

**DIPLOMA IN HUMAN RIGHTS
BY – LAWS 2009**

By-Laws made by the Council of the University of Colombo under section 135 of the Universities Act No. 16 of 1978 as subsequently amended.

1. These By – Laws shall be cited as the Diploma in Human Rights (hereinafter referred to as the Diploma) By - Laws No. of 2009. By Laws No. 4 of 1994 passed by the Council of the University of Colombo on the Diploma in Human Rights is hereby repealed without prejudice to anything which has commenced under it.

PART 1 – General

2. Any person who has been duly registered in the manner prescribed in these By-Laws and who has completed the course of study and examinations prescribed shall be awarded the Diploma in Human Rights 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. All applications received by the Registrar shall be referred to the Coordinator of the programme. The Coordinator shall refer them to a Selection Committee appointed by the Faculty Board. The Selection Committee, having examined the applications for necessary initial qualifications, may recommend to the Faculty Board that an online admission test and/or an interview via electronic/telecommunication means be held to choose candidates for the course. The admission test may take the form of a test using electronic media. 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.
 - 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, 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 candidate for the programme leading to the Diploma. Such registration shall be valid for a period of twelve months from the date of registration.
 - v. A candidate who does not complete the course of study within the prescribed period may apply for re registration, provided she/he is eligible to re-register. Such a person may be permitted to re-register at the discretion of the Faculty

Board if the programme is offered by the Faculty in the year in which she/he makes such an application. However, she/he will be required to pay to the university the prescribed fees including the tuition fee, examination fees and other fees and dues again.

- vi. The University shall not repay or refund to any person any fees paid on any ground whatsoever except under the exceptional 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 Board for the programme to be financially viable, the Faculty Board 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 recommendation of the Faculty Board in consultation with 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 unless she/he obtained 3 passes at the G.C.E. (A/L) or its equivalent [with a credit pass for General English] and a credit pass for English at the G.C.E. (O/ L).

PART II

Instruction and Examination

- 5.
 - i. The programme of study leading to the Diploma shall be of one year's duration. However, the Faculty shall, in exceptional circumstances, vary this period with the approval of the Senate.
 - ii. The programme of study shall consist of six 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 mode of instruction for the programme shall take the form of a Moodle which is the commonly used method to deliver online courses. The Coordinator of the Programme shall prepare a list of tutors and mentors who will attend to the day to day online activities as well as conduct face to face sessions. The list of tutors and mentors so prepared shall be approved by the Faculty Board.
 - iv. The medium of instruction and examination for the Diploma shall be English initially.
- 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 Diploma.

- ii. The examination leading to the Diploma shall take the following forms:
 - i. Year End Examination
 - ii. In-Course Assessment through online testing such as assignments, chat sessions, journal entries etc.
- 7.
- i. A candidate shall take the In-Course Assessment through online tests on or before, as applicable, the prescribed date/s in the year in which he/she is registered for the course. The candidate shall also take the Year End Examination on the first occasion on which the Examination is held after the completion of the programme of study to 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 the taking of the In-Course Assessment and/or the Year End Examination.
 - ii. Where a candidate does not take the In-Course Assessment and/or the Year End Examination on the prescribed date/s or on the first occasion, on which the Examination is held she/he shall be deemed to have taken them, as the case may be, unless the Senate determines otherwise. In computing the total number of occasions on which a candidate is allowed to take the In-Course Assessment and/or the Year End Examination such occasion/s shall be taken into account.
 - iii. A candidate shall not take the In-Course Assessment and/or the Year End Examination 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 in terms of clause (ii) of By-Law 7 to have taken the In-Course Assessment and/or the Year End Examination. Likewise an occasion on which a student is referred at the In-Course Assessment and/or the Year End Examination shall be treated as an occasion or occasions, as the case may be.
8. The Rules and Regulations made by the University of Colombo relating to Examination Procedures, Examinations, Examination Offences, Examination Mal-practices, and those Rules and Regulations which will be made in the future by the University of Colombo shall apply with to the In-Course Assessment and the Year End Examination. Candidates shall also be guilty of offences such as copying, plagiarism, cheating, misrepresentation, unethical examination practice, misuse, abuse or improper use of online delivery of course-materials and online Examination (both In-Course Assessment and Year End Examination) Mode, if they engage in practices or acts which are deemed so in the ordinary course of on-line programmes.

