

## Course Outline

<b>COURSE:</b>	<b>LAWS 4604 B - International Human Rights</b>
<b>TERM:</b>	<b>Fall 2009</b>
<b>PREREQUISITES:</b>	<b>LAWS 2105, LAWS 3503, LAWS 3503 [1] (no longer offered), LAWS 3509, LAWS 3603 [1] (no longer offered)</b>
<b>CLASS:</b>	<b>Day &amp; Time: Monday – 1805-2055</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTORS: (CONTRACT)</b>	<b>Jonathan Solomon &amp; Marcus Davies</b>
<b>CONTACT:</b>	<b>Office: C476 LA (Loeb) (Contract Instructors' Office)</b>
	<b>Office Hrs: By Appointment</b>
	<b>Email: Via WebCT</b>

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"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://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**COURSE DESCRIPTION**

International human rights law has seen significant growth, both substantively and institutionally over the past decades. This course will examine the history of international human rights law, the relevant international conventions and institutions which exist to protect human rights, and will examine specific issues in human rights. While the course will focus primarily on the instruments and institutions which exist at the international level, the relationship between international and domestic regimes will be examined, as will be the interaction with certain other areas of international law.

The course will be in informal lecture format with opportunity for discussion. There may also be guest lectures from practitioners in the particular areas of law being studied.

**REQUIRED TEXTS**

Steiner, Alston and Goodman, International Human Rights in Context: Law, Politics, Morals, (Oxford University Press, 3rd ed. 2007, paperback)

**SUPPLEMENTARY TEXTS**

Online document supplement – found at <http://www.oup.com/uk/orc/bin/9780199279425/resources/documents/>

**EVALUATION** - (All components must be completed in order to get a passing grade)**15 % - Participation****20% - Mid-Term Exam**

to be held 19 October, with materials permitted to be used during the exam described during the course.

**25% - Written Assignment**

No longer than 15 pages double spaced (Times New Roman font, one inch margins, including bibliography), on a subject chosen from a list provided by the instructors, due no later than 30 November 2009. Late assignments will be penalized by 3% per day unless students can demonstrate in writing a sufficiently serious reason for being late.

**40% - Final Exam**

with materials permitted to be used during the exam described during the course.

**SCHEDULE**

14 Sep Introduction, discussion of structure of the course and review of underlying international law principles and context

As an introductory lecture, this session will serve to present the instructors, an overview of the course as well as some of the core principles of international law that will appear throughout the course.

Readings: Textbook:

- Chapter 2: pp. 71-84, 94-96 and 106-114

21 Sep History of international human rights law (IHRL), discussion of universality vs. Cultural Relativism

Readings: Textbook:

- Chapter 2: pp. 58-71, 130-133
- Chapter 13: pp. 1222-1225
- Chapter 6: pp. 476–480, 488-494
- Chapter 7: pp. 517-520, 531-539

Documents, available online:

- Chapter 2: pp. 58-71, 130-133
- 1225 Magna Carta
- 1789 Declaration of the Rights of Man
- 1919 Human Rights Provisions of the Covenant of the League of Nations
- 1945 Human Rights Clauses of the Charter of the United Nations

28 Sep IHRL institutions I - UN Human Rights regime

Readings: Textbook:

- Chapter 9: pp. 737-742, 747-748, 754-762, 765-771, 774-775, 779-781, 799-805, 811-815, 824-826, 835-838
- Chapter 10: 845-848, 850-854, 873-876, 891-899

5 Oct IHRL instruments I

The session will advance to the core of the normative framework of international human rights law by introducing the concept of self –determination and examining the “International Bill of Rights” consisting of the Universal Declaration and the two Covenants (Covenant on Civil and Political Rights; Covenant on Economic, Social and Cultural Rights). Emphasis will be given to various “categories” of rights, their limitations and the content of corresponding duties. The session will also provide a cursory introduction to the corresponding enforcement mechanisms (treaty-based committees).

Readings: Textbook:

- Chapter 2: pp. 133 – 150
- Chapter 3: pp. 151 – 160, 183 – 198, 203-210, 213-224
- Chapter 4: pp. 263 – 280, 294-301, 358-366
- Committee on Economic, Social and Cultural Rights, General Comment 3: pp. 302 – 303
- Chapter 10: pp. 891-899, 910-917
- Chapter 12: pp. 1124-1130, 1143 – 1155

Documents:

- 1948 Universal Declaration of Human Rights:
- 1966 International Covenant on Civil and Political Rights and Optional Protocols and Optional Protocols (1966 and 1990)\
- 1966 International Covenant on Economic, Social and Cultural Rights

## Course Material (available online):

- Human Rights Committee, General Comment Nr. 31
- Human Rights Committee, Jurisprudence: “Simunek” Restitution (CCPR Communication No 516/1992) (provided in class)
- Human Rights Committee, Jurisprudence: “Toonen” Discrimination (CCPR Communication No 488/1992) (Text: 910-913)
- Human Rights Committee, Jurisprudence: “Young” Discrimination (CCPR Communication No 941/2000) (provided in class)

## Additional reading (available online or provided in class, optional):

- H. Quane, “The United Nations and the Evolving Right to Self-Determination”, (July 1998) *The International and Comparative Law Quarterly*, Vol 47, No. 3, pp. 537-572. (provided in class)
- Xanthaki, “Indigenous rights in international law over the last 10 year and future developments” (May 2009) *Melbourne Journal of International Law*, 27. (provided in class)
- Text: Chapter 10: pp. 891-918
- Human Rights Committee, General Comment Nr. 24

12 Oct Statutory Holiday

19 Oct Mid-Term Exam

26 Oct IHRL instruments II

This session will complement the exploration of the “International Bill of Rights” by looking at a set of specific instruments constituting the “core” of the human rights treaties regime. This session will discuss the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and its Optional Protocols, and the Convention on the Elimination of All Forms of Discrimination against Women.

Readings:

## Textbook:

- Chapter 3: pp. 175 – 212

## Documents:

- 1965 Convention on the Elimination of All Forms of Racial Discrimination
- 1989 Convention on the Rights of the Child and Optional Protocols (OP on the Involvement of Children in Armed Conflict, OP on Sale of Children, Child Prostitution and Child Pornography)
- 1979 Convention on the Elimination of All Forms of Discrimination Against Women and Optional Protocol (1999)

## Additional reading (available online, optional):

- Committee on the Rights of the Child, General Comment 5
- Committee on the Elimination of Discrimination Against Women, General Recommendation 19
- In-class exercise: case to be provided in class

2 Nov IHRL institutions II - Regional institutions, monitoring and enforcement

Readings:

## Textbook:

- Chapter 11: pp. 927-929, 933-942, 951, 972-979, 1020-1026, 1034-1040, 1057-1061, 1062-1066
- Chapter 8: pp. 671-678, 695-703, 722-732

## Documents:

- European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, European Convention)
- Protocols to European Convention for the Protection of Human Rights and Fundamental Freedoms
- American Convention on Human Rights (American Convention, Pact of San José)
- African Charter on Human and Peoples' Rights (Banjul Charter, African Charter)

9 Nov Emerging fields of IHRL –Environment, Role of non-state actors

Readings: Textbook:

- Chapter 16: pp. 1453-1461
- Chapter 15: pp. 1392- 1398, 1414-1428

Online materials:

16 Nov IHRL issues -- Torture and refugees

This session will be dedicated to a discussion of the prohibition of torture under international law (in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). The session will conclude with an overview of areas within the broader realm of public international law, which touch upon the international human rights regime – i.e. the prohibition of genocide, refugee law and IDPs.

Readings: Textbook:

- Chapter 3: pp. 224 – 262

Documents:

- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and 2002 Optional Protocol
- 1948 Convention on the Prevention and Punishment of the Crime of Genocide
- 2005 UN Convention against Transnational Organized Crime

Additional reading (available online, optional):

- 1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees
- Guiding Principles on Internal Displacement

23 Nov Emerging fields of IHRL –Corruption

This session will explore the costs of corruption globally and the development of international law against corruption. Attention will be given to the recent creation of the UN Convention against Corruption and the fall out from the prosecution of a number high profile corruption cases globally.

Readings: Carr, "Fighting corruption Through Regional and International Conventions: A Satisfactory Solution?" (2007) European Journal of Crime, Criminal Law and Criminal Justice, pp. 121-153. (provided in class)

## Course Material (available online):

- [http://www.oecd.org/document/46/0,3343,en\\_34982156\\_34982460\\_41247598\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/46/0,3343,en_34982156_34982460_41247598_1_1_1_1,00.html)
- N. Ribadu, “Challenges and Opportunities of Asset Recovery in a Developing Economy” in Asset Recovery and Mutual Legal Assistance in Asia and the Pacific (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 127-133.
- T. Daniel “General Sani Abacha – A Nation’s Thief” in Asset Recovery and Mutual Legal Assistance in Asia and the Pacific (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 173-185

## Documents: (available online):

- UN Convention against Corruption
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

## Additional reading (available online, optional):

- G. Jorge “The Peruvian Efforts to Recover Proceeds from Montesinos’s Criminal Network of Corruption” in Asset Recovery and Mutual Legal Assistance in Asia and the Pacific (ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 2008) 189-221.

30 Nov Relationship with international humanitarian law, international criminal law, Truth and Reconciliation Commissions

Readings:

## Textbook:

- Chapter 5: pp. 395-404
- Chapter 14: pp. 1248-1269, 1291-1298, 1310-1316, 1341-1348, 1357-1362

## Documents:

- Article 2 common to all four Geneva Conventions of 1949
- Article 3 common to all four Geneva Conventions of 1949

7 Dec Domestic reception of International Human Rights Law // Course Review Session

Readings:

W. Schabas & S. Beaulac, International Human Rights and Canadian Law – Legal commitment, Implementation, and the Charter (Toronto: Thomson Carswell 2007) (provided in class)

## Course Material (available online):

- Interaction between international and domestic human rights law: a Canadian perspective, by Elisabeth Eid at <http://www.icclr.law.ubc.ca/Publications/Reports/E-Eid.PDF>
- Bouzari v Iran : <http://www.canlii.org/en/on/onca/doc/2004/2004canlii871/2004canlii871.html>
- R v Hape: <http://www.canlii.org/en/ca/scc/doc/2007/2007scc26/2007scc26.html>
- Baker v Canada: <http://www.canlii.org/en/ca/scc/doc/1999/1999canlii699/1999canlii699.html>
- Suresh v Canada: <http://www.canlii.org/en/ca/scc/doc/2002/2002scc1/2002scc1.html>

## Additional reading (available online, optional):

- Canada’s International Human Rights Policy: <http://www.international.gc.ca/rights-droits/policy-politique.aspx?lang=eng>