

Course Outline

COURSE:	LAWS 4604 D – International Human Rights
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: Thursday – 11:35am - 2:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Meredith Porter
CONTACT:	Office: C475 LA (Contract Instructors' Office) Office Hrs: By appointment: Thursday - 9:30-11:30 am Email: mporter@connect.carleton.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://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

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 the interaction with certain other areas of international law.

This is a seminar course, and students will be expected to attend class regularly and be prepared to engage in discussion of weekly readings and topics.

REQUIRED TEXTS

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

EVALUATION**(All components must be completed in order to get a passing grade)****10 % - Attendance**

It is the student's responsibility to personally sign the student class attendance sheet each week. Each student is expected to be present each week, and for the entire class session. Full credit towards the 5% In-Class Attendance will not be awarded to students who have missed classes, or whom have missed portions of classes (without reasonable cause).

30% - Student Presentations

Students will be randomly divided into small groups of 3 or 4 and assigned a week to make a 1 hour presentation to the rest of the class. A marking format will be posted on the course page on WebCT, and the course instructor will clearly and thoroughly outline the expectations for the presentations on the first and second days of class to ensure that all students understand the requirements.

60% - Written Assignment

- 1) **Requirements:**
The course paper is central to LAWS 3504, and research and communication skills are at least as important as substantive knowledge. Students are encouraged to attend instructor's office hours with any questions, problems, for clarification and advice towards successfully completing the research paper requirements. **The Research Paper is due at the beginning of class on April 1st, 2010.**
- 2) **Topics:**
All students must write a course research paper on one of the topics listed by the instructor. This list will be presented and reviewed during the first class, and will continue to be available to students through Carleton WebCT. Papers written on other topics will not be accepted or receive credit.
- 3) **Format:**
The paper should be 11 – 15 double-spaced pages, excluding footnotes/endnotes. Students are to use Times New Roman font, 12pt. The paper must be well-organized, using proper citation, and include a complete bibliography of resources. For proper citation see the McGill *Guide* (McGill Law Journal, Canadian Guide to Uniform Legal Citation, 6th ed. (Scarborough, Ont.: Carswell, 2006)).
- 4) **Late Papers:**
A late penalty will be applied to research papers handed in after the beginning of the class on which they are due: **April 1st, 2010**. The penalty will be **1 mark per day late** (for example, if the paper is awarded a B+ grade but is late by one day, the grade awarded will be B). **Late papers must be stamped by the Department of Law.** Extensions may be granted by the instructor, on reasonable grounds, for reasons which may include medical or other issues for which in all cases proper written documentation must be provided.
- 5) **Plagiarism:**
Please refer to the Departmental Course-Related Policy and Procedure Statement (<http://www.carleton.ca/law/policy.htm>) regarding plagiarism. Plagiarism means passing off the work of another as one's own ideas or own work, without giving due credit to the original source. **Plagiarism will not be tolerated.**

SCHEDULE**January 7th****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 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

January 14th**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

January 21st**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

January 28th**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

February 4th**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)

February 11th 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

February 18th Reading Week**February 25th Emerging fields of IHRL –Environment, Role of non-state actors**

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

March 4th 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

March 11th 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)

March 18th 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

March 25th Domestic reception of International Human Rights Law

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

April 1st Course Review

** Research paper due.