

## Course Outline

**COURSE:** LAWS 4604C - International Human Rights Law

**TERM:** Winter 2010

**PREREQUISITES:** LAWS 2105, LAWS 3503, LAWS 3503 [1.0] (no longer offered), LAWS 3509, LAWS 3603, or LAWS 3603 [1.0] (no longer offered).

**CLASS:**           **Day & Time:** Tuesday - 8:25-11:25 am  
                          **Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** T. Ashtakala  
**(CONTRACT)**

**CONTACT:**           **Office:** C476 LA (Contract Instructors' Office)  
                          **Office Hrs:** By appointment  
                          **Telephone:** 613-297-1183  
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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 **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**

Nelson Mandela was imprisoned for 26 years for his opposition to discrimination on the basis of race in South Africa; US soldiers exchanged photographs of detainees they had tortured and degraded in Iraq; a child in Afghanistan is compelled to leave primary school and work long hours in a carpet factory to help his family out of grinding poverty; a union leader is killed because of his efforts to organize fellow employees to protest dangerous working conditions; disabled women march for government programs to help them get jobs that their male counterparts are getting; aboriginal people blockade a road to protest against the development of land they claim belongs to them...these situations that we hear about happening every day all over the world are not only examples of challenges to human dignity, but also are often circumstantial or literal violations of actual laws. What prevents these violations of laws from being remedied in societies, communities and nations is most often a lack of knowledge about their content, or even their existence. The laws that seek to protect people all over the world against violations of their dignity are contained in the branch of public international law known as International Human Rights Law (IHRL). Governments, industry and courts are increasingly turning to this body of international rules for guidance on addressing claims of human rights violations in their own countries by their constituents and citizens. IHRL is therefore an essential area of knowledge for graduates of Legal Studies and Law programmes to possess before they seek employment in legal practice or policy work. What differs this course from one that is offered within the Human Rights Programme is a greater focus on the laws (treaties) that relate to specific human rights violations and on applying the legal tools available to address that violation.

## **COURSE OBJECTIVES**

This course will introduce the student to 1) the evolution and current status of international human rights law; 2) specific types of human rights that are enshrined in existing international and regional treaties (written laws) and particular groups of people who are especially vulnerable to violations of their rights; and 3) the institutions and procedures that exist at the international level for protecting against or remedying violations of those laws. The material will be imparted through lectures, assigned readings and case studies that apply the lecture and reading material.

## **REQUIRED TEXTS**

Required Readings are indicated in each lecture. Some additional articles, as well as case study exercises, will be distributed in class. Lecture Power Point slides are posted on WebCT and students are encouraged to print them out beforehand and bring them to class, where they can add notes and clarify points.

## **EVALUATION**

**All components must be completed in order to get a passing grade**

### **(1) Legal Research assignment- 40% of final grade**

The Legal Research assignment will consist of two (2) components:

1. Each student will conduct research for a selected non-governmental human rights organization. The assignment will involve the analysis and application of international human rights law to a local or regional human rights problem that the NGO is trying to address, but lacks sufficient manpower or resources to do so. The quantity of the research should cover 20 typewritten double spaced pages, which, depending upon the needs of the NGO, can be contained all in one document or in several. Descriptions of each case file and the corresponding NGO will be displayed for all students to read at the first class so that they can choose which file they would be most interested in pursuing as their assignment. All work for the NGO must be completed by the final day of classes for the semester and the student must submit to the instructor, on that day, in class, a copy of all documents prepared.
2. Each student will also create an educational handbook or manual for the NGO they are doing the research for. The handbook is intended to be an educational tool for the NGO's constituents and/or for potential donors, informing them of the international and local human rights law applicable to the specific issue and of the nature of the legal tools that the NGO is using to address the problem. The length of the manual should cover 20 typewritten double spaced pages.

### **(2) Presentation - 15% of final grade**

Each student will be required to give a 15-20 minute presentation about the issue that is the subject of his/her legal research and manual. This assignment is meant to be not only an academic endeavour, but also a creative one: in this regard, the introductory section of the presentation will consist of an **original** video or skit that illustrates the issue of the research in human terms. The body of the presentation will be a lecture explaining the legal issue being addressed, the applicable international and domestic human rights law and the defects in that law that are causing the human rights violation being researched. Finally, the conclusion of the presentation will recommend strategies, based in international human rights law and domestic law, to rectify the defects and prevent future violations.

