

**DISTANCE LEARNING DIPLOMA IN HUMAN RIGHTS AND DEMOCRACY
BY – LAWS 2013**

PART 1 – General

1. These By – Laws shall be cited as the Distance Learning Diploma in Human Rights and Democracy (hereinafter referred to as the Diploma) By-Laws No_____ of 2013.
2. Any person who has duly registered in the manner prescribed in these By-Laws and who has successfully completed the course of study and examinations prescribed shall be awarded the Diploma in Human Rights and Democracy, provided that she/he has fulfilled all the requirements of these By-Laws and other rules and regulations of the University.
3.
 - i. A person who wishes to become a candidate for the programme leading to the Diploma shall make an application in response to a notice by the Registrar in the prescribed form furnishing her/his qualifications and other information required for undertaking this programme.
 - ii. Applications received by the Registrar shall be referred to the Coordinator of the programme. The Coordinator will refer them to a Selection Committee appointed by the Faculty Board, having examined the applications for necessary initial qualifications. The Committee may recommend to the Faculty Board that an admission test be held to choose candidates for the course. The Selection test may take the form of written test or viva or both. The final list of candidates to be enrolled shall be recommended by the Selection Committee in consultation with the Coordinator and the Director of the Centre to the Faculty Board / Senate
 - iii. A person whose application for registration for the programme leading to the Diploma is accepted by the university shall be required to pay to the university the registration, tuition and other fees specified in Schedule II. However the Council may on the recommendation of the Centre and the Faculty Board, vary such fees from time to time.
 - iv. On payment of the prescribed fees, a person shall be registered as a student for the programme leading to the Diploma. Such registration shall be valid for a period of twelve months from the date of commencement of the programme.
 - v. A candidate who does not complete the course of study within the prescribed period may apply for renewal. Such a person may be permitted to re-register at the discretion of the Faculty if the programme is offered by the Faculty in the year in which she/he makes such an application. However, she/he shall have to pay to the university the prescribed fees including the tuition fee again.
 - vi. The University shall not repay or refund to any person any fees paid on any ground, whatsoever, except under the circumstances arising in terms of paragraph vii below.
 - vii. If in a given year, the number of candidates registered for the programme is not sufficient in the opinion of the Faculty for the programme to be financially viable, the Faculty reserves the right not to conduct the programme subject to the University repaying any fees already received.
 - viii. There shall be a Coordinator for the programme and she/he shall be appointed by the Dean of the Faculty on the nomination of the Faculty Board and on the recommendation of the Director of the Centre.
4. No person shall be eligible for registration for the programme of study leading to the Diploma in Human Rights and Democracy unless she/he
 - (a) has obtained at least six passes at the G.C.E. (Ordinary Level) Examination or its equivalent with at least three years' work experience in the field of Human Rights and /Democracy or,
 - (b) has obtained three passes at the G.C.E. (Advanced Level) examination or its equivalent, with at least one year's work experience in the field of Human Rights and /Democracy or,

- (c) A person who has work experience in the field of Human Rights and / Democracy for a period of over five years provided that she/he has obtained recommendation of the Head of any such institution in which she/he works or has worked.
Each application under this clause shall be considered on its merits.

