



## **COURSE MANUAL**

### **ELECTIVE**

### **FOUNDATIONS OF HUMAN RIGHTS**

#### **COURSE CODE:**

**NAME OF THE RESPONSIBLE FACULTY INSTRUCTOR**  
PROF. PAULINE L. FORJE

**SPRING 2026**  
**(AY2025-26)**

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far the elective course, *Foundations of Human Rights*, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

## **Part I - CONTENTS**

Course Title: **Foundations of Human Rights**

Course Code:

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **UG**

Medium of Instruction: **English**

Pre-requisites (if applicable): **None Applicable**

Equivalent Courses: **None Applicable**

|  |             |
|--|-------------|
| <b>Part I - CONTENTS</b>               | Page 2      |
| <b>Part II</b>                         |             |
| Course Description                     | Page 3      |
| Course Aims                            | Page 3      |
| Intended Learning Outcomes             | Page 4      |
| Grading of Student Achievements        | Page 4 - 5  |
| <b>Part III – COURSE POLICIES</b>      |             |
| Page 6 - 7                             |             |
| <b>Part IV – WEEKLY COURSE OUTLINE</b> |             |
| Part V – MODULE DESCRIPTION & READINGS | Page 7 - 8  |
| Part V – MODULE DESCRIPTION & READINGS | Page 8 - 12 |

## Part II

### 1. Acknowledgement of Course Ideators

This course was originally conceptualised, framed and taught as a core component of the BALS programme by faculty members of O.P. Jindal Global University, including Prof. Aashish Yadav, Prof. Harikartik Ramesh, Prof. Juan Vallejo, Prof. Samrat Sinha, Prof. Yogesh Kumar Tyagi, Prof. Srinjoy Sarkar, Prof. Raabia Abuzer Shams and Prof. Pauline Forje, among others. Their collective contributions have shaped the foundational structure and academic philosophy of the course.

The elective builds on the original *Foundations of Human Rights* core course and adapts it for BA LLB students. Taught by Prof. Pauline L. Forje, the course integrates international and regional case law, Public International Law (PIL), International Human Rights Law and Theory (IHRLT), Global South perspectives, and research-led learning activities.

### 2. Course Description

The course introduces students to the foundations of international human rights from historical, theoretical, legal, and comparative perspectives. It examines the origins and development of human rights, key international instruments that form the modern human rights framework, enforcement mechanisms, and critical debates surrounding universalism, cultural relativism, and Global South perspectives. The course also explores contemporary thematic areas such as equality and discrimination, women's rights, prohibition of torture, minority rights, and climate change.

Through case law analysis, international instruments, regional human rights systems, and critical scholarship, students will engage with human rights both as a legal framework and as an evolving political project. The course emphasises analytical thinking, argument construction, and real-world application through interactive learning.

### 3. Course Aims

The aims of the course are to:

- Provide students with an introductory yet comprehensive understanding of the nature, scope, and foundations of international human rights law.
- Familiarise students with key treaties, institutions, and enforcement mechanisms at the international and regional levels.
- Develop students' ability to critically analyse human rights debates from mainstream and Global South perspectives.
- Enable students to apply human rights norms, principles, and jurisprudence to contemporary legal, political, and social issues.
- Strengthen academic writing, research, and oral advocacy skills through structured assessment and interactive engagement.

The course is designed to promote critical thinking, independent research, classroom dialogue, and real-world application rather than passive content memorisation.

Students are expected to complete weekly readings, contribute actively to discussions, and come prepared to critically evaluate legal and scholarly materials.

#### **4. Course Intended Learning Outcomes**

By the end of the course, students should be able to:

- Demonstrate an understanding of the origins, development, and conceptual foundations of human rights.
- Explain the structure and operation of the international human right's legal framework and related UN mechanisms.
- Analyse the normative foundations of major human rights treaties and apply them to hypothetical and real-world situations.
- Compare and evaluate regional human rights systems and enforcement mechanisms
- Critically engage with theoretical debates on universalism, cultural relativism, and Global South critiques.
- Apply case law and legal reasoning to contemporary human rights challenges.

