

Carleton University  
Arthur Kroeger College of Public Affairs

Human Rights Capstone  
PAPM 4000 F  
Southam Hall, Rm 308, Mondays 6:05-8:55 PM

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**I. Course description:**

Good public policy is about researching, analysing and assessing multiple, competing perspectives in order to articulate a coherent, defensible solution to an emerging challenge or opportunity. Often governments, civil society and citizens are thrust into opposing but equally valid positions that need to be negotiated carefully to ensure adherence with the law, the respect for Canadian values and the requirement for government to deliver on its mandate in a financially responsible fashion.

Since the adoption of the *Canadian Charter of Rights and Freedoms* in the *Constitution Act, 1982*, judges and civil society have worked to hold the government accountable for perceived abuses and overreach, both at the individual and aggregate level, when it comes to immigration and national security policies and activities. The attacks of September 11, 2001 and subsequent incidents around the world have only exacerbated these concerns. Throughout this period, Canada, like other liberal democracies, has struggled to find a balance between keeping its citizens safe and managing risk and the perception of risk without losing the underlying rights that define it. Canadians have come to accept greater government intrusion in some aspects of their lives (e.g., in air travel) while at the same time expressing unease with others, such as increasing government and police access to personal electronic communications. This is evident in the “What We Learned Report” from the public consultations on *Bill C-59: An Act respecting national security matters* (<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2017-nsc-wwlr/index-en.aspx>)

This Capstone seminar will focus on developing the analytical, communication and collaboration skills required to provide high quality policy advice to both government and civil society. Through in class interactive seminars focussed on policy debate and practical skill development, students will explore issues related to human rights policy through the lens of Canada’s national security and immigration policy debates.

## II. Texts

There is no specific textbook assigned. Instead, students will be given weekly readings as required. The focus will be on primary source material, and students will be expected to undertake individual secondary research to support in class participation. Key legislation and policy documents will include, but are not limited to:

*Canadian Charter of Rights and Freedoms*

*Universal Declaration of Human Rights*

*National Security Policy, 2004*

*Anti-terrorism Act, 2015 (formerly Bill C-51)*

*Bill C-59: An Act respecting national security matters*

*National Security and Intelligence Committee of Parliamentarians Act (formerly Bill C-22)*

*Immigration and Refugee Protection Act*

*Canadian Human Rights Act*

## III. Course Calendar

<b>Week 1</b> September 10	<b><i>Introduction and key concepts: public policy, human rights, national security and immigration</i></b>
<b>Week 2</b> September 17	<b><i>National security and migration: current and emerging issues</i></b>  <b>Readings:</b> <ul style="list-style-type: none"><li>➤ Legislative summary of Bill C59 (<i>to be provided</i>)</li></ul>
<b>Week 3</b> September 24	<b><i>“Fake News” and the impact on democracy</i></b>  <b>Readings:</b> <ul style="list-style-type: none"><li>➤ Public Policy Forum, “The Shattered Mirror” (<a href="https://shatteredmirror.ca/">https://shatteredmirror.ca/</a>)</li></ul> <b>Case studies:</b> <ul style="list-style-type: none"><li>➤ Regulating “Freedom of Speech”</li><li>➤ “Fake” vs alternate news, who decides?</li></ul>