PART II

Instruction and Examination

5.
 - i. The programme of study leading to the Diploma shall be of twelve months duration and the examination shall be held within a reasonable period after the said twelve months. However, the Faculty shall, in exceptional circumstances, vary this period with the approval of the Senate.
 - ii. The programme of study shall consist of eight modules as prescribed in Schedule I to these By-Laws. Such Modules may be changed, added to or reduced by the Senate on the recommendation of the Faculty Board. Due notice of these changes shall be given to the candidates.
 - iii. The grading system for the Diploma is prescribed in Schedule III of these By-Laws.
 - iv. A candidate will be required to submit a proposal for the extended essay on a topic relevant to the course. Such a proposal should have prior approval from a Committee appointed by the Faculty to consider the suitability of the proposal. The proposal should be submitted prior to completion of six months from the date of commencement of the course.
 - v. The mode of instruction for the programme shall take the form of a study pack including sample questions to be answered and returned to the Centre for assessment at the student's option. The Coordinator of the Programme shall prepare a list of teachers who will assess such sample questions. The list of teachers so prepared shall be approved by the Faculty Board.
 - vi. The medium of instruction and examination for the Diploma shall be Sinhala or Tamil
6.
 - i. A Board of Examiners shall be constituted by the Senate on the recommendation of the Faculty Board, for the conduct of the Examination leading to the Diploma.
 - ii. The examination leading to the Diploma shall take the following forms:
 - i. One year end written examination and a term paper per subject
 - ii. An extended essay/report
7.
 - i. A candidate shall take the examination for the Diploma on the first occasion on which the examination is held after the completion of the programme of study for which she/he is registered unless:
 - (a) She/ He has submitted a medical certificate which has been accepted by the Senate; or
 - (b) She/ He has established to the satisfaction of the Senate that there is adequate reason for being allowed to postpone sitting for the examination.
 - ii. Where a candidate does not take the examination on the first occasion on which the examination is held after the completion of the programme of study she/he shall be deemed, unless the Senate determines otherwise, to have taken the examination on that first occasion in which a candidate is entitled to take the examination.
 - iii. A candidate shall not take the examination leading to the Diploma on more than two (2) occasions, and in computing the total number of occasions there shall be taken into account any occasions on which she/he is deemed to have taken the Examination in terms of clause (ii) of By-Law 7 in computing the total number of occasions on which a candidate is entitled to take the examination. Likewise an occasion in which a student is referred and/or an occasion on which she/he retakes a paper or papers or an occasion when she/he is required to resubmit an extended essay/report or an occasion when she/he resubmits an extended essay/report shall be treated as an occasion on which she/he took the examination.

- iv. Where a candidate is unable to sit for the examination after completing the course of study and the Faculty permits such a student to re-register, sample questions will not be assessed in the subsequent year/s of registration.
8. i. For the examination leading to the Diploma, the pass mark for each subject (Human Rights and Democracy) shall be 50% of the maximum of 100 marks. Each subject includes a written examination and a term paper. Each written examination will be averaged to 70 marks and each term paper shall be marked out of a maximum of 30 marks. In addition to the two subjects, students should also obtain 50 % of the maximum of 100 marks in the extended essay
- ii. The extended essay and each written paper shall be treated as separate components for the computation of results.
 - iii. A candidate shall be deemed to have passed the examination leading to the Diploma if she/he:
 - (a) Passes both the written papers and
 - (b) obtains a pass grade in the essay/report that shall be presented as part of the scheme of examination in accordance with the By-Law No.6
 - iv. A candidate shall be deemed to have been referred in the Diploma if she/he
 - (a) Passes the two written papers and fails the extended essay
 - (b) Passes the extended essay/report and fails one of the written papers.
 - v. A Candidate who fails or is referred in the examination leading to the Diploma shall take the examination in the immediately next ensuing year provided she/he is eligible to do so.
 - vi. A candidate who has passed the examination leading to the Diploma may be awarded a Distinction pass if, she/he obtains an average mark of not less than 75%.
 - vii. Subject to the provisions of paragraph (vi) above a candidate who has passed the examination leading to the Diploma may be awarded a Merit Pass if she/he obtains an average of not less than 65%.
 - viii. A candidate shall be eligible for the award of a Distinction Pass or a Merit Pass only when she/he takes the examination leading to the Diploma on the first occasion on which she/he is qualified to take that examination unless the Senate determines that she/he is eligible for the award although she/he took the examination at a subsequent occasion.

PART III Interpretation

9. In these By-Laws, unless the context otherwise requires, “Council” means the Council of the University of Colombo constituted under the Universities Act No.16 of 1978 (as amended), “Senate” means the Senate of the University of Colombo constituted under the Universities Act No.16 of 1978 (as amended), “Faculty” means the Faculty of Law, University of Colombo and the “Centre” means the Centre for the Study of Human Rights constituted under the University Council of the University of Colombo, “Faculty Board” means the Board of the Faculty of Law.
10. Any question regarding the interpretation of these By-Laws shall be referred to the Council whose decision thereon shall be final.

SCHEDULE I

Revised Syllabus on Distance Learning Diploma in Human Rights and Democracy - 2013/2014

Course Contents:

- 1. The History and Philosophy of Human Rights with the Inclusion of Western and Eastern Countries**
 - 1.1 The Concept of Human Rights**
 - Historical Evolution of Human Rights
 - Modern History
 - 1.2 Human Rights Philosophy**
 - Religious Perspective
 - Jurisprudence, Legal
 - Social Perspective (*Social Contract, Natural Rights*)
 - 1.3 Western and Eastern Concept**
 - Western and Eastern Concept
 - Asian Value Debate
 - Modern Human Rights Challenges
- 2. Democratic Theory**
 - 2.1 Definition or meaning of Democracy - Human Rights theoretical foundation to support democratic theory**
 - Difference between Democracy and other systems
 - Different forms of Democratic Theories
 - Essential Features of Democracy
 - Functional Democracy
 - Compare with different countries
- 3. Social Sciences and Legal Approaches to Human Rights**
 - 3.1 Social Science Vs Legal Approaches**
 - Why Social Science & Law
 - History of both Approaches
 - a. Brief Introduction to Historical Evaluation of Human Rights in the context of the Social Sciences
 - b. Brief Introduction to Historical Evaluation of Human Rights in the context of Legal Discourse
 - Social Science Approach
 - Legal & Human Rights Approach
- 4. The Inter Relationship between Human Rights and Democracy**
 - 4.1. Introduction on Human Rights and Democracy**
 - Similarities and interface to Human Rights and Democracy; Peoples' Power
 - Avoiding Majoritarianism
 - Misuse of power
 - Empowerment of the People: Public Interest Litigation
 - 4.2 Implementation of Human Rights and Democracy**
 - International Cooperation
 - Foreign Aid influence of Regional Organizations; EU
 - Foreign Interference Vs Human Rights
 - Defenders of Human Rights
 - Challenges of Democracy
 - Contemporary Issues and Promoting Tolerance

5. Human Rights Standards (International and Domestic)

5.1 Introduction

- Monism
- Dualism
- International Conventions
- Protocols and difference between International Law and Conventions
- International Bills of Rights

5.2 Emerging Rights and Group Rights

- CRC (2 protocols)
- CEDAW (1 protocol)
- CAT
- CERD
- ILO (8 Core Conventions)
- Geneva Convention (2 Protocols)
- Convention on the Rights of Person with Disabilities
- International Convention for the Protection of All Persons from Enforced Disappearance
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

5.3 Domestic / National Standards

- Constitution (*Article 3, 4, Chapter 3 and 4, Fundamental Rights Chapter – Limitations -Article 15, 17, 126*)
- Torture Act
- ICCPR Act
- HRC Act
- Parliamentary Council Act
- Children's Charter
- Women's Charter
- NCPA Act
- Penal Code (amendments 1995, 1998)
- Domestic Violence Act

6. Development of Democratic Institution (Western & Non-Western)

6.1 Development of democratic Institutions - Western

- Basic Elements of Western Democratic Institutions
- Historical Evolution of Western Democratic Institutions
- Recent Development of Western Democratic Institutions

6.2 Development of Democratic Institutions- Non-Western

- Basic Elements of Non-western Democratic Institutions
- Historical Evolution of Non- western Democratic Institutions
- Recent Development of Non- western Democratic Institutions
- Comparison of the both System (Western & Non-Western)

7. Human Rights Institutions and Mechanisms (International & National)

7.1 International Mechanisms and Institutions

- What is the charter based system
- What are the processes for the charter based system
 - (a) 1503
 - (b) 1235(Procedure),
- ICCPR
- Optional Protocols
- HRC

7.2 Regional Systems

- European System - Introduction to European Union
- European Council

- American System
- African System

7.3 National /Domestic Human Rights Institutions & Mechanisms

- Brief introduction to basic Law; mainly based on the Constitution of the Country (*General Introduction*)
- Sri Lankan Constitution (*Constitutional Provisions, Legislation*)
- Institutions (*Supreme Court, HRC, Ombudsman, State Institutions*)

8. Threats to Democratic practices and rebuilding Democratic Institutions after Crises

8.1 Threats to Democratic Practices and Rebuilding Democratic Institutions after Crises

- Peoples` Representation (Legislature) becoming powerless
- Interference with independent institutions; Judiciary, Independent Commissions
- Subjugation of media
- Protection of Right to Information
- Protection of Right to dissent
- Importance of Political parties and public opinion
- Power in society should be shared by many groups (power sharing)
- Maintaining Free and Fair Elections
- Implementation of the recommendations of the LLRC

9. Extended Essay /Report

SCHEDULE II

Fees

Registration Fee : Rs.1000/-

Tuition Fee : Rs.28,000/- (may be payable in two installments of Rs.14,000/- each, payable at the beginning of the course and at the end of the first half Module).

Examination Fee : Rs.1000/-

SCHEDULE III

GRADING SYSTEM

75 - 100 Marks	:	Distinction	(Pass)
60 - 74	:	Merit	(Pass)
50 - 59	:	Ordinary	(Pass)
00 – 49	:	Fail	(Fail)