#### **5. Assessments and Grading of Student Achievement**

To pass this course, students shall obtain a minimum of 40% over the entire spread of internal assessment, class participation, and the end-term examination, taken together. Internal assessment would be in the form of a research paper, whilst the end of semester exam will be a traditional written exam and will carry 30 marks.

The overall division of the assessment for this course would be as follows:

- Research paper: 60 marks (this includes abstract, outline structure and bibliography -10%, Viva - 20% and the written research paper of 3000 words including footnotes - 30%).
- Class participation: 10 marks
- End semester examination (compulsory): 30 marks.

The details of the grades as well as the criteria for awarding such grades are provided below:

| GRADE | PERCENTAGE OF MARKS | GRADE DEFINITION   |  |
|-------|---------------------|--------------------|--|
| O     | 80 and above        | <b>Outstanding</b> | Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability.                              |
| A+    | 75 – 79             | <b>Excellent</b>   | Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability.  |
| A     | 70 – 74             | <b>Very Good</b>   | Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation. |
| A-    | 65 – 69             | <b>Good</b>        | Good understanding of the subject matter, ability to identify issues and provide   |

| GRADE | PERCENTAGE OF MARKS | GRADE DEFINITION  |  |
|-------|---------------------|-------------------|--|
|       |                     |                   | balanced solutions to problems and good critical and analytical skills.  |
| B+    | 60 – 64             | <b>Fair</b>       | Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills.   |
| B     | 55 – 59             | <b>Acceptable</b> | Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.   |
| B-    | 50 – 54             | <b>Marginal</b>   | Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills.  |
| P1    | 45 – 49             | <b>Pass 1</b>     | Pass with basic understanding of the subject matter.   |
| P2    | 40 – 44             | <b>Pass 2</b>     | Pass with rudimentary understanding of the subject matter.   |
| F     | Below 40            | <b>Fail</b>       | Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course.   |
| I     | Incomplete          | <b>Incomplete</b> | “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an “I” grade is assigned, the student would appear for the end-semester, or re-sit examination as and when the subsequent opportunity is provided by the University. |

### Part III – COURSE POLICIES

#### Office Hours timings

This will be held weekly for two hours in the FOB lounge. Students are strongly encouraged, and required, to attend office hours at least twice during the semester. Attendance and engagement during office hours will be taken into consideration for the assessment component related to class participation.

#### **The scheduled office hour dates are as follows:**

**TBD**

### **Cell Phones, Laptops and Similar Gadgets**

Cell phones must be switched off. Laptops may be used solely for class sessions. No other electronic devices are permitted in class.

### **Academic Integrity and Plagiarism**

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

### **Disability Support and Accommodation Requirements**

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee>.

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to [disabilitysupportcommittee@jgu.edu.in](mailto:disabilitysupportcommittee@jgu.edu.in)

