

International Protection of Human Rights

Course code: 295/A, 295/B

Semester and year: Fall 2019, and Spring 2020

Day and time: Tuesdays 11.30 -14.15

Instructor: Zuzana Fellegi

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Consultation hours: Tuesdays 14.15 – 15.15 upon prior agreement in the Faculty Room

Credits US/ECTS	30 UK/15 ECTS	Level	Advanced
Length	15 weeks	Pre-requisite	Choose an item.
Contact hours	42 hours	Course type	Master Elective

London credits	30 UK/15 ECTS	Level	5
Length	Academic Year	Contact Hours	100 Hours
Contact hours	100 Hours	Course type	University of London

1. Course Description

This course concerns the protection afforded to individuals under international law and examines fundamental concepts, principles, theories and philosophies underpinning the law of international human rights, as well as the mechanisms installing/enforcing and monitoring these rights.

The first part of the module aims to impart an understanding of the context in which international human rights laws operate and to understand that their nature is not uncontested. The second part of the module aims to scrutinize the manner in which rights are protected and the institutions and machinery that has been established at the United Nations level to that end. The third part of the module examines a number of key issues and rights, such as the rights of women, child torture and the extent and limits of effectively realizing such rights in the broader context studied earlier.

2. Student Learning Outcomes

Upon completion of this course, students should be able to:

- Explain and analyze the mechanisms and machinery by which rights are protected within the UN system and by certain universal and regional human rights treaties;
- Demonstrate understanding of the legal, moral, political and economic context of the module;
- Comprehend the distinction between 'universalism' and 'cultural relativism' and the implications for understanding this field of law;
- Apply their knowledge to analyze complex legal questions;
- Critique a range of legal materials and arguments;
- Analyze concrete cases of human rights violations and suggest their solutions;
- Demonstrate effective presentation and discussion skills;

- Discuss possibilities of further development of human rights in the context of changing international relations.

3. Reading Material

Required Materials

Core textbook:

- Alston, Philip, Goodman R. (2013). *International human rights: the successor to international human rights in context: law, politics and morals / Philip Alston, Ryan Goodman*. Oxford : Oxford University Press

Alternatives to the core textbook (available also in AAU library):

- De Schutter, O. (2014). *International human rights law: cases, materials, commentary*. Cambridge: Cambridge University Press
- Bantekas, I., Oette, L. (2016). *International human rights: law and practice*. 2nd ed. Cambridge: Cambridge University Press
- Moeckli, D., Shah, S., Sivakumuran, S. (2013). *International human rights law*. 2nd ed. Oxford: Oxford University Press

Recommended Materials

- Shelton, D. (2015). *The Oxford handbook of international human rights law*. Oxford: Oxford University Press
- Sheeran, S., N. Rodley, N. (2016). *Routledge handbook of international human rights law*. Abingdon: Routledge
- Gearty C., Douzinas, C. (2012). *The Cambridge companion to human rights law*. Cambridge: Cambridge University Press
- Harris, D., O'Boyle, M. , Bates, E. and Buckley, C. (2014). *Law of the European Convention on Human Rights*. 3rd ed. Oxford: Oxford University Press
- Joseph, S., Castan, J. (2013). *The International Covenant on Civil and Political Rights: cases, materials, and commentary*. 3rd ed. Oxford: Oxford University Press
- Saul, B., D. Kinley, Mowbray, J. (2014). *The International Covenant on Economic, Social and Cultural Rights: commentary, cases, and materials*. Oxford: Oxford University Press

Additional Material (Available in the AAU library or via interlibrary loan)

- Alston, Philip, MacDonald, Euan (2008). *Human rights, intervention, and the use of force (Collected Courses of the Academy of European Law)*. Oxford: Oxford University
- Armstrong, David, Farrell, Theo, Lambert Helene (2012). *International Law and International Relations*, 2nd ed., Cambridge: Cambridge University Press
- Bantekas, Ilias (2013). *International Human Rights Law and Practice*. Cambridge University Press
- Barratt, Bethany (2009). *Human rights and foreign aid: for love or money?* London: Routledge
- Bellamy, Alex J. (2009). *A Responsibility to protect: the global effort to end mass atrocities*. Cambridge: Polity
- Belhassen, Souhayr (2013). *The Arab League and the Human Rights: Challenges Ahead*; Paris: FIDH