### **(3) Case Study completion– 15% of final grade**

A case study exercise will follow each lecture, applying the material just imparted. In lieu of the instructor merely taking attendance, students will sign their name on a sheet upon completion of each exercise.

### **(4) Final open book examination - 30% of final grade**

Students will write a final open book exam consisting of two essay questions on any of the topics covered in the lectures and readings. The goal of the exam is to help the student master the basic rules and issues of modern international human rights law, a knowledge that will prove useful in his/her future career, whether that be the practice of law or work in public or corporate policy. For the purpose of writing the exam, the student will be permitted access only to the treaties covered in the course and to the lecture notes.

**SCHEDULE****5 Jan IHR: Evolution, General Principles and Institutions**

- Legislation:
  1. Universal Declaration of Human Rights, <http://www.unhcr.ch/udhr/lang/eng.htm>
  2. International Covenant on Civil and Political Rights <http://www2.ohchr.org/english/law/ccpr.htm>
  3. International Covenant on Economic, Social and Cultural Rights  
<http://www2.ohchr.org/english/law/cescr.htm>
- Readings:
  1. Fared Zakaria, Culture is Destiny: A Conversation with Lee Kuan Yew, @ *Foreign Affairs* (March/April 1994). <http://www.fareedzakaria.com/articles/other/culture.html>;
  2. Kim Dae Jung, Is Culture Destiny? The Myth of Asia's Anti-Democratic Values,  
<http://www.foreignaffairs.org/19941101faresponse5158/kim-dae-jung/is-culture-destiny-the-myth-of-asia-s-anti-democratic-values.html>

**12 Jan International and Regional Implementation**

- Legislation:
  1. European Convention for the Protection of Human Rights and Fundamental Freedoms:  
<http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>
  2. American Convention on Human Rights: <http://www.oas.org/juridico/English/treaties/b-32.html>
  3. African Charter on Human and Peoples' Rights:  
[http://www.achpr.org/english/info/charter\\_en.html](http://www.achpr.org/english/info/charter_en.html)
  4. Arab Charter on Human Rights:  
[http://www.cartercenter.org/resources/pdfs/peace/democracy/des/revise\\_Arab\\_charter\\_human\\_rights.pdf](http://www.cartercenter.org/resources/pdfs/peace/democracy/des/revise_Arab_charter_human_rights.pdf)
- Reading:
  1. "Regional Variances in the Adoption of Human Rights Mechanisms",  
[http://www.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/0/7/3/1/6/pages73168/p73168-1.php](http://www.allacademic.com/meta/p_mla_apa_research_citation/0/7/3/1/6/pages73168/p73168-1.php)

**19 Jan Groups particularly vulnerable to rights violations: women, children, indigenous peoples, disabled persons, refugees, LGBT****26 Jan Groups particularly vulnerable to rights violations: women, children, indigenous peoples, disabled persons, refugees, LGBT (continued)**

- Legislation:
  1. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):  
<http://www2.ohchr.org/english/law/cedaw.htm>
  2. Convention on the Rights of the Child (CRC): <http://www2.ohchr.org/english/law/crc.htm>
  3. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: <http://www2.ohchr.org/english/law/crc-conflict.htm>
  4. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: <http://www2.ohchr.org/english/law/crc-sale.htm>
  5. United Nations Declaration on the Rights of Indigenous Peoples:  
<http://daccessdds.un.org/doc/UNDOC/GEN/N06/512/07/PDF/N0651207.pdf?OpenElement>
  6. Convention on the Rights of Persons with Disabilities (CRPD):  
<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>
  7. 1951 Convention Relating to the Status of Refugees and its 1967 Protocol:  
<http://www.unhcr.org/3b66c2aa10.html>
  8. International Instruments relating to sexual orientation rights: International Covenant on Civil and Political Rights: <http://www2.ohchr.org/english/law/ccpr.htm>, Convention on the Elimination of All Forms of Racial Discrimination:  
<http://www2.ohchr.org/english/law/cerd.htm>

