

Kathmandu School of Law (KSL)

**Purbanchal University
Dadhikot-9, Bhaktapur**

Syllabus of M.A. Program

KSL offers one year interdisciplinary M.A. Programmes in:

- 1) Human Rights
- 2) Conflict and International Humanitarian Laws.

The course encourages the scholars holding Masters' Degree in any discipline from any accredited university.

Syllabus of M.A. Program

1. MA in Conflict and International Humanitarian Laws

Program : MA in Conflict and International Humanitarian Laws
 Duration of the Course : One Year
 Total Full Marks : 600

Evaluation System:

1. Theoretical Subjects

External Evaluation through Annual Exam Full Mark 60/Pass Mark 30

Internal Evaluation through Terminal Exams and Term Papers,

Full Mark 40/Pass marks 20.

2. Practical Subjects:

- a. **Field Research and Reporting:** According to Existing University Rules in other Faculties shall apply.
- b. **Dissertation:** According to Existing University Rules in other Faculties.

Subjects	Credit
1. International Humanitarian Laws and Implementation.....	100
2. International Criminal Law and Court System.....	100
3. Protection of Women and Children in Armed Conflict.....	100
4. Conflict Resolution (Principles, Norms and Practices)....	100
5. Field Research and Reporting.....	100
6. Dissertation.....	100
Total:	600

1. Course Title : International Humanitarian Laws and Implementation

Objectives:

- To familiarize students with international humanitarian tools relating to the protection of people, property, and environment in the time of armed conflict
- To acquaint students with landmark contribution of International Committee of Red Cross (ICRC) in the development of Humanitarian Laws
- To help students develop a conceptual clarity of humanization of humanitarian standards by establishing a link between the human rights and humanitarian framework.
- To enhance the capacity of students to analyze the scope of implementation and enforcement of humanitarian laws and established jurisprudence in this regard

Contents:

Part 1: International Humanitarian Laws and Principles

1. Introduction to International Humanitarian Law (IHL)

1.1. Nature and Definition of IHL

1.2. Historical Background and Development of IHL

1.2.1. Contribution of the Eastern Values and Practices

1.2.2. The Role of ICRC in the Development of IHL

1.3. Sources of International Humanitarian Law

1.3.1. Customary International Law

1.3.2. State Practices

1.4. Principles of International Humanitarian Law

1.4.1. Principle of Necessity

1.4.2. Principle of Humanity

1.4.3. Principle of Human Dignity

1.5. Fundamental Rules of International Humanitarian Law

1.5.1. Rules relating to Peace and Security under the UN Framework

1.5.2. Fundamental Principles of ICRC

2. Controlling the Means and Methods of Warfare

- 2.1. General Limitation on the Conduct of War
- 2.2. Specific Weapons and their impacts (landmines, chemical weapons, biological warfare etc.)
- 2.3. Controlling Small Arms and International Effort
- 2.4. Protection of Cultural Property
- 2.5. Protection of Natural Environment
- 3. Substantive Guidelines under Four Geneva Conventions**
 - 3.1. Objectives
 - 3.2. Scope of Common Article 3 of Four Geneva Conventions
 - 3.3. Grave Breaches under the Geneva Conventions
 - 3.4. Categories of Combatants and Protected Persons
 - 3.5. Protection of Prisoners of War
 - 3.6. General Protection of Civilian Population, including Aliens
- 4. UN Initiatives towards the Protection of Civilians in Armed Conflict**
 - 4.1. Statement of the Security Council
 - 4.2. Resolution 1265

Part II: Implementation and Enforcement

- 1. Scope of Application of International Humanitarian Law**
 - 1.1. International Armed Conflict
 - 1.2. Non-International Armed Conflict
- 2. Protecting Powers**
 - 2.1. Historical Background
 - 2.2. Contribution of Diplomatic Conference, 1949
 - 2.3. General Role of Protecting Powers
- 3. Role of Humanitarian Organizations**
 - 3.1. Scope of Common Article 3 of Geneva Conventions
 - 3.2. ICRC and Humanitarian Assistance
 - 3.3. Other Approved Organizations
 - 3.4. Activities Authorized
- 4. Role of Human Rights Organizations**
 - 4.1. UN-based Organizations
 - 4.2. Other Independent Organizations (Amnesty, Human Rights Watch etc.)
- 5. National Red Cross and Other Relief Societies**
 - 5.1. Humanitarian Activities
 - 5.2. Non-Intervention
 - 5.3. Case Studies
- 6. National Measures: Law, Policy and Mechanisms**
 - 6.1. Ratification Process and Status
 - 6.2. Legal Measures
 - 6.3. Implementation Mechanisms
- 7. Administration of Justice during Armed**

Conflict

- 7.1. Code of Conduct for Law Enforcement Officials
- 7.2. Basic Principles on the Use of Force and Firearms
- 7.3. Standard Minimum Rules for the Treatment of Prisoners
- 7.4. Role of Prosecutors, Judges and lawyers
- 7.5. Case Studies
- 8. Role of National Human Rights Institutions**
 - 8.1. Investigation
 - 8.2. Handling Complaints
 - 8.3. Recommendation
 - 8.4. Follow-up
- 9. Role of NGOs and Academic Institutions**

References:

- 1 Commentary on the Geneva Conventions 1949 (Volume I-IV) (ICRC Publication)
- 2 Commentary on the Additional Protocols to the Geneva Conventions (ICRC Publication)
- 3 Basic Rules of the Geneva Conventions and Their Additional Protocols (ICRC Publication)
- 4 Studies and Essays on International Humanitarian Law and Red Cross and Red Crescent Movement (ICRC)
- 5 The Meaning of the Word "Humanitarian" in Relation to the Fundamental Principles of the Red Cross and Red Crescent
- 6 International Humanitarian law and the Human Rights Law
- 7 The International Committee of the Red Cross and the Protection of War Victims
- 8 The International Fact Finding Commission: The ICRC's Role
- 9 The International Committee of the Red Cross and the Implementation of a System to Repress breaches of International humanitarian Law (ICRC)
- 10 The ICRC's Advisory Service on International Humanitarian Law: the Challenge of National Implementation (ICRC)
- 11 Harrof , Promoting Norm to Limit Violence in Crisis Situation: Challenges, Strategies and Alliances
- 12 Caverzasio, Strengthening Protection in War: A Search for Professional Standards
- 13 Dutli, et al, Protection of Cultural Property in the Event of Armed Conflict
- 14 International Humanitarian Law at the National level : Impact and Role of National Committees
- 15 Code of Conduct for the ICRC and Red Crescent Movement and NGOs in Disaster Relief
- 16 Boisseier, *History of ICRC,: From Solferino to Tsushima* (Vol. I)
- 17 Durand, *History of ICRC,: From Sarajevo to*