### **Safe Space Pledge**

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what

you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

#### **Part IV – WEEKLY COURSE OUTLINE**

| <b>WEEK</b>   | <b>TOPICS</b>   |
|---|---|
| <b>PART ONE: INTRODUCTION</b>                           |   |
| 1.  | Introduction to Human Rights <ul style="list-style-type: none"> <li>• Origins and evolution of human rights</li> <li>• Natural law, evolutions, and post WWII transformation</li> <li>• Human rights as a legal, political and moral project</li> <li>• Universalism debates introduction</li> </ul>                              |
| <b>PART TWO: NORMATIVE FOUNDATIONS &amp; MECHANISMS</b> |   |
| Week 2 & 3  | Normative foundations: UDHR, ICCPR & ICESCR <ul style="list-style-type: none"> <li>• The International Bill of Rights</li> <li>• Civil and Political Rights vs Economic, Social &amp; Cultural Rights</li> <li>• State Obligations: respect, protect, fulfil</li> <li>• Derogations, limitations, non-derogable rights</li> </ul> |
| Week 4  | UN Human Rights Council & Universal Periodic Review <ul style="list-style-type: none"> <li>• From Human Rights Commission to Human Rights Council</li> <li>• Universal Periodic Review (UPR) mechanism</li> <li>• State reporting, peer review &amp; political dynamics</li> <li>• Case study: India's UPR cycle.</li> </ul>      |
| Week 5  | Universalism vs Cultural relativism <ul style="list-style-type: none"> <li>• Can human rights be universal?</li> <li>• Tension between culture, religion, identity and rights</li> <li>• Global North vs Global South perspectives</li> </ul>   |
| Week 6 & 7  | Regional Human Rights Systems <ul style="list-style-type: none"> <li>• Why regional systems emerged</li> <li>• Overview: ECHR, IACtHR &amp; AfCHPR</li> <li>• Enforcement, accessibility and compliance challenges</li> </ul>   |
| <b>PART THREE: THEMATIC FOCUS</b>                       |   |
| Week 8 & 9  | Racial and Caste-Based Discrimination <ul style="list-style-type: none"> <li>• Structures of discrimination and equality struggles</li> <li>• Comparative historical movements analysis (BLM &amp; Dalit rights)</li> <li>• International vs Constitutional frameworks</li> </ul>   |
| Week 10   | Prohibition of Torture <ul style="list-style-type: none"> <li>• Absolute Prohibition &amp; CAT</li> <li>• Torture, national Security, and moral dilemmas</li> </ul>   |
| Week 11   | Women and Human Rights <ul style="list-style-type: none"> <li>• CEDAW and reservations</li> <li>• Structural inequality and dominance theory</li> <li>• Reproductive and sexual autonomy</li> </ul>   |
| Week 12   | Rights of Minorities: Religion & Culture <ul style="list-style-type: none"> <li>• Cultural rights &amp; identity claims</li> </ul>  |

| WEEK    | TOPICS   |
|---------|--|
|         | <ul style="list-style-type: none"> <li>• Secularism vs pluralism</li> </ul>  |
| Week 13 | Human Rights & Climate Change <ul style="list-style-type: none"> <li>• Climate justice and human rights litigation</li> <li>• Displacement and intergenerational equity</li> </ul> |
| Week 14 | <b>REVISION WEEK</b>   |

## Part V: MODULE DESCRIPTION AND ESSENTIAL READINGS

### CORE TEXTBOOKS

- Moeckli, D. Shah, S. Sivakumaran, S. (eds) *International Human Rights Law*. Oxford University Press, Oxford (2022)
- Philip Alston, International Human Rights (New York, NYU Law, 2024). Available for free here: <https://humanrightstextbook.org/digital-book>

Please access the digital versions of both documents through the OneDrive link shared in the welcome email sent on [xxx.]

### WEEKLY MODULE DESCRIPTION, READINGS & CASES

#### Week 1: Introduction to Human Rights

This week will explore the origins, development, philosophical debates, and history turning points.

##### Essential Readings

- Alston, “*Human Rights Concepts and Discourse: Global Snapshots*”, in *International Human Rights*, 3-20
- Wheatley, S., “*What We Mean When We Talk about ‘Human Rights’*”, Chapter 1, ‘Idea of International Human Rights Law’, (OUP 2019)

*Syllabus keywords: Human dignity, universality, inalienability, interdependence, natural law, positivism, post-World War II, UDHR, customary international law, rights discourse, moral vs legal rights, historical evolution.*

#### Weeks 2 and 3: UDHR, ICCPR & ICESCR

International Bill of Rights; derogations & limitations; CPR vs ESCR; obligations to respect, protect & fulfil.

##### Essential Readings

- Alston, Chapter 3 “*Civil and Political Rights*”, in *International Human Rights*, 121-124, 130-137
- Alston, Chapter 4 “*Economic, Social, and Cultural Rights*”, in *International Human Rights*, 249-261, 281-283
- Legal Instruments: UDHR, ICCPR, ICESCR

### Cases

- *Handyside v United Kingdom (1976) 1 ECHR 737* - freedom of expression & margin of appreciation
- *Government of the Republic of South Africa v Grootboom 2001(1) SA 46 (CC)* - minimum core / housing rights

*Syllabus keywords: Human dignity, universality, inalienability, interdependence, natural law, positivism, post-World War II, UDHR, customary international law, rights discourse, moral vs legal rights, historical evolution.*

### Week 4: UN Human Rights Council & Universal Periodic Review (UPR): Case Study on India

Structure, purpose, process and limitations of UPR; peer review diplomacy vs enforcement.

#### Essential Readings

- Moeckli, D. et al, Chapter 19: The United Nations, *International Human Rights Law* (OUP 2022). Focus on Universal Periodic Review
- Jane K. Cowan and Julie Billaud, *Between learning and schooling: the politics of human rights monitoring at the Universal Periodic Review*, 36(6) Third World Quarterly, 1175-1190

#### In class

- Watch “What is the UPR?” - basic facts about the UPR
- UN GA Res.60/251 Establishing the Human Rights Council. UN GA Doc. A/RES/60/251
- Summary of India’s National Report and Report of the Working Group. This will be provided separately.

*Syllabus keywords: UPR, peer-review mechanism, state reporting, working group, stakeholder submission, voluntary pledges, naming and shaming, compliance, universality, UNGA Resolution 60/251, implementation challenges, international cooperation.*

### Weeks 5 and 6: Universalism vs Cultural Relativism

TWAIL, post-colonial critiques, identity and culture conflicts.

#### Essential Readings

- Alston, Chapter 7 “Conflict in Culture, Tradition and Practices: Challenges to Universalism in International Human Rights”, in *International Human Rights*, 450-470
- Mukau Mutua, *Savages, Victims and Saviours: The Metaphor of Human Rights* Harv. Int'l L. J. 201 (2001)

#### Case

- *Lautsi v Italy (2012) 54 ECHR 3* - religious symbols / secularism

*Syllabus keywords: Universalism, cultural relativism, TWAIL, postcolonial critique, Mutua’s SVS model, cultural practices, tradition vs rights, identity, legitimacy, global norms, hegemony, moral authority, contextual interpretation.*

### Week 7: Regional Approaches to Human Rights

Comparative survey of ECHR IACtHR, ECOWAS Court; compliance and legitimacy

#### International Legal Instruments:

- European Convention on Human Rights (ECHR), 1953

- The Inter-American Convention on Human Rights (IACtHR), 1978
- The African Charter on Human and Peoples' Rights (AfCHPR), 1986
- The Cairo Declaration of Human Rights in Islam (1990)
- The Arab Charter of Human Rights (2004)

#### **Essential Reading:**

- Moeckli, D. et al, Chapter 20: Regional Protection, *International Human Rights Law* (OUP 2022).

#### **Cases**

- *Osman v United Kingdom* (2000) 29 ECHR 245 - state positive obligations
- *Velásquez Rodríguez v Honduras* (IACtHR, Judgments of 29 July 1988), Ser C No 4 - enforced disappearance
- *African Commission on Human and Peoples' Rights v Kenya (Ogiek)* (AfCHPR, Judgment of 26 May 2017) - Indigenous Land rights / discrimination

*Syllabus keywords: Regionalism, subsidiarity, enforcement mechanisms, supranational courts, compliance gap, positive obligations, advisory jurisdiction, Afrocentric jurisprudence, comparative regionalism, legal pluralism.*

#### **Week 8 and Week 9: Racial and Caste-Based Discrimination**

Historical movements and equality struggles; Black Lives Matter (BLM) vs Dalit Lives Matter (DLM)

#### **Essential Readings**

- Teltumbde, A. (2010). Chapter 5 The Khairlanji Murders: Genealogy and Aftermath in *The persistence of caste: the Khairlanji murders and India's hidden apartheid*.
- International Covenant for the Elimination of Racial Discrimination (CERD) 1965. Article 1.
- The Durban Declaration and Programme of Action
- India's Submission to the Committee for the Elimination of Racial Discrimination and the Concluding Observations of the Committee for the Elimination of Racial Discrimination from 1996 to 2007. A special document will be shared.
- B.R. Ambedkar, *The Annihilation of Caste*, Columbia CNTML, 10-13; 16-21, 23, 27-34; 36-40; Sections 6, 7, 11.