- Brownlie, I. (2003). *Principles of public international Law*. 6th ed. Oxford: Oxford University Press
- Cali, Basak (2010). *International law for international relations*. Oxford : Oxford University Press
- Cassese, Antonio (2005). *International law*. 2nd ed. Oxford, NY: Oxford University Press
- Chesterman, Simon (2008). *Law and practice of the United Nations: documents and commentary*. New York, NY: Oxford University Press
- Clarke, Gerard (2012). *The Evolving ASEAN Human Rights System: The ASEAN Human Rights Declaration of 2012*. Northwestern Journal of International human Rights Volume 11 (Issue 1).
- Donnelly, Jack (2012). *International Human Rights*. 4th ed. Westview Press
- Forsythe, David P. (2012). *Human Rights in International Relations*. 3rd ed. Cambridge University Press
- Goold, Benjamin J. (2007). *Security and human rights*. Oxford: Hart
- Ignatieff, Michael (2005). *American Exceptionalism and Human Rights*. Princeton University Press
- Kurasawa, Fuyuki (2007). *The Work of global justice: human rights as practices*. Cambridge: Cambridge University
- Pattison, James (2012). *Humanitarian Intervention and the Responsibility To Protect: Who Should Intervene?* Oxford University Press
- Sachedina Abdulaziz (2014). *Islam and the Challenge of Human Rights*. Oxford: Oxford University Press
- Smith, Rhona K. M. (2014). *Textbook on International Human Rights*. 6th ed. Oxford: Oxford University Press, Inc.
- Wallace, Rebecca M.M., Holliday, Anne (2013). *International Law*. 7th ed. London : Sweet & Maxwell
- The Office of the High Commissioner for Human Rights: <http://www.ohchr.org/EN/Pages/Home.aspx>
- The UN Audiovisual Library: <http://legal.un.org/avl/ha/humanrights.html>

4. Teaching methodology

The course is taught over the period of two semesters. The module runs for three hours a week. There are 24 scheduled sessions and 8 additional revision/feedback sessions.

The course will be taught with lectures, seminars, reading, in-class discussions, and the lecturer is available for one on one review and assistance by appointment. Each class will begin with a short revision of a previous one. Presentation of new material will be interactive and students will be asked to give their opinions based on revised course material. The last section of the class will be devoted to discussion of assigned material and presented cases.

The students are required to read assigned material prior to each class in order to participate actively. They also need to follow websites of discussed international organizations and the latest international news concerning them.

5. Course Schedule

Fall Semester - A

Date	Class Agenda
Class 1 3.9	Topic: Introduction; history of human rights. Description: Introduction to the course, working methods, history of human rights. Reading: Study Guide: Ch.1; Osiatynski in Sheeran p.9-25, Bates p.15-34.
Class 2 10.9	Topic: International law and human rights I. Description: History and sources of int. law, treaties (reservations), customary law, judicial decisions, general principles. Reading: Study Guide: CH.2, Alston p.58-10.
17.10	No class
Class 3 24.9	Topic: International law and human rights II. Description: Monism and dualism, UDHR, individual in human rights. Reading: UDHR; Shaw Ch.3-4, Klabbers Ch.2, Chinkin in Moeckli p.75-96, Moeckli p.96-118.
Class 4 27.9 Fr Make up	Topic: The nature of human rights I. Description: Nature of rights, Vienna conference 1993, universalism vs cultural relativism. Reading: Study Guide: CH.3 p.26-32, Alston p.531-556 & 582-604; Coomaraswamy in Sheeran 127-139.
Class 5 1.10	Topic: The nature of human rights II. Description: rights in Islam, Asian human rights, new rights. Reading: Study Guide: CH.3 p.32-46, Boven in Moeckli p.143-156.
Class 6 8.10	Topic: Human rights and the international legal order. Description: Categories of human rights, obligations of IMF, WB, WTO. Reading: Study Guide: CH.4 p.50-59; Leader p.245-62; Muchlinski p.263-84; Jospeh p.841-70.
Class 7 15.10	Topic: Human rights, poverty and development. Description: Right to development, civil society, new social movements. Reading: Study Guide: CH.4 p.59-68; Alston: p.1503-1513 & 1525-1536; Gaerey p.89-109; Baxi in Sheeran p.597-615, Marks in Moeckli p.567-579.
Class 8 22.10	Topic: Midterm Mock Exam. Description: Written in-class exam, choice of 1 question out of 3. Reading: A review of material from the class 1-7.
Class 9 29.10	Topic: The UN system I. Description: UN Charter, UDHR, Human rights treaty bodies. Reading: Study Guide: CH.5 p.70-84; Alston p.686-69, 704-708, 720-728; de Schutter p. 909-934, Piccone in Sheeran p.725-743, Abebe in Sheeran p.743-761.
Class 10 5.11	Topic: The UN system II. Description: ICCPR, ICESCR, Optional Protocols, problems and reforms. Reading: Study Guide: CH.5 p.84-97; De Schutter p.867-934; Bernaz in Sheeran p.707-723.
Class 11 12.11	Topic: European system of HR protection I. (CoE). Description: Council of Europe and European Convention of Human Rights Reading: Study Guide: CH.6 p.100-105, Alston p.156-977, 904-912, 920-930.
Class12 19.11	Topic: European system of HR protection II. (EU). Description: EU and Charter of Fundamental rights of the EU. Reading: Study Guide: CH.6 p.100-105, Greer in Sheeran p.416-440.
Class 13 26.11	Topic: Inter - American system of HR protection (OAS). Description: Organization of American states and American Convention of Human Rights.

