

Course Outline

COURSE:	LAWS 3602B – International Human Rights
TERM:	Winter 2012
PREREQUISITES:	1.0 credit from: LAWS 2105, LAWS 2502, LAWS 2601, LAWS 3503 [1.0] (no longer offered), LAWS 3509, LAWS 3603 (no longer offered), LAWS 3603 [1.0] (no longer offered)
CLASS:	Day & Time: Tuesdays 6:05pm – 8:55pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Patrick Murphy
CONTACT:	Office: B442 Loeb Building Office Hrs: Tuesdays 5:15pm – 5:45pm or by appointment Telephone: 613-946-2530 Email: patrick.murphy@cbsa-asfc.gc.ca

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: <http://www2.carleton.ca/pmc/students/accommodations> . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by 7 March 2012 for April exams. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

Course Description

From the ashes of World War II has come the development of a scheme which seeks to promote and protect human rights throughout the world. This course will examine the major International Human Rights Conventions which establish the rights which individuals throughout the world are entitled to, the obligations which States have to protect those rights and the mechanisms which have been put in place to monitor whether States are meeting those obligations. Students will develop an understanding of the role which the United Nations, regional human rights organizations, the International Criminal Court and States play in protecting human rights. We will also take a closer look at some specific issues which raise international human rights concerns including humanitarian law or the law of war, international criminal law, attempts to counter terrorism and the plight of refugees.

Required Text

The majority of the readings for the course will come drawn from the book *International Human Rights Law* by Olivier De Schutter, Cambridge: Cambridge University Press, 2010.

The required readings for each week's class will be posted on Web CT well in advance of each week's class. Any readings which are not drawn from the above noted text will be posted on Web CT.

Course Evaluation

Grades for this course will be derived from three components.

Class Participation 20%

Students will be required to participate in and attend class on a regular basis. The mark for this component will be based on the quality and level of participation which the student demonstrates.

Research Paper Outline 15%

You will be required to submit a brief one page proposal on February 28, 2012. The proposal should provide a summary of the topic on which you would like to write, a thesis and an outline of what will be covered in the paper. It is expected that the outline will include sources which have been reviewed to that point. A more thorough discussion with respect to the paper will take place in the first class of the semester.

Research Paper 65%

A research paper of 12 to 18 double spaced pages is due on April 3, 2012. It should be submitted in class on that date.

Late Assignments

Late assignments will be marked down by one-half letter grade (eg. A to A-, B- to C+) for each day the assignment is late. If they are submitted more than 7 days after the due date, they will receive a grade of F.

A request for an extension must be made to me prior to the due date.

Class Schedule**Week 1. January 10 – Introduction and Course Overview.**

- a) Overview of Course.
- b) Discussion of Requirements and Expectations.
- c) Discussion of the Paper.
- d) History of International Human Rights.

No Readings.

Week 2. January 17 – Introduction to International Human Rights

- a) What is International Law?
- b) Customary International Law
- c) Jus Cogens
- d) UN Charter and Universal Declaration of Human Rights
- e) Universal Bill of Human Rights
- f) Human Rights Conventions

Readings: De Schutter pages 11 -20, 48 - 87

Week 3. January 24 – Civil and Political Rights

- a) International Covenant on Civil and Political Rights
- b) The Human Rights Committee
- c) The Torture Convention
- d) Convention on the Elimination of Discrimination against Women
- e) Convention on the Elimination of all Forms of Racial Discrimination

*Readings: International Covenant on Civil and Political Rights
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment*

Week 4. January 31 – Economic, Social and Cultural Rights

- a) International Covenant on Economic, Social and Cultural Rights
- b) Complaints Procedure
- c) ESC Committee
- d) Optional Protocol
- e) Other Conventions

*Readings: International Covenant on Economic, Social and Cultural Rights
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*

Week 5. February 7 – How is the Protection of Human Rights Monitored?

- a) Treaty Based Organs
- b) Charter Based Organs
- c) Office of the High Commissioner for Human Rights
- d) 1235 and 1503 Procedures
- e) Individual Complaints

Readings: De Schutter pages 791- 804, 831 – 845, 855-880

Week 6. February 14 – Implementation of Human Rights Treaties

- a) Human Rights Treaties
- b) Ratification, Reservations and Understandings
- c) Self-Executing Treaties
- d) Implementation of Human Rights Treaties in Canada
- e) Privileges and Immunities

Readings: De Schutter pages 96 - 109

Week 7. February 21 - Winter Break. No Class.

Week 8. February 28 – Regional Human Rights Systems

- a) European Human Rights System.
- b) Inter-American System.
- c) African Human Rights System.
- d) Canadian Human Rights System.

Readings: De Schutter pages 897 - 953

Week 9. March 6 – Humanitarian Law and Humanitarian Intervention

- a) The Law of War.
- b) Geneva Conventions.
- c) Sovereignty of Nations.
- d) The Responsibility to Protect.
- e) The Case of Libya.

Readings: The Geneva Conventions of 1949

Week 10. March 13 – International Criminal Law

- a) The Rome Statute
- b) The International Criminal Court
- c) War Crimes, Genocide and Crimes against Humanity
- d) Issues with the International Criminal Court
- e) International Criminal Tribunals

Readings: *De Schutter pages 64-87*
 The Rome Statute

Week 11. March 20 – The Interaction between Human Rights and Countering Terrorism

- a) Detention
- b) Rendition
- c) Torture
- d) Guantanamo Bay
- e) Canadian Issues

Readings: *Marco Sassoli, Use and Abuse of the Laws of War in the “War on Terrorism”, 22 LAWINEQ 195 (2004)*
 Canada (Justice) v. Khadr [2008] 2 S.C.R. 125

Week 12. March 27 – The Rights of Refugees

- a) The Refugee Convention
- b) United Nations High Commissioner for Refugees.
- c) Principle of Non-Refoulement.
- d) Refugee Status.
- e) Bars to Refugee Claims.

Readings: *De Schutter pages 262 - 288*
 The Refugee Convention

Week 13. April 3 – Review Class.

No Readings.