<p><b>Week 4</b> October 1</p>	<p><b><i>The Five Eyes and the US relationship</i></b></p> <p><b>Readings:</b></p> <ul style="list-style-type: none"> <li>➤ James Cox, “Canada and the Five Eyes Intelligence Community” (cdfai.org.previewmysite.com/PDF/Canada and the Five Eyes Intelligence Community.pdf)</li> <li>➤ Patrick Walsh &amp; Seumas Miller, “Rethinking ‘Five Eyes’ Security Intelligence Collection Policies and Practice Post Snowden,” <i>Intelligence and National Security</i>, 31:3, 345-368</li> </ul> <p><b>Case studies:</b></p> <ul style="list-style-type: none"> <li>➤ Are the Five Eyes still relevant?</li> <li>➤ Outsourcing intelligence gathering activities</li> </ul>
<p><b>Week 5</b> October 8</p>	<p>Thanksgiving Monday – no class</p>
<p><b>Week 6</b> October 15</p>	<p><b><i>Privacy and big data</i></b></p> <p><b>Readings:</b></p> <ul style="list-style-type: none"> <li>➤ C-59, 4(e) and related commentary</li> <li>➤ Ritu Khullar, “Conceptualizing the Right to Privacy in Canada” (<a href="http://www.cba.org/cba/cle/PDF/adm10_khullar_paper.pdf">http://www.cba.org/cba/cle/PDF/adm10_khullar_paper.pdf</a>)</li> <li>➤ Michael Geist, “Introduction” in <i>Law, Privacy and Surveillance in Canada in the Post-Snowden Era</i> (2015).</li> </ul> <p><b>Case studies:</b></p> <ul style="list-style-type: none"> <li>➤ Use of metadata and data retention</li> <li>➤ Algorithms and the right to data privacy</li> </ul> <p><b><i>Research proposal is due</i></b></p>
<p><b>Week 7</b> October 22</p>	<p>Fall break – no class</p>
<p><b>Week 8</b> October 29</p>	<p><b><i>Immigration Detention and Control</i></b></p> <p><b>Readings:</b></p> <ul style="list-style-type: none"> <li>➤ IRPA, Part 1, Divisions 6 and 9</li> <li>➤ Charkaoui v. Canada (Citizenship and Immigration) (2007 SCC 9)</li> <li>➤ UNHCR, Concluding observations on the sixth periodic report of Canada</li> <li>➤ Canadian Human Rights Commission, 2016 Annual Report (pp. 36-44)</li> </ul> <p><b>Case Studies</b></p> <ul style="list-style-type: none"> <li>➤ Immigration detention in provincial jails</li> <li>➤ Security certificates</li> </ul>

<p><b>Week 9</b> November 5</p>	<p><b><i>Irregular migration and mass arrivals</i></b></p> <p><b>Readings:</b></p> <ul style="list-style-type: none"> <li>➤ IRPA, Part 2 and Part 3, 117-121</li> <li>➤ Canadian Council for Refugees and Amnesty International, “Contesting the Designation of the US as a Safe Third Country” (<a href="http://ccrweb.ca/sites/ccrweb.ca/files/stca-submission-2017.pdf">http://ccrweb.ca/sites/ccrweb.ca/files/stca-submission-2017.pdf</a>)</li> </ul> <p><b>Case studies</b></p> <ul style="list-style-type: none"> <li>➤ Canada-US Safe third country agreement</li> <li>➤ Regularizing irregular migrants to Canada</li> </ul>
<p><b>Week 10</b> November 12</p>	<p><b><i>Syria, South Sudan or Myanmar: How do we choose?</i></b></p> <p><b>Readings:</b></p> <ul style="list-style-type: none"> <li>➤ Jack Donnelly, Daniel J. Whelan, “Humanitarian Intervention”, Chapter 10 in <i>International Human Rights</i>, 5th edition. (2016): 230-252.</li> <li>➤ International Covenant on Civil and Political Rights, Article 4</li> </ul> <p><b>Case studies</b></p> <ul style="list-style-type: none"> <li>➤ National interests in international intervention</li> <li>➤ R2P -options for future intervention</li> <li>➤ Should Canada accept 25,000 Venezuelan refugees?</li> </ul>
<p><b>Week 11</b> November 19</p>	<p><b><i>Limits of Freedoms: hate speech, polygamy and female genital mutilation</i></b></p> <p><b>Readings:</b></p> <ul style="list-style-type: none"> <li>➤ <i>Zero Tolerance for Barbaric Cultural Practices Act</i></li> <li>➤ <i>Canadian Human Rights Act</i>, section 13</li> </ul> <p><b>Case studies:</b></p> <ul style="list-style-type: none"> <li>➤ Glorifying “terrorism”</li> <li>➤ Countering radicalization in Canada</li> <li>➤ Legislating openness</li> </ul>
<p><b>Week 12</b> November 26</p>	<p><b><i>Who watches the watchers? National security oversight</i></b></p> <p><b>Readings:</b></p> <p><i>An Act to establish the National Security and Intelligence Committee of Parliamentarians and to make consequential amendments to certain Acts</i></p> <p>Security Intelligence Review Committee, <i>SIRC Annual Report 2014-2015: Broader Horizons: Preparing the Groundwork for Change in Security Intelligence Review</i></p>