9. i. The grading system for the Diploma is prescribed in **Schedule III** of these By-Laws. The grading scale is as follows:
- Grade A – 75% and above
 - Grade B - 65% – 74%
 - Grade C – 50% – 64%
 - Grade D – 49% and below
- ii. The pass mark leading to the Diploma shall be 50% of the maximum marks allocated to the In-Course Assessment and 50% of the maximum marks allocated to the Year End Examination.
- iii. A candidate who obtains a mark of not less than 50% of the maximum marks allocated to the In-Course Assessment and a mark of not less than 50% of the maximum marks allocated to the Year End Examination shall be deemed to have passed the Examinations leading to the Diploma.
- iv. A candidate shall be deemed to have been referred in the Diploma if she/he -
- (a) obtains a pass mark (i.e., 50%) at the Year End Examination having obtained less than the pass mark (i.e., 50%) at the In-Course Assessment OR
 - (b) obtains a pass mark (i.e., 50%) at the In-Course Assessment having obtained less than the pass mark (i.e., 50%) at the Year End Examination.
- v. A candidate who does not satisfy clauses iii or iv of this Section shall be deemed to have failed the whole Examination leading to the Diploma.
- vi. A Candidate who fails or is referred in terms of clauses iv or v shall fulfill the requirements in the immediately next ensuing year provided she/he is eligible to do so.
- vii. A Candidate shall be entitled to receive a Distinction Pass if she/he has obtained an overall average pass mark of not less than 75% for both the components of the Examination leading to the Diploma, viz., In-Course Assessment and Year End Examination.
- viii. A Candidate shall be entitled to receive a Merit Pass if she/he has obtained an overall average pass mark not less than 65% for both the components of the Examination leading to the Diploma, viz., In-Course Assessment and Year End Examination.
- ix. A candidate shall be eligible for the award of a Distinction pass or a Merit pass only when she/he completes the requirements leading to the Diploma on the first occasion on which she/he is qualified to do so unless the Senate determines that she/he is eligible for the award although she/he completed them at a subsequent occasion.

PART III

Interpretation

10. In these By-Law, unless the context otherwise requires -

“Council” means the Council of the University of Colombo constituted under the University Act No.16 of 1978 (as amended);

“Senate” means the Senate of the University of Colombo constituted under the University Act No.16 of 1978 (as amended)

“Faculty” means the Faculty of Law, University of Colombo;

“Centre” means the Centre for the Study of Human Rights constituted by the University Council of the University of Colombo; and

“Faculty Board” means the Faculty Board of the Faculty of Law.

11. The Vice Chancellor shall have the authority, in consultation with the Dean of the Faculty of Law and the Director of the Centre for the Study of Human Rights, to take such action or give such direction, not inconsistent with the principles underlying the provisions of these By-Laws, as appears to him/her necessary or expedient for the purpose of removing any difficulties that may arise in the implementation of these By-Laws.
12. Any question regarding the interpretation of these By-Laws shall be referred to the Council whose decision thereon shall be final.

SCHEDULE I

Syllabus

Module 1

Introduction to the Concept of Human Rights

- Definition and concepts
 - Definition
 - Basic concepts –
 - rights v. privileges
 - legal rights v. human rights
 - human rights and duties
 - Generations of human rights
 - The Modern concept of Human Rights- universality, inalienability, indivisibility, inter-dependence, group rights
 - Human rights, peace and development
- Historical Evolution
 - Social norms
 - Natural law/ natural rights theory
 - Political Philosophies
 - The struggle for rights (historical perspectives on landmark developments in various regions in the world)
 - State practice (customary international law/ *jus cogens*)
 - From National protection to international protection

Universalization of Human Rights

- Pre – UN era (emphasis on State Sovereignty)
- The impact of World Wars I & II
- The UN and human rights protection
 - 1945 – UN Charter
 - Standard setting
 - The Universal Declaration of Human Rights (1948), major human rights treaties and declarations
- International human rights law and State obligations
- Universalization and State Sovereignty
- The Vienna Declaration (1993) and New Developments
- The Rome Statute (2003) (international criminal law)

Module 2

Responses to Human Rights Violations – Redress mechanisms

I. National protection

- Legislative framework (constitutions, statutes)
- International human rights obligations
- Human rights redress mechanisms (courts, national human rights institutions, ombudspersons etc.)
- Political systems and processes
- Civil society participation/good citizenship
- Obstacles (including State Sovereignty)

II. International Protection

- State obligations
- UN human rights mechanisms
 - General Assembly
 - Security Council
 - UN High Commissioner for HR
 - Human Rights Council (emphasis on UPR)
 - Special Procedures
 - Treaty bodies
 - ICC and War Crimes Tribunals

III. Regional Protection

- Regional HR systems/mechanisms (Americas, Africa, Europe, Islamic countries, Asia Pacific region)
- Inter-relationship with national and international HR mechanisms

Module 3

Case Studies on Human Rights

- Case study to illustrate the debate on Cultural Relativism v. Universality of human rights
- Case study to illustrate realization of Economic, Social & Cultural Rights
- Case study to illustrate the principle of indivisibility of human rights

Module 4

Group Rights

- Philosophical/ideological underpinnings of group rights
- The concept of group rights as distinguished from individual rights
- Relationship between group rights and individual rights

Module 5

Protection of Human Rights during conflict

- Introduction to International Humanitarian Law (IHL)
- The linkage between International Human Rights Law (IHRL) and International Humanitarian Law (IHL)
- Conflict and rights of vulnerable groups
- Intersection of IHL, IHRL and international criminal law

Module 6

New Challenges to the Protection of Human Rights

- Challenges to Democracy
- Globalization and Human Rights
- Religious/cultural Fundamentalism and Human Rights
- Terrorism, National Security and Human Rights
- The age of IT and Human Rights

SCHEDULE II

Fees

Registration Fee	:	Rs. 1000
Tuition Fee	:	Rs. 48000
Examination fee		Rs. 1000

SCHEDULE III

GRADING SYSTEM

For E Diploma

1. Overall Marks	100%
2. In-Course Assessment (Assignments and on line activities)	45%
3. Year end examination	55%