge about human rights and freedoms. International Conference on Human Rights (Tehran, 1968). Recommendations of the UN Commission on Human Rights to member states on the introduction of a special educational discipline on human rights into the educational system (1971).

Congress dedicated to human rights education (Vienna, 1978). International Congress on the Teaching of Human Rights (Malta, 1978). International Congress on Human Rights Education and Democracy (Montreal, 1993). World Action Plan on Education for Human Rights and Democracy. World Conference on Human Rights (Vienna, 1993). Vienna Declaration and Program of Action: basic principles, standards, problems in the field of human rights. United Nations Action Plan 1995-2004 in the field of human rights. The beginning of the formation of a system of continuous education in the field of human rights in the Russian Federation, the CIS countries and the Republic of Belarus (late 80s - early 90s).

The subject, goals and objectives of the study of human rights. The purpose of the subject of human rights is the mastering by students of a certain system of knowledge on human rights and freedoms, the cultivation of a culture of human rights, and the acquisition by students of practical skills to protect their rights. The structure of the educational subject of human rights. Problems associated with teaching a new academic discipline.

Topic 2. History of Ideas and Insights About Human Rights

The problem of personality, its rights and freedoms in ancient philosophy. Representatives of sophists on human rights. The humanistic teachings of Protagoras. The ideas of Plato and Aristotle on human rights.

Man in the economic, social and spiritual structure of the feudal society. Medieval system of suppression of personality. The struggle for the approval of the dignity of the individual. Magna Carta (1215) and its historical significance.

The Renaissance (XV – XVI centuries): the spiritual emancipation of the individual, the assertion of its dignity, rights and freedoms. Ethical teachings of Italian humanists about man.

The development of the idea of personal dignity in the period of the Reformation and the early bourgeois revolutions (XVI – XVII centuries). Reformation in Germany in the XVI century. Luther and his role in the development of freethinking in matters of faith. Formation of the concept of human rights. The teachings of Grotius, Locke, Spinoza, Hobbes on the natural rights of man. The development of the problem of freedom in the works of artists and writers of the New Time (Cervantes, Shakespeare, Moliere, Rembrandt, etc.)

The concept of human rights, its dignity and their normative consolidation in the conditions of bourgeois revolutions of the end of the XVIII century. Characteristics of the American Declaration of Independence (1776) and the American Bill of Rights (1791).

The French Declaration of the Rights of Man and the Citizen (1789), its content and historical significance. Formation of the first generation of human rights. The development of human rights and the citizen in the XIX - early XX centuries. in legislation and public practice. The civil code of Napoleon 1804 and its importance for the approval of the economic prerequisites for the development of personality. The French Penal Code of 1810 and its role in the humanization of criminal law. The human rights movement in the XIX century.

Humanistic ideas of the Enlightenment (XVIII century.). Political and legal concepts of Rousseau, Montesquieu about a man as a subject of freedom, about human rights and a citizen. Creativity Voltaire and his human rights activities.

The problem of dignity and human rights in philosophical, political and ethical theories of the late XVIII - early XIX century. (Kant, Hegel, Feuerbach). Development of the issue of democratic freedoms in the works of representatives of classical liberalism (Bentham, Locke, Tocqueville, Mises, etc.). Human rights in the philosophical concepts of Kierkegaard and Schopenhauer.

Socialist teachings on human rights. Fourier on the human right to work. Human rights and citizen in Marxism. Human rights in anarchist teachings (Proudhon, Bakunin, Kropotkin). The interpretation of human rights in Freudianism. Attitude to the subjective rights of a citizen in legal theories of legal positivism (Laband, Esman), sociological jurisprudence (Iering). The problem of man, the protection of his social value in the spiritual culture of the XIX century. (Byron, Stendal, Balzac, L.N. Tolstoy, F.M.Dostoevsky, etc.).

The natural-historical concept of human rights (Bentham, Grotius, Locke, Montesquieu, etc.). Naturalness, inalienability and sacredness of human rights. The main determinants of natural human rights. Human rights as the highest value of the state and society.

The legal-positivist concept of human rights (Comte, Mill, Spencer, Kelsen, etc.). State and legal origin of human rights. The state is the source and guarantor of human rights and freedoms. Varieties of the positivistic theory of human rights and freedoms: Marxism, communitarianism, Slavophile (soil) direction in the social sciences of Russia.

The Universal Declaration of Human Rights is the main document on human rights (1948). International Covenant on Economic, Social and Cultural Rights (1966). International Covenant on Civil and Political Rights (1966). Optional Protocol to the International Covenant on Civil and Political Rights (1966). Second Optional Protocol to the International Covenant on Civil and Political Rights (1989). International Bill of Human Rights, its general characteristics.

Helsinki process in Europe. Final Act of the Conference on Security and Cooperation in Europe (CSCE, 1975). The development of the Helsinki process. Document of the Vienna meeting of the CSCE, 1986 The concept of the "right to development" and

the adoption of the 1986 Declaration on the Right to Development. The Paris Charter for the New Europe of 1990 and its role in the development of human rights. OSCE Summit in Istanbul (1999) and its documents. Charter of European Security. Convention of the Commonwealth of Independent States on the Rights and Fundamental Freedoms of Man 1995

Topic 3. Human Rights – The Phenomenon of World Culture and Civilization

The concept of human rights. Human rights as a philosophical, moral, socio-cultural, political and legal phenomenon. The philosophical basis of human rights. Due and being in human rights, ideal and real. Human rights as an expression of the perceived need to realize their interests and to take into account the interests of other people. The spiritual foundation of human rights. Human rights as a condition for its full development. Actualization of the problem of human rights at the turn of the XX - XXI centuries. Human rights as universal values. The universal and universal nature of human rights. Dignity, humanism, freedom, equality - the fundamental principles of the philosophy of human rights. Natural and positive human rights. Objective and subjective characteristics of human rights.

Topic 4. Modern Structure of Human Rights

Socio-economic, cultural, civil and political rights and freedoms of a person: their nature, nature and interrelation.

Civil rights. The concept and content of civil rights; forms of their implementation. The right to life is the main human right. The right to life and the death penalty. The right to security, personal integrity, the creation and protection of the family, freedom of belief and conscience, honor and dignity, citizenship, the presumption of innocence, equality before the law, the restoration of rights - basic civil rights.

Political rights of man. The concept, content and forms of their implementation. Human rights associated with participation in the governance of their country. The right of equal access to public service. The right to freedom of speech and press, thought, conscience, religion and belief, peaceful meetings, rallies, processions, demonstrations, associations.

The concept of economic human rights, forms of their implementation. Property rights and free enterprise. The right to work, the right to fair and favorable working conditions, the right to protection against unemployment, the right to equal pay for equal work. Rights ensuring conditions and means of protecting the rights of workers: the right to form and join trade unions, the right to strike.

Social rights. The system of social rights, the characteristics of their species. The right to an adequate standard of living, the right to be free from hunger, the right to health and a healthy environment. The rights of persons in need of special social protection.

Cultural rights. The right to education. The right to participate in cultural life. The right to use the results of scientific progress. The right to development.

Duties of man. The concept, content and types of human responsibilities. The dialectical relationship of rights and obligations. Principles restricting human rights and freedoms.

Topic 5. International Protection of Human Rights and Freedoms

International mechanism for the protection of human rights, the characteristics of its components. International human rights instruments are the basis for the legal protection of human rights and freedoms throughout the world. Forms of international monitoring of human rights. UN General Assembly, UN Economic and Social Council (ECOSOC), Commission on Human Rights. Organizations established in accordance with international conventions on human rights. Center for Human Rights at the UN. High Commissioner for Human Rights.

Human rights protection mechanisms in Council of Europe member states: European Commission of Human Rights, European Court of Human Rights, Council of Ministers.

International human rights non-governmental organizations and their role in protecting the rights and freedoms of citizens.

Regional systems for the protection of human rights and freedoms: features, institutions and procedures. Inter-American System for the Protection of Human Rights (1948). The American Convention on Human Rights, adopted by the Council of the Organization of American States (OAS, 1969). Formation of special human rights institutions - the Commission and the Court. Features of the American system for the protection of human rights.

European System for the Protection of Human Rights and Freedoms: Council of Europe (Committee of Ministers; Parliamentary Assembly; Secretariat; Permanent Conference of European Local and Regional Authorities; Commission and Court of Human Rights). Convention for the Protection of Human Rights and Fundamental Freedoms (1950). The main directions of protection of human rights in Europe.

The pan-European (Helsinki) process for the protection of human rights. A new humanitarian dimension of the pan-European process.

Inter-African system for the protection of human rights. African Charter on the Protection of Human and Peoples' Rights (1981). The activities of the Organization of African Unity (OAU) to protect human rights and freedoms.

Topic 6. National System for the Protection of Human Rights

The concept of a national human rights institution. The concept of the functional content of national institutions, adopted by the UN. Goals and functions of national institutions. First International Meeting on National Institutions (Paris, 1991). Basic principles of national institutions.

Structure of national institutions: human rights commissions, ombudsmen, specialized national institutions. The content of the human rights commissions. Specialized human rights institutions.

The head of state is the guarantor of the rights and freedoms of citizens. The role of parliament and government in protecting the rights of citizens. The judiciary in the

national system for the protection of human rights. Human Rights Commission. Ombudsman's institution and its functions. Non-governmental human rights organizations (NGOs) as the most important institutions for the protection of human rights and freedoms. Goals and objectives of public human rights organizations. The protection of civil and political rights, the struggle for the observance of due process in the course of legal proceedings to protect the rights and freedoms of individuals. Development of human rights educational programs for law enforcement officers, teachers of educational institutions, other categories of the population. Assistance to citizens in the judicial protection of their rights and freedoms.

Topic 7. The Rights and Freedoms of Social Communities

The relationship of personal and collective rights. The relationship between the concepts of "human rights", "the rights of the state" and "the rights of social communities". The priority of individual rights: ideals and reality. Human rights and the rights of peoples. Rights of national minorities. Special international agreements and declarations on non-discrimination and the special rights of minorities and persons belonging to minorities. The rights of national minorities in the Republic of Belarus.

Women's rights. The main international documents on women's rights. Women's rights in the Republic of Belarus.

Refugee rights. The problem of refugees at the turn of the XX - XXI centuries. The Office of the United Nations High Commissioner for Refugees (UNHCR) and the protection of the rights of refugees in the Republic of Belarus.

The rights of persons with disabilities and their protection in the Republic of Belarus.

The rights of youth. Children's rights are a global problem of humanity. UNICEF and the protection of the rights of the child. The UN Convention on the Rights of the Child is an international constitution for the protection of the rights of children.

Topic 8. Civil Society and Human Rights

Civil society and human rights. The concept and basic principles of social and legal state. Genesis and development of the idea of a social state. The creation of special institutions of the welfare state: the system of compulsory social insurance; compulsory health insurance system; an accident insurance system at an industrial enterprise; social insurance system due to disability and old age (German Empire, the 90s of the XIX century.).

The main characteristics of the welfare state. The legal and factual right of every person to a decent standard of living. Social equality as equality of social opportunities for the realization of the creative potential of each person. State social security system. Creating conditions for continuous improvement of the welfare of each person.

Models of social states. Liberal social state. Conservative social states. Social democratic social states. Socialist social states.

Topic 9. The Rule-Of-Law and Social Welfare State – the Main Conditions for The Realization of Human Rights

The rule of law in the system of protection of human rights and freedoms. The philosophical and ethical substantiation of the idea of a legal state (I. Kant and others). The main features of the rule of law.

Topic 10. Protection of human rights in the context of armed conflict and international terrorism

International protection for victims of armed conflict. The main sources of international humanitarian law: the Hague Conventions of 1899 and 1907, the Geneva Conventions of 1949, the Additional Protocols (1977) to the Geneva Conventions of 1949, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)). Permitted (legitimate) and unauthorized (illegal, illegal) means and methods of warfare.

The basic principles of international humanitarian law: humanity, the inadmissibility of discrimination, responsibility for violating the norms and principles of international humanitarian law, restricting the belligerents in the choice of means of warfare, environmental protection, protection of rights, immunity of non-combatants, non-aggression.

The essence of terrorism: causes, forms of manifestation, consequences. Types of terrorism. Terrorism and human rights. The fight against terrorism: ways, methods and means.

Topic 11. International human rights documents

Universal Declaration of Human Rights on December 10, 1948; International Bill of Human Rights; Convention on the Prevention and Punishment of the Crime of Genocide (1948); Discrimination (Employment and Occupation) Convention (1958); Convention against Discrimination in Education (1960); International Convention on the Elimination of All Forms of Racial Discrimination (1965); Convention on Race and Racial Prejudice (1978); Convention on the Elimination of All Forms of Discrimination against Women (1979); Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981); Convention on the Rights of the Child (1989) and others.

MANDATORY AND RECOMMENDED LITERATURE

Mandatory literature

1. Smith, Rhona. Textbook on International Human Rights / Rhona Smith. – 6th edition. – Oxford University Press, 2014. – 492 p.
2. Alston, Philip. International Human Rights: The Successor to International Human Rights in Context: Law Politics and Morals: Text and Materials / Philip Alston, Ryan Goodman. – Oxford: Oxford University Press, 2013. – 1530 p.
3. Economic Globalization and Human Rights / ed. by W. Benedek, K. de Feyter, F. Marella: Cambridge University Press, 2010. – 329 p.
4. Bunn, Isabella D. The Right to Development and International Economic Law: Legal and Moral Dimensions / Isabella D. Bunn. – Oxford; Portland: Hart publishing, 2012. – 360 p.
5. New Challenges for the UN Human Rights Machinery: What Future for the UN Treaty Body System and the Human Rights Council Procedures? / ed. M. Cherif Bassiouni, William A. Schabas. – Cambridge; Antwerp; Portland: Intersentia, 2011. – 480 p.
6. Robertson, Peter N. A Dictionary of Human Rights / David Robertson. – 2nd ed. – London; NY: Europa Publications: Taylor & Francis Group, 2005. – 346 p.
7. Stearns, Peter N. Human Rights in World History / Peter N. Stearns. – London; NY: Routledge: Taylor & Francis Group, 2012. – 197 p.
8. Права человека: энциклопедический словарь / отв. ред. С. С. Алексеев. – Москва: Норма, 2016. – 656 с.
9. Права человека: международно-правовые документы и практика их применения. В 4-х т. / сост. Е. В. Кузнецова. – Минск: Амалфея, 2009. Т. 1 – 816 с., Т. 2 – 824 с., Т. 3 – 880 с., Т. 4 – 824 с.

Recommended literature

1. Gatto, Alexandra. Multinational Enterprises and Human Rights: Obligations under EU Law and International Law / Alexandra Gatto. – Cheltenham; Northampton: Edward Elgar, 2011. – 338 p.
2. Forced Migration, Human Rights and Security / ed. by J. Mc Adam. – Oxford, 2008. – 302 p.
3. The Challenge of Human Rights: Past, Present and Future / ed. by David Keane, Yvonne Mc Dermott. – Cheltenham; Northampton: Edward Elgar, 2012. – 335 p.
4. Non-State Actors and Human Rights / ed. by Philip Alston. - Oxford University Press, 2006. – 387 p.

5. Odello, Marco. The UN Committee on Economic, Social and Cultural Rights: The Law, Process and Practice / Marco Odello, Francesco Seatzu. – London, NY: Taylor & Francis Group, 2013. – 310 p.