#### **Cases**

- *Plessy v. Ferguson* (1896) 163 US 537 - "Separate but equal" doctrine
- *Brown v. Board of Education* (1954) - of Topeka (1954) 347 US 483 - Desegregation / substantive equality
- *Loving v. Virginia* (1967) 388 US 1 - Interracial marriage / equality & dignity

*Syllabus keywords: Equality, non-discrimination, systemic oppression, caste hierarchy, race, apartheid, CERD, social movements, Dalit rights, Black Lives Matter, structural inequality, historical injustice, group rights, intersectionality.*

#### **Week 10: Prohibition of Torture**

Absolute prohibition under CAT, security dilemmas, Indian law.

#### **Essential Readings**

- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- Alston, Chapter 3 “*Norm Regression: The Norm Against Torture*” in *International Human Rights*”, 234 – 248

#### Cases

- *Public Committee Against Torture in Israel v Government of Israel* (1999) HCJ 5100/94 (Israeli Supreme Court) - operational duties
- *Selmouni v France* (2000) 29 ECHR 403 - evolving standards of decency

*Syllabus keywords: Torture, absolute prohibition, jus cogens, CAT, ill-treatment, interrogation practices, national security, ticking time bomb, positive obligations, impunity, accountability, oversight, evolving standards of decency.*

### Week 11: Women and Human Rights

CEDAW, dominance theory.

- UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)
- Moeckli, D. et al, Chapter 16: Women’s Rights, *International Human Rights Law* (OUP 2022).
- Catherine Mackinnon – Difference & Dominance (excerpt)

#### Cases

- *Alyne da Silva Pimentel v Brazil* (CEDAW Committee, Communication No 17/2008, UN Doc CEDAW/C/49/D/17/2008, 2011) - maternal mortality / women’s rights / intersectional discrimination
- *LC v Peru* (CEDAW Committee, Communication No 22/2009, UN Doc CEDAW/C/50/D/22/2009, 2011) - reproductive health / access to abortion
- *Vishaka v State of Rajasthan* (1997) 6 SCC 241 - sexual harassment / workplace guidelines

*Syllabus keywords: CEDAW, gender equality, discrimination, reservations, patriarchal structures, reproductive rights, maternal mortality, violence against women, dominance theory, formal vs substantive equality, gender-based stereotypes, soft law.*

### Week 12: Rights of Minorities: Religion and Culture

Secularism dates; cultural and minority rights.

#### Essential Readings

- Moeckli, D. et al, Chapter 14: Cultural Rights, *International Human Rights Law*, Part 3 (OUP 2022)
- Moeckli, D. et al, Chapter 18: Group Rights, *International Human Rights Law*, Part 1: Introduction; Part 6: Minorities; Part 7: Indigenous Peoples (OUP 2022)

#### Cases

- *SAS v France* (2015) 60 ECHR 11 - face veil / public order / identity rights
- *Shafin Jahan v Asokan K M (Hadiya case)* (2018) 16 SCC 368 - religious freedom / marriage autonomy (India)

*Syllabus keywords: Minority rights, religious freedom, secularism, cultural rights, identity, assimilation, neutrality, pluralism, group rights, indigenous rights, cultural autonomy, protections under ICCPR, Article 27.*

## **Week 13: Human Rights and Climate Change**

Rights based climate litigation and displacement.

### **Essential Readings**

- Alston, Chapter 15 “*Climate Change, the Environment and the Right to Development*”, in International Human Rights
- Aoife Nolan, “Children’s Rights and Climate Change at the UN Committee on the Rights of the Child: Pragmatism and Principle in *Sacchi v Argentina*,” 2021

### **Cases**

- *Greta Thunberg and Others v Argentina, Brazil, France, Germany and Turkey (Committee on the Rights of the Child, Communication No 104/2019, Decision on Admissibility, CRC/C/88/D/104/2019, 2021)* – child right
- *Ioane Teitiota v New Zealand (Human Rights Committee, Communication No 2728/2016, UN Doc CCPR/C/127/D/2728/2016, 2020)* - right to life / displacement
- *Billy v Australia (Human Rights Committee, Communication No 3624/2019, UN Doc CCPR/C/135/D/3624/2019, 2022)* - Torres Strait Islanders

*Syllabus keywords:* Climate justice, climate refugees, environmental rights, displacement, intergenerational equity, right to life, right to development, state responsibility, foreseeability, vulnerability, non-refoulement (climate context), environmental harm.

## **Week 14: Revision**

Practice essay and problem question