	Reading: Study Guide: Ch.7; Alston p.986-987; Sandoval in Sheeran & Rodley p. 434-442, Pasqualucci p.398-415.
Class 14 3.12	Topic: African system of HR protection (AU). Description: African Union and African Charter of Human and Peoples' Rights. Reading: Study Guide: CH.8; Alston p.1032-36, 1042-43.
Class 15 10.12	Topic: Final Mock Exam. Description: Written in-class exam, choice of 1 question out of 3. Reading: A review of material from the whole semester.

Spring Semester – B

Date	Class Agenda
Class 1	Topic: Revision of the 1st semester Description: Analysis of the Fall semester's mock exams. Reading: A review of material from the Fall semester.
Class 2	Topic: Rights of women I. Description: Equality and discrimination, women's rights. Reading: Study Guide: CH.9; p.170-180; Otto in Moeckli & Shah p.316-32.
Class 3	Topic: Rights of women II. Description: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and feminist criticism of CEDAW, Declaration on the Elimination of Violence against Women. Reading: Study Guide: CH.9 p.180-193; Alston p.166-185.
Class 4	Topic: Prohibition of racial discrimination. Description: History of colonialism, Convention on the Elimination of All Forms of Racial Discrimination (CERD), indigenous rights. Reading: Study Guide: CH.10; EC: The meaning of racial or ethnic origin in EU law p.82-92.
Class 5	Topic: Prohibition of torture. Description: Convention Against Torture (CAT) and Optional Protocol, Committee against Torture, expulsion and threat of torture. Reading: Study Guide: CH.11; Scheinin in Moeckli & Shah p. 551-565; Alston p.265-276.
Class 6	Topic: Rights of child. Description: Convention of the Rights of the Child, Communications Protocol, child labor and child soldiers, children and the criminal justice. Reading: Study Guide: CH.12; Detrick p.19-30; Pupavac p.57-75.
Class 7	Topic: Midterm Mock Exam. Description: Written in-class exam, choice of 1 question out of 3. Reading: A review material from the class1-7.
Class 8	Topic: Religious freedom. Description: Universal and regional protection of religion and belief. Reading: Study Guide: CH.13; Evans p.563-581.
Class 9	Topic: Rights of refugees. Description: Rights of refugees and migrants, Convention relation to the Status of Refugees, Women and girls as refugees. Reading: Study Guide: CH.14; Hathaway p. 177-204.
Class 10	Topic: International Humanitarian Law. Description: Geneva Conventions, 1977 Protocols, Hague Conventions, Crimes against humanity and genocide. Reading: Study Guide: CH.15 p.300-321; Sivakumaran p. 479-512; Alston

	1497-1503.
Class11	Topic: International Tribunals and International Criminal Court. Description: International Criminal Tribunal for the Former Yugoslavia (ICTY) and for Rwanda (ICTR), International Criminal Court (ICC), trial of Saddam Hussain. Reading: Study Guide: CH.15; p. 321-331, Alston p.58-101.
Class 12	Topic: Final Mock Exam Description: Written in-class exam, choice of 1 question out of 3. Reading: Review of material from the whole semester.
Class 13	Topic: Final revision of the course. Description: Revision and evaluation of the final mock exam and both semesters. Reading: Review of material from both semesters.