- Hiroshima* (Vol. II)
- 18 Haug, *Humanity for All: The International Red Cross and Red Crescent Movement*
 - 19 Gasser, *International Humanitarian Law: An Introduction*
 - 20 *Humanitarian Law of Armed Conflict: Challenges Ahead*, Essays, Edited by Astrid J. M. et. al, Martinus Publishers, 1991
 - 21 *Implementation of IHL: Research Papers*, Edited by Frits and Sandoz, Netherland (Martinus Nijhoff Publishers, 1989)
 - 22 Myres S. McDougal et. al, *The International Law of War, Transitional Coercion and World Public Order* (Martinus Nijhoff Publishers, 1994)
 - 23 *National Implementation of IHL*, edited by Michael Bothe, Netherlands (Martinus Nijhoff Publishers, 1990)
 - 24 *The Law of War Crime: National and International Approaches*, ed. by Tomothy L.H. Cormack and Jerry J. Simposon, Netherlands (Kluwer Law International, 1997)
 - 25 Leslie C. Green, *Essays on the Modern Law of War* (Transitional Publishers Inc. New York, 1999)
 - 26 Jeri Toman, *The Protection of Cultural Property in the Event of Armed Conflict* (London Darmouth Publishing Company, 1996)
 - 27 Crimes of War, Roy Gutman and David Ricff eds; (WW Norton and Company, 1999)
 - 28 *The Law of Armed Conflict*, Dieter Schindler and Jury Toman eds. (Martinus Nijhoff Publishers, 1988)
 - 29 *Documents on the Law of War*, Adam Roberts and Richard Guelffeds, (Clarendon Press, 1982)
 34. Martinus, *The Changing Face of Conflict and the Efficacy of International Humanitarian Law*, Nijhoff Publishers, 1991
 35. Small Arms Proliferation: A Big problem: A Study of legislations in South Asia and the UN program of Action (South Asia partnership International Sri Lanka, 2003)
 36. Yubaraj Sangroula, 2005. *Human Rights in Nepal: A Critical Analysis*. Kathmandu School of Law.
 37. *International Humanitarian Laws and Standards* Compiled by Geeta Pathak Sangroula, (KSL, 2005)
 38. International and Regional Human Rights Instruments, Compiled by Geeta Pathak Sangroula (KSL, 2003)
 39. General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, Compiled by Geeta Pathak Sangroula, (KSL, 2004)
 40. Websites
 - i. www.icrc.org
 - ii. www.un.org

2. International Criminal Law and Court System

Objectives:

- To familiarize students on the jurisdiction and performance of the international criminal tribunals from Nuremberg trial to Rome statutes
- To acquaint students with the nature of crimes enumerated in the various statutes to be tried by international criminal courts
- To familiarize the contribution of the ad hoc criminal tribunals to the permanent international criminal court
- To enable students to deeply study the international criminal law in order to enhance the quality of the national criminal justice and court system.

Content

1. Introduction:

- 1.1. Nature of International Criminal Law and Justice
- 1.2. Historical Background and Origin of the International Crimes

2. International Military Tribunals: (Nuremberg and Tokyo)

- 2.1. Structure and Jurisdiction of the Tribunals
- 2.2. Important Provisions of the Statutes for the

Nuremberg and Tokyo Tribunals

- 2.3. Established Principles of the Tribunals

3. United Nations and International Criminal Tribunals

- 3.1. Objectives of the Charter of the United Nations
- 3.2. Role of UN Security Council
- 3.3. Role of International Court of Justice
- 3.4. Resolutions of the General Assembly

4. International Criminal Tribunal for Former Yugoslavia (ICTY)

- 4.1. Structure and Jurisdiction
- 4.2. Crimes under the Statute for ICTY
- 4.3. Rules and Procedure
- 4.4. Landmark Cases

5. International Criminal Tribunal for Rwanda (ICTR)

- 5.1. Structure and Jurisdiction
- 5.2. Crimes under the Statute for ICTR
- 5.3. Rules and Procedure
- 5.4. Landmark Cases

6. International Criminal Court (ICC)

- 6.1. Historical Background and Development of ICC

- 6.2. Role of International Law Commission
- 6.3. Objectives of the ICC
- 6.4. The Rome Statute and the Status of International Acceptance
- 6.5. Structure and Jurisdiction of ICC
- 6.6. Crimes under the Jurisdiction of the Court
- 6.7. Elements of Crimes
- 6.8. Pretrial and Trial Stage
 - 6.8.1. Investigation and Prosecution
 - 6.8.2. Rules of Admissibility
 - 6.8.3. Rules of Procedure and Evidence
- 6.9. Applicable Law and General Principles
- 6.10. Non-applicability of Statute of Limitations
- 6.11. Fair Trial Provisions
- 6.12. Protection of the Victims and Witnesses
- 6.13. Reparations to Victims
- 6.14. Sentencing and Penalties
- 6.15. Appeal and Revision
- 7. Principle of Complementarity and State Responsibility under ICC**
 - 7.1. Scope of National Measures
 - 7.1.1. Role of States
 - 7.1.1.1. Cooperation for Arrest and Surrender
 - 7.1.1.2. Judicial Assistance for Investigation, Prosecution, Search, Seizure and transfer
 - 7.1.1.3. Enforcement of Sentences
 - 7.1.1.4. Financial Assistance
- 8. Case Studies**
 - 8.1. Crime of Genocide
 - 8.2. Crime against Humanity
 - 8.3. War Crimes

