



UNIVERZITET U SARAJEVU
CIS Centar za
interdisciplinarne
studije

SP2 Form

UNIVERSITY OF SARAJEVO – CENTER FOR INTERDISCIPLINARY STUDIES

“Prof. dr Zdravko Grebo”

Course Description

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Course code: DHRMH105	Course name: MECHANISMS OF HUMAN RIGHTS PROTECTION AND IMPLEMENTATION		
Cycle: II	Study year: I	Semester: I	ECTS: 5
Study mode: Obligatory	Total hours: 60 Lectures: 52 Visits: 4 Field trip: 4		
Teaching participants	Leader: Prof. Wolfgang Benedek, University of Graz, Austria Lecturers from partner Universities and Institutions		
Enrolment preconditions:	None		
Course goal(s):	<p>The focus of the course is on the international mechanisms of human rights protection and their implementation in the SEE region. This is developed on the universal level of the United Nations as well as the regional level of the Council of Europe, OSCE and the European Union. The European system of human rights and the human rights policies of the European Union are given particular attention. Furthermore, the national implementation of international human rights in SEE is studied with a particular emphasis on human rights in post-conflict situations, taking the examples of Bosnia and Herzegovina as well as Kosovo and SEE region in a wider sense. Accordingly, there are courses on implementation and enforcement of human rights at the universal level and in the European human rights system, with a focus on cases from SEE before the European Court on Human Rights. Furthermore, topics of international humanitarian law, genocide, torture as well as disappearance in conflict situations are included, together with lectures on transitional justice mechanisms.</p> <p>The goal of the course is to provide students with a solid understanding of international human rights mechanisms at different levels so that they can analyse their implementation in practice, on the SEE level and wider. As different systems are compared, they can also better understand the interrelationship between the different levels of human rights protection. Furthermore, the goal is that the students become capable of advising how best to use the variety of human rights instruments in particular cases. They should be able to link what they learned in previous clusters with the aspect of implementation and enforcement. Students, who are often concerned about how to translate the knowledge gained in several clusters into practice, in this part as the final part of the teaching programme should gain an understanding of the manifold ways of implementation of human rights,</p>		

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	but also the obstacles and restrictions which might have to be faced in practice.
Thematic units: <i>(if needed, the weekly work schedule is established taking into account the organizational units' peculiarities)</i>	<ul style="list-style-type: none"> -THE UN SYSTEM OF HUMAN RIGHTS PROTECTION -THE EUROPEAN SYSTEM OF HUMAN RIGHTS PROTECTION -THE EUROPEAN CONVENTION OF HUMAN RIGHTS: CASE LAW IN SEE -INTERNATIONAL HUMANITARIAN LAW: PEACE AND CONFLICT ISSUES -UNDERSTANDING TORTURE AND ENFORCED DISAPPEARANCE -TRANSITIONAL JUSTICE -GENOCIDE IN INTERNATIONAL LAW
Learning outcomes:	<p>Knowledge: Students will have knowledge of main institutions and procedures for human rights protection and implementation on the universal and regional level. Students will know the European human rights mechanisms, on the level of CoE, OSCE and EU in particular. At the end of the course students should also know the basic principles of the international humanitarian law as well as mechanisms of transitional justice. Furthermore, students will learn how to define torture and separate it from other similar practices, mechanisms of its prevention, and learn about enforced disappearance practices, as well as genocide.</p> <p>Competences: Understanding of main institutions and procedures on enforcement of human rights on the universal and European levels in the areas indicated and basic skills how to make use of these institutions and procedures for the promotion and protection of human rights in SEE context. Students will furthermore be able to understand the problems related to torture and disappearances and other special issues related to human rights protection in conflict and post-conflict environment and analyse them.</p>
Teaching methods:	<p>Teaching methods include a combination of frontal lectures with interactive ways of learning, from discussions to group work and activities. In parallel with the lectures, the tutors of the ERMA program hold individual as well as group consultations with students as needed, for the purpose of selection of topics for seminar papers and student research. Within the course framework, depending on the interests of students, in cooperation with partner organizations, and the ERMA Alumni Network, the program regularly organizes thematic visits and seminars, for gaining knowledge from practitioners in the field of democracy and human rights. Students have a full day thematic field trip within Bosnia and Herzegovina in which they explore issues directly relevant for the course (e.g, visits to relevant non-governmental organisations).</p>
Knowledge assessment methods with grading system¹:	<p>Students are required to read the required literature before lectures, participate in discussions and planned activities, and attend lectures at least 80% of the total number of hours. Knowledge assessment consists of a short</p>

¹ The system of points and the grading criteria for each subject shall be defined by the organizational unit's Council prior to the commencement of the academic year in which the teaching activity is performed in accordance with the Article 64, paragraph 6 of the Sarajevo Canton Law on Higher Education.

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	<p>paper (1200-1500 words) that carries 50% of the grade and a final written test that weights 50 % of the final grade. Submission of the academic paper is a condition for taking the exam. Finally, upon completing the course students have the opportunity to evaluate the course from the content to the way of teaching individual lecturers, and the course as a whole, through an online questionnaire.</p>
<p>Literature²:</p>	<p>Benedek, Wolfgang, The Human Rights Policy of the EU towards Western Balkan Enlargement States – problems of credibility and coherence, 2020.</p> <p>Benedek, Wolfgang, The Moscow Mechanism: Situation of Human Rights in Chechnya, in: Czech/ Heschl/ Lukas/ Nowak and Oberleitner (eds.), European Yearbook on Human Rights 2019, 419-438.</p> <p>Carmen Thiele, European Human Rights System, in: Mihr and Gibney (eds.), SAGE Handbook of Human Rights, 2014.</p> <p>CERD Committee, Inter-States Communications, admissibility decision 2019</p> <p>Chorbajian, Levon/Shirinin, George “Studies in Comparative Genocide” New York: St.Martin`s Press, 1999</p> <p>Christian Strohal, Shooting the Messenger – The Crises of the International Protection of HR and the geopolitical OSCE Perspective, in: Benedek/Czech, Heschl, Lukas and Nowak (eds.), European Yearbook on Human Rights, 2018, 481-494.</p> <p>Dejan Djokić. 2002. “The Second World War II: Discourses of Reconciliation in Serbia and Croatia in the Late 1980s and Early 1990s.” 4 Journal of Southern Europe and the Balkans 4: 127-140</p> <p>EU Action Plan on Human Rights and Democracy 2020-2024.</p> <p>HRC, General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights – Right to Life – 2018</p> <p>HRC, Ioane Teitiota v. New Zealand, 2020</p> <p>Iavor Rangelov and Marika Theros. 2009. “Maintaining the Process in Bosnia and Herzegovina: Coherence and Complementarity of EU Institutions and Civil Society in the Field of Transitional Justice.” In: Kai Ambos et al., eds. Building a Future on Peace and Justice: Studies on Transitional Justice, Conflict Resolution and Development. Berlin: Springer, pp. 357-367.</p>

² Acting on behalf of the higher education institution as a public institution, the Senate or organizational unit Council respectively, shall define the mandatory and recommended textbooks and manuals list as well as the other recommended literature as a basis for preparing and taking the examination by rendering a special Decision which is to be published on their websites before the start of the academic year in accordance with the Article 56, paragraph 3 of the Sarajevo Canton Law on Higher Education.

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avor Rangelov and Ruti Teitel. 2011. "Global Civil Society and Transitional Justice." In: Martin Albrow and Hakan Seckinelgin, eds. *Global Civil Society 2011: Globality and the Absence of Justice* (Basingstoke: Palgrave Macmillan), pp. 162-177.

avor Rangelov. 2014. "Democracy or Stability? European Approaches to Justice in Peace and Transitional Processes." *Global Policy* 5 (2): 191-200

avor Rangelov. 2014. *Nationalism and the Rule of Law: Lessons from the Balkans and Beyond*. New York: Cambridge University Press. Ch. 3: International Criminal Justice, pp. 69-101.

International Commission on Missing Persons Annual Report on Western Balkans, 2015.

International Commission on Missing Persons Factsheet: BiH, Missing Persons From The Armed Conflicts Of The 1990s: A Stocktaking, 2015.

International Commission on Missing Persons, Factsheet, 2016.

Jack Snyder and Leslie Vinjamuri. 2003/4. "Principle and Pragmatism in Strategies of International Justice." *International Security* 28: 5-44, pp. 5-17.

Lemkin, Raphael. "Genocide", *American Scholar*, Volume 15, no.2 (April 1946)

Lize R. Glass, *From Interlaken to Copenhagen – What has become of the proposals Aiming to Reform the Functioning of the European Court of Human Rights?* *Human Rights Law Review*, 2020, 1-31.

Manfred Nowak, *Fact-Finding on Torture and Ill-Treatment and Conditions of Detention*, *Journal of Human Rights Practice*, Volume 1, Issue 1, 2009.

Manfred Nowak, *Final report: Special process on missing persons in the territory of the former Yugoslavia*, 1997.

Natasa Kandic. 2012. "RECOM: A New Approach to Reconciliation and a Corrective for Criminal Justice." *Forum for Transitional Justice*, Issue 4, December 2012, pp. 78-80

Prosecutor vs. Krstic, ICTY IT-98-33-T (2 August 2001)

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Human Rights Council, UN Doc A/HRC/13/39, 9 February 2010. page 5 to 21.

Santon, J Gregory. "The Eight Stages of Genocide", Washington: Genocide Watch, 1998

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Torture and Enforced Disappearance, in: Catarina Krause und Martin Scheinin (eds.) International Protection of Human Rights: A Textbook, 2nd rev. ed., Institute for Human Rights Turku/Abo, Finland 2012, 153-187.

UN Factsheet: Work and Structure of the Human Rights Council.