- Readings:
  1. “Making Human Rights Treaty Bodies More Effective: A gender critique of reforms to the reporting process - the case of the ‘common core document’” at <http://www.iwraw-ap.org/aboutus/pdf/OPSIV.pdf> ;
  2. Report of Canada to the Committee on the Rights of the Child regarding the implementation of the Optional Protocol on Children and Armed Conflict

## 2 Feb Right to Life

- Legislation:
  1. *Code of Conduct for Law Enforcement officials, adopted by the UNGA Resolution 34/169 of 17 December 1979* found at <http://textus.diplomacy.edu/Thina/txGetXDoc.asp?IDconv=1278>
- Reading:
  1. “Justice: lessons from Northern Ireland?” at <http://www.isrcl.org/Papers/2004/McGuirk.pdf>

## 9 Feb Prohibition against torture

- Legislation:
  1. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (<http://www2.ohchr.org/english/law/cat.htm> ), ICCPR, ECHR, ACHR, African Charter
- Readings:
  1. Report on the visit of the Subcommittee on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment to Sweden, at: <http://daccessdds.un.org/doc/UNDOC/GEN/G08/441/13/PDF/G0844113.pdf?OpenElement>
  2. Report on the visit of the Subcommittee on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment to the Maldives, at: [http://www2.ohchr.org/english/bodies/cat/opcat/spt\\_visits.htm](http://www2.ohchr.org/english/bodies/cat/opcat/spt_visits.htm)

## 16 Feb Reading Week, no class

## 23 Feb Right to equality and non-discrimination

- Legislation:
  1. ICCPR, Convention on the Elimination of all Forms of Racial Discrimination (<http://www2.ohchr.org/english/law/cerd.htm> ), CEDAW, CRPD
- Reading:
  1. “Toward Participatory Equality: Protecting minority rights under international law”, at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1333630](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1333630) and click on the “SSRN” icon to download the full text. 2. “Ricci v DeStefano: White Civil Rights?” at <http://www.thecourt.ca/2009/09/08/ricci-v-destefano-white-civil-rights/>

## 2 Mar Freedom of expression

- Legislation:
  1. ICCPR, Regional Treaties, Convention on the Rights of the Child
- Reading:
  2. “The Internet and Freedom of Expression”, at <http://www.ifla.org/faife/papers/others/ife03.pdf>, sections 3,4 and 6 only

## 9 Mar Economic rights

- Legislation:
  1. UDHR, ICESCR, Convention on the Rights of the Child

- Reading:
  1. “Toward the Definition of Economic Rights”, J. Of Markets and Morality, found at [http://www.acton.org/publications/mandm/mandm\\_article\\_125.php](http://www.acton.org/publications/mandm/mandm_article_125.php)

### **16 Mar Labour rights**

- Legislation:
  1. ILO Declaration on fundamental principles and rights at work, at: <http://www.ilocarib.org.tt/portal/images/stories/contenido/pdf/InternationLabourStandards/ILO%20declaration%20on%20fundamental%20principles%20and%20followup.pdf>
- Reading:
  1. “Decent work in times of international economic recession”, at: [http://www.ilocarib.org.tt/portal/index.php?option=com\\_content&task=view&id=1231&Itemid=1209](http://www.ilocarib.org.tt/portal/index.php?option=com_content&task=view&id=1231&Itemid=1209)

### **23 Mar Right to self-determination**

- Legislation:
  1. ICCPR, ICESCR
- Reading:
  1. “A Critical Analysis of the Self-Determination of Peoples”, at: [http://www.lse.ac.uk/Depts/global/Publications/DiscussionPapers/DP28\\_CriticalAnalysis.pdf](http://www.lse.ac.uk/Depts/global/Publications/DiscussionPapers/DP28_CriticalAnalysis.pdf)

### **30 Mar Right to a healthy environment**

- Legislation:
- Reading:
  1. “Green Jurisprudence: The Right to a Healthy Environment” at [http://www.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/3/6/4/2/4/pages364242/p364242-1.php](http://www.allacademic.com/meta/p_mla_apa_research_citation/3/6/4/2/4/pages364242/p364242-1.php)

### **6 April IHRL: Modern and future challenges**