Reference:

1. *The Law of War Crime: National and International Approaches*, ed. by Tomothy L.H. Cormack and Jery J. Simposon, Netherlands (Kluwer Law International, 1997)
2. Leslie C. Green, *Essays on the Modern Law of War* (Transitional Publishers Inc. New York, 1999)
3. Roy Gutman and David Ricff *Crimes of War*, ed. (WW Norton and Company, 1999)
4. Adam Roberts and Richard Guelfeds *Documents on the Law of War*, (Clarendon Press, 1982)
5. Forum, War and Accountability (ICRC)
6. Gutman, Hans, *Humanity For All: The International Red Cross and Red-Crescent Movement*
6. Segali, *Punishing Violations of International Humanitarian Law at the National Level: A Guide for Common Law States*
7. *Statutes of the International Criminal Tribunals and Court*, Compiled by Geeta Pathak Sangroula, (Kathmandu School of Law, 2005)
8. *Literatures on Humanitarian Laws, Enforcement Mechanisms and Conflict Resolution* (Vol. I) Compiled and Edited By Geeta Pathak Sangroula (Kathmandu School of Law, 2005)
9. Dorman Knut, *Elements of War Crimes under the Rome Statute of International Criminal Court: Sources and Commentary* by (Cambridge University Press)
- 10: **Related Web Sites**
 - www.icttr.org (International Criminal Tribunal for Rwanda)
 - www.icty.org (International Criminal Tribunal For Former Yugoslavia)
 - www.icc.org (International Criminal Court)

3. Protection of Women and Children in Armed Conflict

Objectives

- To familiarize students about instrumental development for the protection of women and children in Armed Conflict of International and Non-International Character
 - To develop the capacity of students to assess the impact of conflict on women and children, especially in relation to their right to life, security and peaceful inhabitation, focusing the issues relating to the economic, social and cultural rights
 - To develop the capacity of students to critically analyze the cases under international criminal courts' jurisdictions focusing the Internal Armed Conflict
- 1. Introduction:**
 - 1.1. Concept of Justice to Victims of Armed Conflict
 - 1.2. Principles of Humanity and Human Rights

- 1.3. Development of Humanitarian Standards for the Protection of Women and Children, and other vulnerable groups
- 2. Causes and Consequences of Armed Conflict on Women and Children**
 - 2.1. Violation of Civil and Political Rights
 - 2.2. Violation of Economic, Social and Cultural Rights
 - 2.3. Ratio of Vulnerability
- 3. Women as Especially Protected Person under the IHL**
 - 3.1. Protection of Pregnant Women and Mothers having Dependent Infants**
 - 3.1.1. Arrest and Detention Measures
 - 3.1.2. Sentencing Measures
 - 3.2. Protection from Sexual Exploitation**
 - 3.2.1. Rape

- 3.2.2. Enforced Prostitution,
3.2.3. Any Forms of Indecent Assault.
3.2.4. Trafficking
- 4. Preventing the Recruitment or Participation of Children in Armed Conflict**
- 4.1. Convention on the Rights of the Child
4.2. Optional Protocol of CRC regarding Armed Conflict
- 5. Case Studies of Internal Armed Conflict and their impact on Women and Children**
- 5.1. Rwanda
5.2. Bosnia Herzegovina
5.3. Syria Leone
5.4. Sri Lanka
5.5. Nepal
- 6. Contribution of United Nations**
- 6.1. Charter-based bodies
6.2. Treaty-based bodies
6.2. Specialized Agencies
- 7. Contribution of International Criminal Tribunals**
- 7.1. ICTY
7.2. ICTR
7.3. ICC
- 8. Contribution of Humanitarian Organizations**
- 8.1. ICRC
8.2. Women Caucus for ICC
8.3. Amnesty International
8.4. Human Rights Watch
8.5. Other International, Regional and National Organizations
- 9. Measures for the Protection of Women and Children in Armed Conflict in Nepal**
- 9.1. Legal Measures
9.2. State Policies and Programmes
9.3. Enforcement Mechanisms
- 9.5. Role of National Human Rights Institutions
9.6. Role of NGOs and Civil Societies
9.7. Case Studies
- Reference:**
1. Geneva Conventions 1949 and Additional Protocols I and II, 1977
 2. Commentary on the Geneva Conventions 1949 (I-IV) and Additional Protocols I and II (ICRC)
 3. Basic Rules of Geneva Convention and their Additional Protocols (ICRC Publication)
 4. Convention on the Rights of the Child, 1989
 5. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000
 6. UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 1974
 7. Dr. Shanker Kumar Shrestha, *A Step Towards Victim Justice System* (Pairavi Prakashan, 2001)
 8. Armed Conflict and Family Links (ICRC)
 9. Bugnion, *The International Committee of the Red Cross and the protection of War Victims* (ICRC)
 10. Krill, *The Protection of Women in International Humanitarian Law*
 11. Women Facing War (ICRC, 2001)
 12. Child Solders (ICRC)
 13. Addressing the Needs of Women Affected by Armed Conflict: An ICRC Guidance Document
 14. Inter-agency Guiding Principles on Unaccompanied and Separated Children (ICRC)
 15. Ilene Cohn and Guy S. Goodlin Gill, *Child Solders: The role of Children in Armed Conflict* (Geneva, Clarendon Press Oxford, 1997)
 16. Children in Armed Conflict in Nepalese Print Media, Save the Children and (IHRICON, 2003)
 17. Shova Gautam, *Women and Children in the Periphery of people's War* Edited by Tirtha Koirala (IHRICON 2001)
 18. KSL Journal (Vol. 11)

4. Conflict and Transformation

Objectives

1. To develop expert understanding of students in matters of conflict, its dynamics and impacts
2. To help students to understand conflict, its dynamics and impacts in relation with issues of human rights, good governance, and constitutionalism
3. To introduce interdisciplinary approach to study conflict and its relation with law and justice
4. To acquaint knowledge on the international initiatives in adopting the guidelines for the effective process of conflict transformation.

Contents:

1. **Types and Causative Factors of "Conflict".**
 - 1.1. Latent or Structural Violence and Violent Conflicts.
 - 1.2. Internal and International Conflicts
 - 1.3. Armed Conflict and Other Type of Conflicts.
2. **Dynamics of Internal Armed Conflict**
 - 2.1. Meaning and definition of conflict.
 - 2.2. Characteristics of Varying Forms of Conflicts
 - 2.3. Socio-economic, political, legal and