	<p>Michael Geist, “Why Watching the Watchers Isn’t Enough: Canadian Surveillance Law in the Post-Snowden Era”. Chapter 8 in <i>Law, Privacy and Surveillance in Canada in the Post-Snowden Era</i> (2015).</p> <p><b>Case studies:</b></p> <ul style="list-style-type: none"> <li>➤ The Committee of Parliamentarians</li> <li>➤ Can Government ever “watch” itself?</li> </ul>
<p><b>Week 13</b></p> <p>December 3</p>	<p><b><i>Final Presentations</i></b></p> <p><b><i>Reflexive journal due</i></b></p> <p><b><i>Final Project Brief due</i></b></p>

**IV. Evaluation**

*Participation: 15% individual grade*

Students are expected to research and share relevant readings and to come prepared with critical comments and questions during class. These can also be shared electronically via CU Learn. Students will also work in teams to prepare a policy brief and will have the opportunity to provide peer evaluation.

*Case study: 25%*

Students will be asked to prepare policy advice related to recent touch points between Canada’s human rights obligations and national security and immigration initiatives. Dates for presentations will be selected in the 2<sup>nd</sup> week. This will involve preparing a briefing note and PowerPoint presentation to the seminar (20 minutes)

*Policy Brief and Presentation: 50% group grade*  
*(15% for proposal, 30% for policy brief, 5% for presentation)*

Students will work in small groups on projects addressing research needs of local non-governmental partners in areas of immigration and national security policy advocacy. Projects will be agreed with students and the course instructor and may involve both primary and secondary research. The goal is that the work results in products that are useful both as advocacy and also acceptable as academic papers. Final papers will be presented in class at the end of the term.

Grades will be assigned based on the quality of the research, the clarity of the writing, grammar and presentation. Research proposals (15%) are due at the start of class, October 15. Final Policy briefs are to be submitted to me by December 3.

*Research brief Journal: 10% individual grade*

During the research phase, students will keep a weekly journal recording items such as:

- a. critical comments on primary and secondary research being developed in support of the work;
- b. personal reflections on the issues being explored;
- c. personal reflections on academic/professional work and personal growth.

Students will send weekly emails to themselves so that they are date stamped. The entire journal is to be submitted to me on December 3.

## **V. Statement on Plagiarism**

The University Senate defines plagiarism as “presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.” This can include:

- reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings;
- failing to acknowledge sources through the use of proper citations when using another’s works and/or failing to use quotation marks;
- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs."

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

## **VI. Statement on Academic Accommodation:**

### **Requests for Academic Accommodation**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request, the processes are as follows:

#### **Pregnancy obligation**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-AcademicAccommodation.pdf](http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-AcademicAccommodation.pdf)

### **Religious obligation**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-AcademicAccommodation.pdf](https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-AcademicAccommodation.pdf)

### **Academic Accommodations for Students with Disabilities**

If you have a documented disability requiring academic accommodations in this course, please contact the Paul Menton Centre for Students with Disabilities (PMC) at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation or contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term. You must also contact the PMC no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made.

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>.

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-StudentActivities-1.pdf>