6. Course Requirements and Assessment (with estimated workloads)

Assignment	Workload (average)	Weight in Final Grade	Evaluated Course Specific Learning Outcomes	Evaluated Institutional Learning Outcomes*
Final exam	40	40%	Subject knowledge acquired during the whole semester; ability to provide precise and correct answers; ability to concentrate and to react under time constraint	1
Midterm exam	30	30%	Subject knowledge acquired during the first half of semester; ability to provide precise and correct answers; ability to concentrate and to react under time constraint	1
Participation	30	30%	Active participation and regular attendance; ability to analyze different case studies and to formulate arguments	1
TOTAL	150	100%		

*1 = Critical Thinking; 2 = Effective Communication; 3 = Effective and Responsible Action

7. Detailed description of the assignments

A.- B. Midterm and Final Exam

Midterm exam will assess progress of students in the first half of the course. Final exam will be comprehensive and students will be responsible for all topics covered in classes including student presentations as well as assigned readings (with emphasis on the 2nd half of semester). Both exams will be 2 hours long and closed book. Students should demonstrate that they have a good understanding of the most relevant issues and concepts and that they are able to provide swift and correct answers.

Assessed area
<ul style="list-style-type: none"> Ability to identify and define most relevant points; ability to provide correct and

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| precise information; ability to accurately articulate and explain the main problems/concepts/solutions;
• Ability to support arguments with concrete examples and data. |
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B. Participation; home and class assignments

This part includes evaluation of students’ verbal participation throughout the whole semester and attendance of classes. Students are asked to read assigned material regularly prior to each class and to apply knowledge from the reading to specific questions. Attendance is compulsory. In addition, the students will receive various individual and group home and class assignments in order to practically apply knowledge obtained in classes.

Assessed area
Participation – ability to raise relevant questions and provide correct and insightful answers concerning different topics; ability to apply knowledge from required reading to specific questions.
Attendance – regular attendance and attentive participation without disruptive elements such as late arrivals and the use of electronic devices for other than class purposes.
Assignments - Ability to analyze different case studies; ability to find and use information needed for analysis; ability to formulate arguments and conclusion.

8. General Requirements and School Policies

General requirements

All coursework is governed by AAU’s academic rules. Students are expected to be familiar with the academic rules available in the Codex and Student Handbook and to maintain the highest standards of honesty and academic integrity in their work.

Electronic communication and submission

The university and instructors shall only use students’ university email address for communication. It is strongly recommended that any email communication between students and instructors take place in NEO LMS.

Each e-mail sent to an instructor that is about a new topic (meaning not a reply to an original email) shall have a new and clearly stated subject and shall have the course code in the subject, for example: “COM101-1 Mid-term Exam. Question”.

All electronic submissions are carried out through NEO LMS. No substantial pieces of writing (especially take home exams and essays) can be submitted outside of NEO LMS.

Attendance

Attendance is required. Students who are absent 35 percent of classes will be failed (or administratively withdrawn from the course if most absences are excused). Students might also be marked absent if they miss a significant part of a class (by arriving late or leaving early) as specified in the syllabus.

Absence excuse and make-up options

Should a student be absent from classes for relevant reasons (illness, serious family matters), s/he must submit to the Dean of Students an Absence Excuse Request Form supplemented with documents providing reasons for the absence. The form and documents must be submitted within one week of the absence. If possible, it is recommended the instructor be informed of the absence in advance. Should a student be absent during the

add/drop period due to a change in registration this will be an excused absence if s/he submits an Absence Excuse Request Form along with the finalized add/drop form.

Assignments missed due to unexcused absences cannot be made up which may result in a decreased or failing grade as specified in the syllabus.

Students whose absence has been excused by the Dean of Students are entitled to make up assignments and exams provided their nature allows for a make-up. Students are responsible for contacting their instructor within one week of the date the absence was excused to arrange for make-up options.

Late work: No late submissions will be accepted – please follow the deadlines.