- psychological impacts.
3. **Armed Conflict and Transformation:**
 - 3.1. Country Experiences
 - 3.2. Need of Rethinking About Approaches and Modes of Conflict Transformation.
 - 3.3. Theories of Peace and Conflict
 4. **Conflict and International Diplomacy:**
 - 4.1. Some Case Studies
 - 4.1.1. Middle East,
 - 4.1.2. Africa (South Africa in Particular)
 - 4.1.3. Eastern Europe
 - 4.1.4. South Asia
 - 4.2. International Assistance: No Harm Theory.
 5. **Armed Conflict and Human Rights Violation**
 - 5.1. Patterns
 - 5.2. Vulnerability
 - 5.3. Victims
 - 5.4. Impacts
 6. **International Law Concerning Conflict and Forms of Interventions**
 - 6.1. Geneva Conventions and Enforcement Agencies
 - 6.2. Rome Statute, and International Criminal Court, Including Various Criminal Tribunals.
 - 6.3. United Nations and Enforcement Mechanisms
 - 6.3.1. Role of Security Council
 - 6.3.1. Thematic Human Rights Mechanisms
 7. **Armed Conflict and Post-Conflict Peace Building Process**
 - 7.1. Rehabilitation and Social Re-integration of Victims and Displaced Persons.
 - 7.2. Peace Building and Reconciliation
 - 7.3. Peace Building and Constitutionalism
 - 7.4. Peace Building and Economic Development
 - 7.5. Reconstruction and Sustainable Peace
 8. **Participation of Women in Conflict Resolution and Peace Process**
 - 8.1. Contribution of the Beijing Declaration and Platform of Action
 - 8.2. UN Resolution 1325
- Reference:**
1. Kevin P. Clements "Peace Building and Conflict Transformation" in Peace and Conflict Studies, Vol. 4 Number 1, July 1997.
 2. Thapa, Deepak with Sijapati, Bandita (2003), *A Kingdom under Siege: Nepal's Maoist Insurgency, 1996 to 2000*: Published by Printhouse, Kathmandu
 3. Pyakuryal, Bishwambher (2001), "Response to Poverty" in *Quest for Peace: SAP-Nepal*, Kathmandu.
 4. Sharma, Prayag Raj (1992), "How to Tend the Garden" in *Himal*/bi-monthly, Vol. 5, No. 3 May/ Jun, 1992: Nepal
 5. Jongman, A.J. and A.P. Schmid 1995. "Contemporary Conflicts: A Global Survey of High and Lower Intensity Conflicts and Serious Disputes". PLOOM Newsletter, 7 (1): 15.
 6. Romano Pordi (President of European Commission). Opening Speech for Conference on "Progressive Governance for the XXI Century". Conference Proceedings, Florence 20th and 21st November, 1999.
 7. Coser, Lewis A , 1964. *The Functions of Social Conflict*. New York: The Free Press.
 8. Bhattachan , Krishna B. 2003. "Sociological Perspective on Internal Conflict Resolution / Management in Nepal". A paper presented in a Seminar on Conflict Resolution in Nepal organized by Nepal Foundation for Advanced Studies (NEFAS)
 9. Dahal, Dev Raj, 2003. "Conflict Resolution: A Note on Some Contending Approaches". A paper presented in a Seminar on Conflict Resolution in Nepal organized by Nepal Foundation for Advanced Studies (NEFAS).
 10. Burton, John A. 1974. "Resolution of Conflict" David McLellan et al (eds). *The Theory and Practice of International Relations*" New Delhi: Prentice Hall of India.
 11. Galtung, Johan, 1995. " Peace and Conflict Research in the Age of the Cholera: Ten Pointers to the Future of Peace Studies" *Peace and Conflict Studies* Vol. 2. No. 1 June 1995.
 12. Sharma, S (2003), *The Maoist Movement: An Evolutionary Perspective* in Deepak Thapa (ed.) *Understanding of the Maoist Insurgency in Nepal*: Kathmandu, Martin Chautari.
 13. Bipin Adhikari (ed), 2003. *Conflict, Human Rights & Peace Challenges Before Nepal*. National Human Rights Commission.
 14. Dr. Prem Singh Basnyat, 2004. *New Paradigm in Global Security: Civil-Military Relation in Nepal*. Bhrikuti Academic Publication.
 15. Rajat Ganguly & Ian Macduff (eds), 2003. *Ethnic Conflict & Secessionism in South Asia- Causes, Dynamic, Solutions*. Sage Publications, New Delhi.
 16. Dr. Chuda Bahadur Shrestha, 2004. *Nepal Coping With Maoist Insurgency-Conflict Analysis and Resolution*. Published by Chetana Lokshum.
 17. Yubaraj Sangroula, 2005. *Human Rights in Nepal: A Critical Analysis*. Kathmandu School of Law.

2. MA in Human Rights

Eligibility for Admission in the Program : Master Degree in any discipline

Evaluation System:

1. **Theoretical Subjects**

External Evaluation through Annual Exam Full Mark 60/Pass Mark 30

Internal Evaluation through Terminal Exams and Term Papers,

Full Mark 40/Pass marks 20.

2. **Practical Subjects:**

a. **Field Research and Reporting:** According to Existing University Rules in other Faculties shall apply.

b. **Dissertation:** According to Existing University Rules in other Faculties.

Goal of the Course:

The course aims to build up a qualified human resource to contribute in the area of human rights with a correct concept, essential contents, including practical strategies for the implementation of human rights in general and, in the context of Nepal in particular.

Subjects	Credit
1. Human Rights Standards and Enforcement Mechanisms	100
2. Economic Social and Cultural Rights	100
3. Civil and Political Rights	100
4. Gender and Disadvantaged Groups	100
5. Field Research and Reporting	100
6. Dissertation.....	100
Total => 600	

Course Detail:

1. Human Rights Standards and Enforcement Mechanisms

Objectives:

- To impart comparative understanding of basic concepts, history and theories of human rights imbedded in eastern and western values.
- To acquaint students on international instruments, including interpretation of human rights and implementation mechanism at international, regional and national level.
- To generate human resource with competent human rights professionalism and culture.

Course Contents:

Part I: Introduction

1. **Concept of Human Rights**

- 1.1. Understanding Rights and Human Rights
- 1.2. Importance of Human rights in Eastern Values
- 1.3. Human rights in Western Classical Documents and Thoughts
- 1.4. Human Rights and Democracy
- 1.5. Human Rights Theory and Practice
- 1.6. Concept of Human Rights and Good Governance

Part II: Standards

2. **Evolution of International Human Rights Framework**

- 2.1. League of Nations and ILO Contributions
- 2.2. Charter of the United Nations
- 2.3. The International Bill of Human Rights

3. **Basic Features of the Principal UN Human**

Rights Instruments

- 3.1 International Covenant on Civil and Political Rights (ICCPR)
- 3.2 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- 3.3 International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- 3.4 International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- 3.5 Convention on the Rights of the Child (CRC)
- 3.6 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- 3.7 International Convention on the Protection of the Rights of the Migrant Workers (CRMW)

4. **Regional Framework**

- 4.1 American Convention on Human Rights
- 4.2 The European Convention on Human Rights and Fundamental Freedoms
- 4.3 African Charter on Human and Peoples Rights
- 4.4 Initiatives towards Asian Human Rights Framework
- 4.5. Scope of SAARC for the Protection and Promotion of Human Rights

Part III: Enforcement Mechanisms

5. Human Rights Enforcement Mechanisms at International Level

- 5.1. UN Charter-based Mechanism
 - 5.1.1 Role of Economic, Social Council
 - Commission on Human Rights and its Thematic Mechanisms
- 5.2. UN Treaty-based Mechanisms:
 - 5.2.1 Committees under Seven Treaties
 - Reporting Obligation
 - Complaint Mechanism
- 5.3. Specialized and Expert Enforcement Mechanism:
 - 5.3.1 ILO Mechanism

6. Protection of Human Rights at National level

- 6.1. Process of Internalization of International Human Rights Instruments
- 6.2. Protection and Promotion of Human Rights generally and in the situation of State in Emergency and in Armed Conflict.
- 6.3. Protection of Human Rights of Aliens and Refugees

7. National Human Rights Institutions

- 7.1. Paris Principles and UN Resolutions
- 7.1. Scope of National Human Rights Commission (NHRC)
- 7.2. Role of NHRC in protection and promotion of Human Rights in Nepal.

2. Economic Social and Cultural Rights (ESCR)

Objectives

- To reconceptualize notion of economic, social and cultural rights as human rights and their importance
- To familiarize the international standards relating to economic, social and cultural rights, including underlying principles
- To encourage to identify the important issues, problems and the best practices, including socio-legal jurisprudence making the economic social and cultural rights justiciable
- To help in developing effective approaches for the implementation of economic, social and cultural rights focusing the situation of developing countries with special reference to Nepal.

