

Home-exam for HUMR5132: Human Rights Law in Context

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Choose **one** of the **five main themes** below and prepare a research paper that critically analyzes a specific issue therein which you find of particular interest. In your discussion, you are encouraged to draw upon different inter-related disciplines as law, social sciences, political sciences, philosophy and anthropology. **The length of the paper should not exceed 5,000 words, footnotes included (more instructions in the other document).**

1. Pursuing Accountability and Reparations for Serious Human Rights Violations

Despite the considerable number of treaty and customary international human rights law norms and the judicial and quasi-judicial mechanisms that have been established since the end of the Second World War, ensuring accountability for serious human rights violations remains a challenge for affected societies and for the organized international community. Among others, the 1966 International Covenant on Civil and Political Rights, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the 2006 International Convention for the Protection of All Persons from Enforced Disappearance (CPED) impose a number of legal obligations upon Member States, including the obligation to prosecute or extradite alleged perpetrators. Many countries affected by conflict have engaged in transitional justice efforts and the right to truth has been hailed as a human right by the Inter-American Human Rights Court. You can discuss how the crimes of torture or enforced disappearances (or other internationally recognized crimes) have been addressed domestically in these transitional justice efforts, or eventually pursued at a regional or international level. Or address issues concerning reparations indicated by various international or regional human rights bodies. Feel free to contextualize the analysis by choosing a specific issue or particular country or region for your essay.

2. The Place of Economic, Social and Cultural Rights within the Sustainable Development Goals (SDGs)



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Several of the 17 goals (and related 169 targets) of the Sustainable Development Goals (SDGs) for the post-2015 development agenda are related to implementing economic, social and cultural rights, including the eradication of poverty, zero hunger, good health and well-being, quality education, reduced inequalities, and so on. Choose one of these goals listed below, and discuss first its legal basis in treaty and customary international human rights law, if you are taking a legal approach, and then aspects of its implementation in practice. Otherwise, focus on challenges to implementation. You can also select a couple of inter-related SDG goals and explain how they can possibly interact and reinforce each-other. In your analysis try to draw from relevant norms, procedures and institutions involved in achieving these goals by 2030. You can choose one or more from the following SDGs:

Goal 1. End poverty in all its forms everywhere;

Goal 5. Achieve gender equality and empower all women and girls;

Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable;

Goal 13. Take urgent action to combat climate change and its impacts;

Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

3. Protecting the Rights of Minorities and Indigenous Peoples

Despite the fact that international law has developed considerably, protecting the rights of minorities and indigenous peoples remains a challenge for many States. Notably, the main focus of the human rights movement in the aftermath of the Second World War has been on individual human rights. Article 27 on the 1966 International Covenant on Civil and Political Rights (ICCPR) provides that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. The ICCPR has been complemented in more recent times with several binding and non-binding human rights instruments. And, there is a renewed focus on the rights of minorities and indigenous peoples from different international and regional organizations. What are some of the main challenges in implementing the rights of minorities or of indigenous peoples? You can choose to focus on a particular country (or region) or a particular right (or a group of inter-related rights).

4. The impact of international human rights treaties on the human rights situation on the ground

A large debate in human rights scholarship concerns the issue of whether international human rights treaties and mechanisms make a difference on the ground, that is at the domestic level. Some scholars have argued that they do make a difference, whereas others have pointed out that their impact is actually negligible. Do international human rights treaties and the activity of their monitoring mechanisms improve the human rights situation on the ground? Discuss this issue by using the Convention on the Rights of Persons with Disabilities (CRPD), or another of the nine core human rights treaties as the focal point.

5. The right to peaceful assembly

On 23 July 2020, during its 129th session held online because of the pandemic, the UN Human Rights Committee adopted General Comment 37 on article 21 of the International Covenant on Civil and Political Rights (ICCPR or Covenant) on the right to peaceful assembly (for information on the process see [here](#)). Discuss the relationship between article 21 and other provisions of the Covenant and other legal regimes as addressed by this General Comment and the practice of the Human Rights Committee, and provide a critical evaluation of the Committee's approach to this relationship as reflected in section VIII of General Comment 37. Alternatively, you can engage in a critical evaluation of another section of this General Comment.