Online resources

1. www.un.org
2. <http://hrlibrary.umn.edu/>
3. www.bayefsky.com

Questions to Exam:

1. The concept and general characteristics of human rights.
2. Legal and moral foundations of human rights. Fundamental principles of human rights.
3. The origin and formation of the idea of human rights.
4. Natural-legal theory of human rights. The positivist theory of human rights.
5. Three generations of human rights.
6. The origin and development of the institution of human rights: a general description of the first legal documents.
7. The US Constitution of 1787 and the Bill of Rights of 1791 is an important stage in the formation of the concept of human rights.
8. The historical significance of the French Declaration of the Rights of Man and Citizen.
9. The concept of subjective rights, individual rights, freedom.
10. The ratio of fundamental, fundamental and derivative rights of a person (citizen).
11. International human rights standards: concept, general description.
12. Classification of the most important international human rights instruments.
13. The formation and activities of the League of Nations are the most important stage in the formation of an international mechanism for the protection of human rights.
14. The development and adoption of the UN Charter and the Universal Declaration of Human Rights is the most important stage in the development of norms of international law in the field of human rights protection.
15. The classification of human rights in the Universal Declaration of Human Rights.
16. Covenant on Economic, Social and Cultural Rights: General Description.
17. Covenant on Civil and Political Rights: General Characteristic.
18. State obligations under the Covenant on Economic, Social and Cultural Rights.
19. The evolution of the concept of human rights after the adoption of the Universal Declaration of Human Rights.
20. Modern concepts of human rights and freedoms.
21. The system and powers of the UN and special UN bodies in the field of human rights protection.
22. UN General Assembly. UN ECOSOC. UN Commission on Human Rights.
23. UN High Commissioner for Human Rights.
24. International Court of Justice. UN Security Council.
25. Control bodies established in accordance with international conventions on human rights (Committee on Human Rights, Committee on the Elimination of Racial Discrimination, Committee against Torture, etc.).
26. The role of the ILO, UNESCO in the protection of human rights.
27. The role of the CSCE (OSCE) in the field of human rights protection.
28. European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

29. European Social Charter 1961.
30. The legal status of the European Commission on Human Rights.
31. The legal status of the European Court of Human Rights.
32. Regional cooperation in the field of human rights protection (Inter-American Convention on Human Rights, African African Charter on Human Rights and the Rights of Peoples).
33. Bodies and international legal documents of the CIS in the field of human rights protection.
34. Mechanisms for the protection of human rights in Council of Europe member states.
35. International human rights organizations and movements.
36. Concepts and basic principles of International Humanitarian Law.
37. The main stages of the formation of humanitarian law.
38. Legal restrictions on the means and methods of warfare.
39. The concept of international and non-international armed conflicts.
40. Sources of modern humanitarian law and their general characteristics.
41. Protection of victims of armed conflicts under the norms of the Geneva Conventions of 1949 and Protocols No. 1 and No. 2 of 1977 (wounded and sick in active armies, shipwrecked armed forces at sea civilian population during the war).
42. The legal status of persons and objects in the period of armed conflict under protection or having the appropriate identification marks of the Red Cross and Red Half month. Emblems.
43. The definition of "refugee" in international documents.
44. The role of the League of Nations in shaping the rights of refugees.
45. International Refugee Control Bodies.
46. Office of the United Nations High Commissioner for Refugees.
47. The right to asylum in international conventions and other documents and acts.
48. Protection of the rights of refugees under international law: a general description of the main international documents.
49. Legal documents governing the rights of refugees, adopted within the framework of the Commonwealth of Independent States.
50. Human rights and freedoms in the constitutions of foreign states.
51. The basic principles governing the limitations and limits of the exercise of human rights and freedoms.
52. Possible limitations of human rights.
53. The concept of forms of protection of the rights of man and citizen.
54. The concept of legal protection of a person and a citizen.
55. The concept of state protection of human rights and citizens.
56. Protection of the rights of man and citizen in the implementation
 1. constitutional justice.
57. Judicial form of protection of the rights of man and citizen.
58. Protection of the rights of a person and a citizen by the prosecution authorities.
59. Protection of the rights of man and citizen by the bar.

60. Administrative and legal form of protection of the rights of man and citizen.
61. The concept of the public form of the protection of the rights of man and citizen.
62. Ombudsman's institution as a defender of human and citizen's rights.
63. International protection of the rights of the child.
64. General characteristics of the main international legal acts in the field of the protection of women's rights.
65. The role of civil society and social legal state in ensuring human rights.
66. Terrorism and human rights.
67. Protection of human rights in the context of armed conflict.
68. The basic principles of international humanitarian law.