Content:

Part I: General

1. Introduction of Economic, Social and Cultural Rights

- 1.1. Concept and Scope
- 1.2. Development of International and Regional Framework

2. International Covenant on Economic, Social and Cultural Rights

- 2.1. Historical Development
- 2.2. Objectives of the Covenant
- 2.3. Basic Features of the Covenant
- 2.4. Enforcement Mechanism

3. State Responsibility under the Covenant

- 3.1. Principle of Equality
- 3.2. Immediate Implementation
- 3.4. Progressive Realization
- 3.5. International Co-operation

Part II: Issues

4. Right to Adequate Standard of Living

- 4.1. Right to Food
- 4.2. Right to Clothing
- 4.3. Right to Housing

4.4. Right to Health

5. Right to Education

- 5.1 Compulsory Education
- 5.2 Accessibility

6. Right to Employment

- 6.1 Right to Work
- 6.2 Rights in Work

7. Social Security

8. Right to Marriage and Found a Family

- 8.1. Principle of non-discrimination

9. Right to Development and Environment

- 9.1 Human Rights Standards
- 9.2 Problems and Prospects
 - 9.2.1 Protection of Environment
 - 9.2.2 Management of Right to Property
 - 9.2.3 Sustainable Development
 - 9.2.4. Accountability, Transparency and Suppression of Impunity for Corruption.
- 9.3. International Standards on Environment

10. Human Rights and Globalization

- 10.1 Concept of Globalization
- 10.2 Role of the World Trade Organization
- 10.3 Economic Globalization and the Role of Multinational Corporations
- 10.4 Globalization for Social Change
- 10.5 Commitment of the World Community
- 10.6 Effects and Impacts of Globalization

11. Cultural Rights as Human Rights

- 11.1 Human Rights Standards
- 11.2 Mainstreaming Cultural Rights into Human Rights

12. Situation of Implementation of ESC Rights in Nepal

- 13.1 International Commitment
- 13.2 Constitutional and Legal Framework
- 13.3 Policies, Programs and Implementation
- 13.4 Case Studies

3. Civil and Political Rights

Objectives:

- To acquaint with the international and regional human rights standards relating to the Civil and Political Rights
- To develop understanding of thematic issues of Civil and Political Rights, and their enforcement mechanisms
- To develop critical understanding of the implementation situation of Civil and Political Rights, with special focus on Nepal.

Content

Part I. General

- 1. Introduction of the Civil and Political Rights**
 - 1.1. Historical Background
 - 1.2. Development of International and Regional Human Rights Standards
 - 1.3. Earlier Concept of Civil and Political Rights
 - 1.4. Reconceptualized framework of Civil and Political Rights
- 2. International Covenant on Civil and Political Rights (ICCPR)**
 - 2.1. Objectives
 - 2.2. Basic Features of the ICCPR
 - 2.3. Optional Protocols I and II of the ICCPR

Part II: Issues

- 3. Right to Life**
 - 3.1. Literal Meaning of Right to Life
 - 3.2. Concept of Right to Life
 - 3.3. Right to Life under the Universal Declaration of Human Rights
 - 3.4. Scope of the ICCPR
 - 3.5. Abolition of Death Penalty
- 4. Right to Liberty**
 - 4.1. Civil Liberty
 - 4.2. Protection of Liberty under Human Rights Framework
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Objectives:

- To help students realize and justify the concept of full and equal enjoyment of human rights for all.
- To familiarize students with the affirmative provisions under the human rights framework

- To prepare students for critical understanding of issues of human rights of vulnerable individual/s and the causes and consequences of such vulnerability
- To enable students to contextualize the Human Rights Framework for the advancement and empowerment of disadvantaged section of the

focusing more the economic social and cultural rights at domestic level, with special focus on the Nepalese situation.

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