Electronic devices

Electronic devices (phones, tablets, laptops...) may be used only for class-related activities (taking notes, looking up related information, etc.). Any other use will result in the student being marked absent and/or being expelled from the class. No electronic devices may be used during tests or exams.

Eating is not allowed during classes.

Cheating and disruptive behavior

If a student engages in disruptive or other conduct unsuitable for a classroom environment of an institution of learning, the instructor may require the student to withdraw from the room for the duration of the activity or for the day and shall report the behavior to the Dean.

Students engaging in behavior which is suggestive of cheating (e.g. whispering or passing notes) will, at a minimum, be warned. In the case of continued misbehavior the student will be expelled from the exam and the exam will be marked as failed.

Plagiarism and Academic Tutoring Center

Plagiarism is “the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work.” (Random House Unabridged Dictionary, 2nd Edition, Random House, New York, 1993)

Turnitin’s White Paper ‘The Plagiarism Spectrum’ (available at <http://go.turnitin.com/paper/plagiarism-spectrum>) identifies 10 types of plagiarism ordered from most to least severe:

1. CLONE: An act of submitting another’s work, word-for-word, as one’s own.
2. CTRL-C: A written piece that contains significant portions of text from a single source without alterations.
3. FIND-REPLACE: The act of changing key words and phrases but retaining the essential content of the source in a paper.
4. REMIX: An act of paraphrasing from other sources and making the content fit together seamlessly.
5. RECYCLE: The act of borrowing generously from one’s own previous work without citation; To self-plagiarize.
6. HYBRID: The act of combining perfectly cited sources with copied passages—without citation—in one paper.
7. MASHUP: A paper that represents a mix of copied material from several different sources without proper citation.
8. 404 ERROR: A written piece that includes citations to non-existent or inaccurate information about sources
9. AGGREGATOR: The “Aggregator” includes proper citation, but the paper contains almost no original work.

10. RE-TWEET: This paper includes proper citation, but relies too closely on the text's original wording and/or structure.

As the minimum policy the types of plagiarism from 1 through 8 results in the failing grade from the assignment and must be reported to the Dean. The Dean may initiate a disciplinary procedure pursuant to the Academic Codex. Allegations of bought papers and intentional or consistent plagiarism always entail disciplinary hearing and may result in expulsion from AAU.

If unsure about technical aspects of writing, students are encouraged to consult their papers with the tutors of the AAU Academic Tutoring Center. For more information and/or to book a tutor, please contact the ATC at: <http://atc.simplybook.me/sheduler/manage/event/1/>.

Students with disabilities

Students with disabilities are asked to contact their instructor as soon as possible to discuss reasonable accommodation.

9. Grading Scale

Grading scale for law students

Grade Translations Table			
UK Class LLB	U.K. Numerical	U.K. Class CertHE	ECTS* Grade
First	70 - 100	Distinction	A
Upper Second	67 - 69	Merit	A
Upper Second	65 - 66	Merit	B
Upper Second	60 - 64	Merit	B
Lower Second	55 - 59	Credit	C
Lower Second	50 - 54	Credit	C
Third	47 - 49	Pass	D
Third	45 - 46	Pass	D
Third	40 - 44	Pass	D
Fail	35 - 39	Fail	E
Fail	Below 35	Fail	F

Grading scale for IR and CEA students

Letter Grade	Percentage*	Description
A	95 - 100	Excellent performance. The student has shown originality and displayed an exceptional grasp of the material and a deep analytical understanding of the subject.
A-	90 - 94	
B+	87 - 89	Good performance. The student has mastered the material,

B	83 – 86	understands the subject well and has shown some originality of thought and/or considerable effort.
B-	80 – 82	
C+	77 – 79	Fair performance. The student has acquired an acceptable understanding of the material and essential subject matter of the course, but has not succeeded in translating this understanding into consistently creative or original work.
C	73 – 76	
C-	70 – 72	
D+	65 – 69	Poor. The student has shown some understanding of the material and subject matter covered during the course. The student’s work, however, has not shown enough effort or understanding to allow for a passing grade in School Required Courses. It does qualify as a passing mark for the General College Courses and Electives.
D	60 – 64	
F	0 – 59	Fail. The student has not succeeded in mastering the subject matter covered in the course.

* Decimals should be rounded to the nearest whole number.

Prepared by and when: Zuzana Fellegi, August 2019.

Approved by and when: