



**Master of Advanced Studies in
Children's Rights (2009 – 2010)**

INSTITUT UNIVERSITAIRE KURT BOSCH – UNIVERSITY OF FRIBOURG

MODULE 2

International Human Rights Law

*An introduction to international human rights law
and its application to children*

MASTER OF ADVANCED STUDIES IN CHILDREN'S RIGHTS 2009-2010

Module 2 – International human rights law

IUKB Sion (Switzerland), 25 to 30 May 2009

| Monday 25 May 2009 | Tuesday 26 May 2009 | Wednesday 27 May 2009 | Thursday 28 May 2009 <i>Study visit to OHCHR</i> | Friday 29 May 2009 | Saturday 30 May 2009 |
|--|---|--|--|---|---|
| | Room S01 <i>Lecture</i> General human rights instruments and their relevance for children (Karl Hanson) | Room S01 <i>Lecture</i> National implementation of children's rights (Arne Vandaele) | <i>Visit to the CRC Committee</i> – Introduction – Attendance CRC meeting: Discussion of the second periodic report of Mauritania | Rooms S01 <i>Praxis groups</i> | Room S01 <i>Lecture</i> African Instruments on Children's Rights (Amanda Lloyd) |
| | Room S01 <i>Lecture</i> International human rights monitoring mechanisms (Ugo Cedrangolo) | Room S01 <i>Group discussion</i> Discussion of cases on the judicial relevance on the CRC | | Room S01 <i>Lecture</i> Children's rights before the European Court of Human Rights (Yves Haeck) | Room S01 <i>Evaluation by the students</i> <i>Preparation for Module 3</i> |
| Room S01 <i>Documentary Film</i> Living Rights: Lena (Belarus) | Room S01 <i>Lecture</i> The general principles of the CRC (Nigel Cantwell) | Room S01 <i>Methodology</i> Socio-legal studies in children's rights (Arne Vandaele and Karl Hanson) | Attendance CRC meeting (continued) | Room S01 <i>Group discussion</i> | |
| Room S01 <i>Lecture</i> Universal human rights and cultural relativism (Samantha Besson) | Room S01 <i>Group work</i> | | | Rooms S01 <i>Group work</i> | |
| Room S01 <i>Methodology</i> Interdisciplinarity (Frédéric Darbellay) | | | | | |

* To be confirmed

► General

The second Module of the MCR takes international human rights law as its theme. The week begins with a discussion of the universalism of human rights versus cultural relativism. We also study the importance for children of general human rights instruments and their monitoring mechanisms, and discuss the general principles of the CRC. The implementation of the Convention on the Rights of the Child at the national level is then examined through a discussion of the use of the CRC in domestic courts and as a social policy tool. The study visit to the Committee on the Rights of the Child will give participants a chance to observe the role of the Committee as a mechanism for the implementation of the Convention. The final two days of the Module will examine the regional systems for the promotion and protection of children's rights.

► Overview of the sessions

Monday 25 May 2009

13.30 Documentary film, discussion, welcome to Sion, introduction and plan for Module **Room S01**

Title: **Living Rights: Lena – Belarus**

Abstract: Lena (12) lives with a foster mother since her mother can't take care of her. Chernobyl left a high level of radiation in the area. A possible adoption by an Italian family makes it hard for Lena to decide whether to stay or leave.

14.30 Lecture **Room S01**

Title: **Universal Human Rights and Cultural Relativism – Reflections in the Context of the Rights of the Child**

Abstract: This lecture will provide an introduction to some of the larger philosophical and normative issues concerning international human rights law and its implementation in different contexts. It will address the question of human rights, universality and cultural relativism in general before going on to examine the particularities of children's rights, universality and pluralism.

Lecturer: SAMANTHA BESSON is Professor of Public International and European law at the University of Fribourg. She has a doctorate in law from the University of Fribourg and obtained her 'habilitation' from the University of Berne in 2004. She has published widely in the field of human rights and European law and her recent work on children's rights includes; "Enforcing the Child's Right to Know Her Origins. Contrasting Approaches under the Convention on the Rights of the Child and the European Convention on Human Rights, (2007) 21 *International Journal of Law, Policy and the Family* pp. 137-159 and "The Non-discrimination Principle in the Convention on the Rights of the Child", (2005) 13 (4) *The International Journal of Children's Rights* pp. 433-461.

16.00 Coffee Break

16.30 Methodology **Room S01**

Title: **Interdisciplinarity**

Abstract: This original lecture proposes a general introduction to the issues and challenges of inter- and transdisciplinarity in teaching and research. The principal objective of this new vision of knowledge production is to sensitize and motivate students to the dialogue between scientific disciplines and to develop perspectives for better understanding interdisciplinary debates in the academic field.

Lecturer: FRÉDÉRIC DARBELLAY is Senior lecturer and researcher at the University Institute Kurt Bösch (IUKB) in Sion, Switzerland. As a member of the academic administration of IUKB, he is responsible for the field Inter- and Transdisciplinarity. He holds a PhD in Arts from the University of Lausanne (2004). His research, teaching and publications concentrate on the epistemological and theoretical foundations of the inter- and transdisciplinarity concept which he applies to discourse analysis, children's rights and tourism studies.

17.30 Closure

Tuesday 26 May 2009

8.45 Lecture

Room S01

Title: **General human rights instruments and their relevance for children**

Abstract: The lecture will critically discuss the importance of considering children's rights as being part of the international human rights framework, as well as of adopting a human rights approach to children's rights. It will present the relevance for children of the International Bill of Human Rights and the Millennium Declaration, which provide a global framework for human rights and development.

Lecturer: KARL HANSON is Associate Professor in public law, specialised in children's rights, at the Children's Rights Unit of the University Institute Kurt Bösch (IUKB) in Sion, Switzerland, where he teaches in the *Master interdisciplinaire en droits de l'enfant* and coordinates the *Master of Advanced Studies in Children's Rights*. He holds a Doctorate in Law from Ghent University, Belgium on the relationship and tensions between children's rights and children's criminal responsibility. His actual research interests include children's human rights and how children's conceptualisations of their rights ("Living Rights") can contribute to theorisations within the interdisciplinary children's rights field.

10.15 Coffee break

10.30 Lecture

Room S01

Title: **International human rights monitoring mechanisms**

Abstract: The lecture will provide a basic introduction to the UN system of human rights protection. The role of the human rights treaty bodies, individual complaint procedures as well as the special procedures established by the Human Rights Council will be discussed with an emphasis on the way in which these mechanisms have dealt with children's rights.

Lecturer: UGO CEDRANGOLO, is Human Rights Officer at the Office of the High Commissioner for Human Rights (OHCHR) in Geneva, Switzerland. He has mainly worked in the Human Rights Treaties Branch, supporting the activities of various human rights treaty-monitoring bodies, in particular the Committee on the Rights of the Child. He has also focused on the two Optional Protocols to the Convention on the Rights of the Child and notably on the Protocol on sale of children, child prostitution and child pornography (OPSC). Mr. Cedrangolo currently works in OHCHR's Rule of Law and Democracy Unit, where he is dealing in particular with the issues of detention, access to justice and the role of courts in human rights protection.

12.00 Lunch

14.00 Lecture

Room S01

Title: **The general principles of the CRC**

Abstract: The lecture will give a critical insight into the reasons for and the context in which the Committee adopted the four general principles of the CRC (non-discrimination; best interests of the child; the right to life; the right to be heard) as the guiding principles for interpreting the CRC.

Lecturer: NIGEL CANTWELL is a children's rights consultant based in Geneva, Switzerland, working on children's rights and child protection issues, including juvenile justice, alternative care and inter-country adoption. He founded DCI in 1979 and co-ordinated the NGO Group's input into the drafting of the CRC. He has previously worked with Defence for Children International (DCI), UNICEF's Regional Office for Europe and UNICEF's Innocenti Research Centre.

15.30 Coffee Break

16.00 Group work

Room S01

Introduction and start of group project work.

17.30 Closure

Wednesday 27 May 2009

9.00 Lecture

Room S01

Title: National Implementation of Children's Rights

Abstract: This lecture will commence with a general introduction to the domestic application of international human rights norms and State obligations in this regard. The lecture will then look at the self-executory force of the Convention on the Rights of the Child and will discuss the application of the CRC by national courts in different contexts.

Lecturer: ARNE VANDAELE is Substitute Professor in public international law at the Catholic University of Leuven, Belgium. He is also a lawyer at a large law firm in Brussels. His previous work involved collaboration on an inter-disciplinary research project on children's rights (see L. Catrijsse et. al. *From standard setting to implementation ... and vice versa ?* Brussels, Belgian Federal Office for Scientific, Technical and Cultural Affairs, 2002).

10.30 Coffee break

11.00 Group Discussion

Room S01

Small group discussions of cases on the judicial relevance of the CRC. Each student will present his or her case (oral, 5-10 minutes each) aiming to examine the way in which national courts are applying and interpreting the CRC. The discussions will be introduced and directed by ARNE VANDAELE.

12.30 Lunch

14.00 Methodology

Room S01

Socio-legal studies in children's rights. The workshops will be directed by ARNE VANDAELE and KARL HANSON.

15.30 Closure

Thursday 28 May 2009 – Study visit to OHCHR

6.00 Departure from Sion by bus

9.00 Introduction

Palais Wilson

Welcome and introduction by a member of the Committee on the Rights of the Child.

10.00 Committee on the Rights of the Child Session

Palais Wilson Committee Room

Students will attend the morning session of the Committee on the Rights of the Child which involves a discussion of Mauritania's Second Periodic Report.

13.00 Lunch break

14.30 Lunchtime briefing by a member of the CRC Committee (*)

Palais Wilson Committee Room

An opportunity for participants to talk to some of the Committee members in relation to the morning's session or more generally with respect to the work of the Committee.

15.00 Committee on the Rights of the Child Session

Palais Wilson Committee Room

Continuation of the morning session of the Committee on the Rights of the Child which involves a discussion of Mauritania's Second Periodic Report.

18.00 Closure and departure to Sion by bus

() To be confirmed*

Friday 29 May 2009

9.00 Praxis Groups

Start Praxis Groups. Introduction and Organization. First task.

Room S01

10.30 Coffee Break

11.00 Lecture

Room S01

Title: Children's Rights before the European Court of Human Rights

Abstract: This lecture will focus on the way in which children's rights have been conceived and implemented by the European Court of Human Rights within the States that are parties to the European Convention on Human Rights.

Lecturer: Yves Haeck is a Senior lecturer and researcher at the Netherlands Institute of Human Rights, Utrecht University and a Senior Research Fellow at the Department of Constitutional Law and the Human Rights Centre, Ghent University. He is a Lecturer at the International Human Rights Academy. His main research interest includes regional human rights systems, especially the European Convention on Human Rights and the European Court of Human Rights, as well as the American Convention on Human Rights and the Inter-American Commission and Court of Human Rights. He is the Editor-in-Chief of the Inter-American and European Human Rights Law Journal and is the coordinator for Ghent University in the Latin American & European Human Rights Network, a Research Network of 16 universities from (Latin) America and Europe, subsidised under the Alfa-Programme of the European Commission.

12.30 Lunch

14.00 Group discussions

Group discussions on child rights related cases of the European Court of Human Rights. The discussions will be introduced and directed by YVES HAECK and KARL HANSON.

15.30 Coffee Break

16.00 Group work

Constitution of the project work groups and start of the project work.

17.30 Closure

Saturday 30 May 2009

9.00 Lecture

Room S01

Title: African Instruments on Children's Rights

Abstract: This lecture will continue the discussion of regional instruments for the implementation of children's rights. The content of the African Charter on the Rights and Welfare of the Child as well as the functions of the Committee of African Union Experts on the Charter will be outlined and compared with the UN CRC.

Lecturer: AMANDA LLYOD lectures at the School of Law of the University of Surrey. Earlier she has also taught on the African Human Rights Module (Masters) at the University of Essex. She is in the process of completing her doctoral research in International Law and Children's Rights, examining the African Charter on the Rights and Welfare of the Child and the African Committees work and did undertake consultancy work for the African Child Policy Forum, Addis Ababa, as well as providing support to the African Committee of Experts on the Rights and Welfare of the Child.

10.30 Coffee break

11.00 Evaluation by the students

Room S01

Evaluation of format, content and practical matters.

11.30 Preparation for Module 3

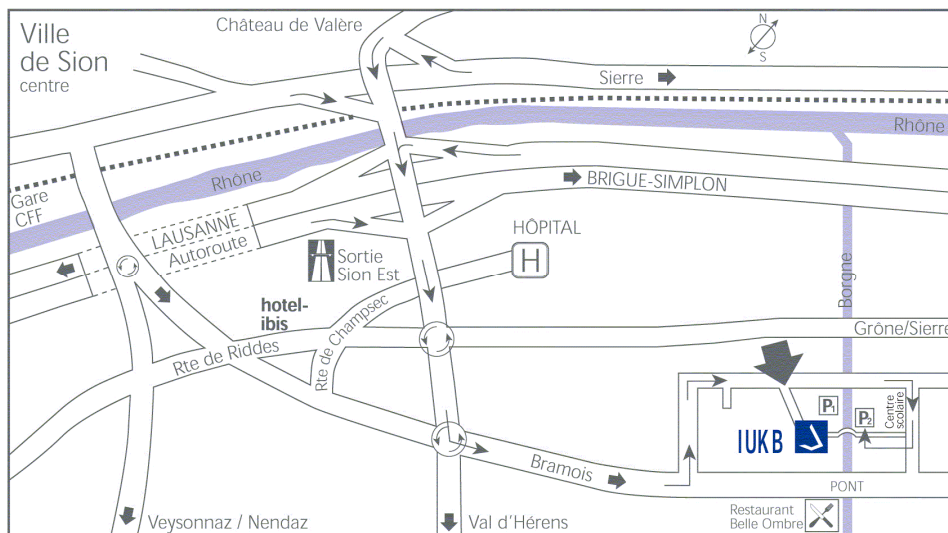
Room S01

Assignment of the work to be accomplished by the students between the second and third module; preparation for the examination on Module 2.

12.30 Closure

► Venues

All lectures will take place at the IUKB campus, which is situated in Bramois, a village at the outskirts of Sion.



Institut Universitaire Kurt Bösch (IUKB)
Chemin de l'Institut 55
CH - 1967 Bramois (Sion)
Tel: +41 (0)27 205 73 00 Fax : +41 (0)27 205 73 01
E-mail: institut@iukb.ch