

**Yaroslav Mudryi National Law University**

**Department of International Law**

**S Y L L A B U S**

**of the academic discipline**

**«Universal and regional systems of human rights protection /  
Універсальні та регіональні системи захисту прав людини»**

**The level of higher education** – second (master's) level

**The degree of higher education** – a master's degree

**Field of knowledge** – 08 "Law"

**Specialty** – 081 "Law"

**The status of the academic discipline** – Elective

**Recruitment year** – 2021

Kharkiv 2021

**Syllabus of the academic discipline** «Universal and regional systems of human rights protection / Універсальні та регіональні системи захисту прав людини» for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law". Kharkiv: Yaroslav Mudryi National Law University, 2021. 14 p.

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***Head of the Department*** – Volodymyr Mykolayovych Steshenko,  
PhD, professor

### Data about the teacher

<b>The name of the academic discipline</b>	«Universal and regional systems of human rights protection / Універсальні та регіональні системи захисту прав людини»
<b>Status of the academic discipline</b>	Elective
<b>Teacher</b>	Oleksandr Vasyliovych Serdyuk
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<b>Consultations</b>	in accordance with the developed schedule of individual consultations
<b>Online consultations</b>	ZOOM / according to the schedule and announcements

### *Abstract of the academic discipline*

The essence and features of the human rights protection system as a set of contractual and institutional elements are revealed. The meaning of the main paradigms of modern international human rights law is explained. Existing universal and regional systems are analyzed. The content and features of the use of human rights mechanisms existing within these systems are revealed.

### *The purpose and tasks of the academic discipline*

*The purpose* of the academic discipline is the acquisition of knowledge by students about the regulatory and legal foundations and institutional mechanisms of international protection of human rights at the universal and regional level, the formation of a systematic view of the operation of international human rights law as a branch of modern international law and the peculiarities of its interaction with national law.

#### *Tasks:*

- assimilation of the modern vision of the ideology of human rights, understanding the peculiarities of international human rights law;
- formation of a methodological vision of the phenomenon of the "system of human rights protection" and the differences between the universal and regional format of such protection;

- determination of contractual and institutional elements of the universal system of human rights protection (UN);
- formation of skills and abilities to use individual complaint procedures to control (conventional) bodies;
- elucidation of the peculiarities of the construction and functioning of regional human rights protection systems;
- formation of skills and abilities to use individual complaint procedures to control (conventional) bodies of the Council of Europe.

***Academic discipline in the structure of the educational and professional program. Interdisciplinary connections***

*Prerequisites:* "International Law", "Law of the European Union", "European Convention on the Protection of Human Rights and Fundamental Freedoms and Legal Practice", "Constitutional Law of Ukraine".

*Corequisites:* «Introduction to European legal values / Вступ до європейських правових цінностей», «International law of treaties / Право міжнародних договорів».

***Expected learning outcomes of a student of higher education***

As a result of mastering the academic discipline, the student of higher education must demonstrate the following learning outcomes:

LO AD 1. Explain historical and political and legal prerequisites for the formation and development of universal and regional human rights protection systems.

LO AD 2. To apply the value and philosophical principles of the modern doctrine of human rights in practical activities.

LO AD 3. Demonstrate knowledge of the contractual principles of the human rights protection system within the framework of the UN (9 key conventions) – their content; peculiarities of preparation and acceptance; relationship with other UN treaties; the status of these contracts in Ukraine.

LO AD 4. Explain the powers of UN statutory bodies and the bodies created by them in the field of human rights.

LO AD 5. Demonstrate knowledge of the main mechanisms and institutions for monitoring compliance by states with obligations in accordance with key UN treaties.

LO AD 6. Demonstrate knowledge of the reporting procedure of states in UN committees and the main decisions made based on the results of such procedure.

LO AD 7. Apply acts of interpretation of treaties by UN committees to solve practical tasks within the national legal order.

LO AD 8. Demonstrate knowledge of the contractual and institutional foundations of the human rights protection system within the Council of Europe.

LO AD 9. Demonstrate knowledge of the procedures for the implementation of control powers by the treaty bodies of the basic conventions of the Council of Europe in the field of human rights protection; understanding the differences between political and legal monitoring procedures.

LO AD 10. Demonstrate knowledge of the main tools for the protection of human rights within the framework of the EU, as well as an understanding of the features of the Charter of Fundamental Rights of the EU and the importance of the relevant practice of the Court of Justice of the EU.

LO AD 11. Demonstrate knowledge of contractual principles and control bodies of the Inter-American system of human rights protection and the ability to analyze the practice (decisions and advisory opinions) of the Inter-American Court and the Inter-American Commission on Human Rights, compare their legal positions with the approaches and interpretations of the ECHR.

LO AD 12. Demonstrate knowledge of the specifics of the African human rights protection system and its main components (contractual and institutional foundations); the ability to compare it with other regional systems and to find specific positions and approaches in the interpretation of international standards for the protection of human rights.

**Types of educational activities and individual work  
for students of full-time higher education**

No	Classroom classes (contact)		Individual work (in hours)
	Topics of lectures	Topics of practical classes	
1	Modern international human rights law.	Modern international human rights law.	8
2	General characteristics of the human rights protection system within the UN.	General characteristics of the human rights protection system within the UN.	8
3	Control procedures of contractual (conventional) bodies	Control procedures of contractual (conventional) bodies	8
4	General characteristics of regional human rights protection systems	General characteristics of regional human rights protection systems	8
5	The European system of human rights protection within the framework of the Council of Europe	The European system of human rights protection within the framework of the Council of Europe	8
6	The system of human rights protection within the framework of the European Union	The system of human rights protection within the framework of the European Union	8
7	The system of human rights protection within the framework of the Organization for Security and Cooperation in Europe.	The system of human rights protection within the framework of the Organization for Security and Cooperation in Europe.	8
8	Inter-American system of protection of human rights	Inter-American system of protection of human rights	8
9	African human rights protection system	African human rights protection system	8
10	Human rights protection systems in the Asia-Pacific region	Human rights protection systems in the Asia-Pacific region	8

**Types of educational activities and individual work  
for students of higher education in the distant form of education**

No	Topics of lectures	Topics of practical classes	Individual work (in hours)
1	General characteristics of the human rights protection system within the UN.	General characteristics of the human rights protection system within the UN.	110
2	General characteristics of	General characteristics of	

	regional human rights protection systems	regional human rights protection systems	
3	The European system of human rights protection within the framework of the Council of Europe		

### **Individual work of students**

Individual work of students is carried out in the following forms:

- preparation of an individual individual summary work;
- development of new scientific and educational literature, legislative acts of foreign countries;
- work on cases on the adoption and implementation of administrative acts;
- performance of practical tasks, self-testing;
- writing essays and abstracts;
- preparation of reports abstracts for scientific and practical conferences;
- participation in competitions of student scientific works;
- preparation for practical classes, colloquiums and testing.

Tasks and methodical recommendations for individual work are given in Methodical materials for the academic discipline «Universal and regional systems of human rights protection / Універсальні та регіональні системи захисту прав людини» for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law.

### **Educational, methodical and informative ensuring academic discipline**

#### *Normative and legal acts*

Конвенція про захист прав людини і основоположних свобод від 04.11.1950 р. URL: [https://zakon.rada.gov.ua/laws/show/995\\_004#Text](https://zakon.rada.gov.ua/laws/show/995_004#Text)

Міжнародний пакт про громадянські і політичні права від 16.12.1966 р. URL: [https://zakon.rada.gov.ua/laws/show/995\\_043#Text](https://zakon.rada.gov.ua/laws/show/995_043#Text)

Міжнародний пакт про економічні, соціальні і культурні права від

16.12.1966 p. URL: [https://zakon.rada.gov.ua/laws/show/995\\_042#Text](https://zakon.rada.gov.ua/laws/show/995_042#Text)

Статут Організації Об'єднаних Націй від 26.06.1945 р. URL: [https://zakon.rada.gov.ua/laws/show/995\\_010#Text](https://zakon.rada.gov.ua/laws/show/995_010#Text)

American Convention on Human Rights 22.11.1969. URL: <http://www.cidh.org/Basicos/English/Basic3.American%20Convention.htm>

Arab Charter on Human Rights, 2004. URL: [https://www.eods.eu/library/LAS\\_Arab%20Charter%20on%20Human%20Rights\\_2004\\_EN.pdf](https://www.eods.eu/library/LAS_Arab%20Charter%20on%20Human%20Rights_2004_EN.pdf)

Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance. URL: [http://www.oas.org/en/sla/dil/docs/inter\\_american\\_treaties\\_A-68\\_racism.pdf](http://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-68_racism.pdf)

Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities, 7 June 1999. URL: <https://www.refworld.org/docid/3de4cb7d4.html>

Inter-American Convention to Prevent and Punish Torture, 9 December 1985. URL: <https://www.refworld.org/docid/3ae6b3620.html>

Rules of Procedure of the Inter-American Commission on Human rights. URL: <http://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp>

Rules of Procedure of the Inter-American Court on Human rights, 2009. URL: [https://www.corteidh.or.cr/sitios/reglamento/nov\\_2009\\_ing.pdf](https://www.corteidh.or.cr/sitios/reglamento/nov_2009_ing.pdf)

### *Basic literature*

Абашидзе А.Х. Договорные органы по правам человека в системе правозащитных механизмов Организации Объединенных Наций: учебно-методический комплекс. Москва: РУДН, 2012. 431 с.

Алстон Ф. Окончательный доклад по вопросу повышения долгосрочной эффективности договорной системы по правам человека ООН: E/CN.4/1997/74.



Буроменський М. В. Сердюк О. В. Застосування Конвенції про захист прав людини і основоположних свобод та практики Європейського суду з прав людини судами України. Київ: ОБСЄ. 2018. 85 с.

Буткевич В.Г. Поняття, функції та принципи міжнародного захисту прав людини та основних свобод. Міжнародне право. Основні галузі. Київ, 2004. С. 196–201.

Гусейнов Л.Г. Международная ответственность государств за нарушения прав человека. Київ: Ін-т держави і права імені В.М. Корецького НАН України, 2000. 316 с.

Конвенція про захист прав людини та основоположних свобод (в питаннях та відповідях): навч.-довідк. посібник / О.В. Сердюк, О.Я. Трагнюк, І.В. Яковюк та інші; за заг. ред. І.В. Яковюка. Харків: Право, 2019. 124 с.

Мицик В.В. Права людини у міжнародному праві. Міжнародно- правові механізми захисту: підручник / Київ. нац. ун. ім. Тараса Шевченка, Ін. міжнар. відносин. Київ: Видавничий дім «Промені», 2010. 722 с.

Механизмы ООН против пыток и жестокого обращения / Харьковская правозащитная группа. Харків: Права людини, 2013. 324 с.

Прецедентные дела Комитета по правам человека / Сост. Р. Хански, М. Шейнин. Турку-Або: Институт прав человека при Университете Або Академи, 2004. 484 с.

Бєлих Я., Сердюк О., Буроменський М., Лутковська В., Смірнова О., Сиротенко С. Звіт за результатами громадського моніторингу застосування Верховним Судом практики Європейського суду з прав людини / Програма USAID реформування сектору юстиції «Нове правосуддя»; Громадська організація «Інститут прикладних гуманітарних. Харків: ІПГД, 2019. 59 с.

Теорія та практика застосування Конвенції про захист прав людини і основоположних свобод: компендіум / [О. В. Сердюк, Ю. В. Щокін, І. В. Яковюк та ін.]; за заг. ред. О. В. Сердюка, І. В. Яковюка. Харків: Право, 2018. 374 с.

Теорія та практика застосування Конвенції про захист прав людини і основоположних свобод: компендіум / [О. В. Сердюк, Ю. В. Щокін, І. В. Яковюк та ін.]; за заг. ред. О. В. Сердюка, І. В. Яковюка. 2-ге вид, допов. Харків: Право, 2019. 404 с.

Шевчук С. Порівняльне прецедентне право з прав людини. Київ: Реферат, 2002. 344 с.

Barabash I. H., Serdiuk O. V., Steshenko V. M. (2020). Ukraine in European Human Rights Regime: Breaking *Path Dependence* from Russia. In: Ramiro Troitiño D., Kerikmäe T., de la Guardia R., Pérez Sánchez G. (eds). *The EU in the 21st Century*. Springer, Cham. pp. 247–270.

Basch F. The Effectiveness of the Inter-American System of Human Rights Protection: a Quantitative Approach to its Functioning and Compliance with its Decisions. *International Human Rights Law and Practice*. 2012. No 12. P. 9–36.

Brownlie I. *Basic Documents on Human Rights* / I. Brownlie, G.S. Goodwin-Gill. Oxford: Oxford University Press, 2006. 1261 p.

de Schutter O. *International Human Rights Law. Cases, Materials, Commentary*. Cambridge: Cambridge University Press, 2010. 1033 p.

*From Judgment to Justice: Implementing International and Regional Human Rights Decisions* / Open Society Justice Initiative. New York: Open Society Foundations, 2010. 199 p.

Harris, O'Boyle & Warbrick: *Law of the European Convention on Human Rights*. Oxford University Press, 2014. 1006 p.

Schabas W.A. *The European Convention on Human Rights: A Commentary* / Oxford University Press, 2015. 1414 p.

#### *Additional literature*

Асірян С.Р. Створення та діяльність Комісії ООН з прав людини (1946–2006 рр.). *Науковий вісник Херсонського державного університету*. 2013. Вип. 4. Том 2. С. 174–176.

Гнатовський М.М. Застосування міжнародного гуманітарного права органами Міжамериканської системи захисту прав людини. *Право і суспільство*. 2012. № 6. С. 3–8.

Малишев Б.В. Загальна декларація прав людини 1948 р. та сучасне право розуміння. *Вісник Вищої ради юстиції*. 2012. № 3 (11). С. 147–160.

Сироїд Т.Л. Міжнародні універсальні контрольні органи захисту прав людини: сучасний стан та перспективи розвитку // Міжнародне право ХХІ століття: сучасний стан та перспективи розвитку: [кол. моногр.]: з нагоди 60-ліття В.М. Репецького. Львів: Піраміда, 2013. С. 222–236.

Стещенко В. М. Правовий захист прав дітей та підлітків і безпечний інформаційний простір: навч. посіб. 2-ге вид., змін. Харків: Право, 2019. 392 с.

Serdiuk, O.; Ryabchenko Ya.; Us, M. On the problems state forms of protection of subjective rights of participants in banking legal relation. *Financial and credit activity – problems of theory and practice*. 2020. Vol. 2. Iss. 33. P. 58–64. (*Web of Science Core Collection*)

Serdiuk, O. V., & Grabchak, G. V. (2021). Problematic issues of submitting of counterclaims in International centre for settlement of investment disputes. *Problems of Legality*, (155), 238–253. <https://doi.org/10.21564/2414-990X.155.239558>

#### *Internet resources*

ECHR decision database – <http://www.echr.coe.int/ECHR/EN/hudoc>

The official website of the ECHR – <https://www.echr.coe.int/Pages/home.aspx?p=home>

Official website of the Inter-American Court of Human Rights – <http://www.corteidh.or.cr>

The official website of the Organization of American States – <http://www.oas.org/en/sla/dil/docs>

The official website of the UN – <http://www.un.org/russian/>

The official website of the UN International Court of Justice –  
<http://www.icj-cij.org>

### *SEEMK*

Standardized electronic educational and methodological complex of the  
 Department of International Law. URL:  
[http://library.nlu.edu.ua/index.php?option=com\\_k2&view=itemlist&task=category  
 &id=217:kafedra-mizhnarodnoho-prava&Itemid=151](http://library.nlu.edu.ua/index.php?option=com_k2&view=itemlist&task=category&id=217:kafedra-mizhnarodnoho-prava&Itemid=151)

### **Requirements of the teacher**

Those seeking higher education *must*: regularly attend lectures and practical classes; systematically and actively work on them; convincingly present arguments when solving tasks; qualitatively perform written tasks, control and individual work, etc. Practical classes missed for valid reasons can be made up after prior agreement with the teacher.

Applicants of higher education *are recommended* to: participate in scientific conferences, competitions of scientific works, the work of the scientific circle of the department, prepare theses of scientific reports, etc.

*A mandatory requirement* is that students of higher education comply with the norms of the "Code of Academic Ethics of the Yaroslav Mudryi National Law University" ([https://nlu.edu.ua/files/norm\\_doc/kodeks\\_academichnoyi\\_etyky.pdf](https://nlu.edu.ua/files/norm_doc/kodeks_academichnoyi_etyky.pdf)).

During classroom classes, it is allowed to use gadgets only for educational purposes (for example, to view lecture presentations). It is allowed to use laptops and tablets for keeping lecture notes and tracking the necessary information.

### **Control measures**

Evaluation of the results of mastering the academic discipline «Universal and regional systems of human rights protection / Універсальні та регіональні системи захисту прав людини» provides for ongoing and final control and is carried out on the basis of a cumulative point-rating system.

*Current* knowledge control includes:

– quality control of students' assimilation of the program material of the academic discipline in practical classes using the following means: oral/written survey, express survey, solving practical tasks, participating in the development of a case, preparing a presentation, essay, abstract, etc. The current control is aimed at checking the level of the student's preparation in studying the current material. In the course of the practical session, the student can receive an assessment on a four-point scale (0, 3, 4, 5);

– quality control of the students' assimilation of the program material of the academic discipline, which is conducted at the end of the modules in the form of colloquiums.

An obligatory form of individual work of students is the preparation of a final written work. The maximum number of points based on the results of the defense of the final written work is 20 points.

The form of *final control of the* knowledge of higher education students in an academic discipline is a differentiated assessment. Minimum number of points to receive differentiated assessment – 60 points.

*Scale of final pedagogical control:*

Rating according to the ECTS scale	Definition	Rating on a national scale for credit	Rating according to the 100-point scale used at NYU
<b>A</b>	<b>Excellent</b> - Excellent execution, with only a small number of errors	counted	90 - 100
<b>B</b>	<b>Very good</b> - above average with a few errors		80-89
<b>C</b>	<b>Good</b> - generally correct work with a number of minor errors		75-79
<b>D</b>	<b>Satisfactory</b> - not bad, but with a significant number of shortcomings		70-74
<b>E</b>	<b>Sufficient</b> – performance meets minimum criteria		60-69
<b>FX</b>	<b>Unsatisfactory</b> - work needs to be done before rewriting	not counted	35-59
<b>F</b>	<b>Unsatisfactory</b> - serious further work is required, a mandatory repeat course		0 - 34