

Course Outline

COURSE:	LAWS 3602C - International Human Rights
TERM:	Winter 2025
PREREQUISITES:	(0.5 credit from LAWS 2105, LAWS 2502, LAWS 2601 or HRSJ 2001) and 0.5 credit in LAWS at the 2000 level or PAPM 1001 and PSCI 2003.
CLASS:	Day & Time: Fridays, 11:35am – 2:25 pm Room: Please check Carleton Central for current Class Schedule This is an in-person course, not an online course.
INSTRUCTOR:	Dr. Rueban Balasubramaniam
CONTACT:	Office Hrs: Mondays 2-3pm by Zoom and by appointment only Telephone: <i>n/a</i> : Email: Rueban_Balasubramaniam@carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/315795

CALENDAR COURSE DESCRIPTION

The developing international law relating to the protection of human rights. General concepts, rules, and institutions. Specific issues include self-determination, aboriginal rights, the refugee problem, and torture. The Inherent problems and overall potential of international law.

COURSE DESCRIPTION

This course will approach the subject of international law from the perspective of philosophy of law. We will examine the extent to which liberal states committed to international human rights protections have the resources necessary to defend a view of the rule of law committed to such rights when confronted by a state of “exception.” The contextual focus for this course will be an examination of various models for controlling emergency powers in the post 9/11 context where liberty is said to conflict with security.

PRECLUSIONS

See course calendar.

LEARNING OUTCOMES

- Learn and practice the skill of close reading analysis.
- Acquire a basic understanding of theoretical perspectives on human rights law as these pertain to state of emergencies.
- To be professional in regularly attending to classes and being able to work under pressure to fulfill deadlines.

REQUIRED TEXTS

- Students are not required to purchase textbooks or other learning materials for this course. All materials will be provided on Brightspace.

EVALUATION

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

The final grade will be based on the average marks received for the best two out of three assignments. Each assignment will comprise two parts. The first will contain a multiple-choice section while the second will contain a critical writing section. There are no exams.

Each assignment will be uploaded roughly ten days before the specified due date and all assignments are to be completed and submitted to the electronic drop box on Brightspace. Emailed assignments are not accepted.

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

Due Dates

Assignment 1 – February 1, 2025 (50%)

Assignment 2 – March 8, 2025 (50%)

Assignment 3 – April 4, 2025 (50%)

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

As a rule, there are no extensions (subject to the policy stated below). Therefore, there is no such thing as a late penalty given that late work is not accepted. It is in your interests to ensure you check the deadline and to get your work done on time and appropriately submitted. It is in your interests to take reasonable steps to inform the instructor as soon as possible if it comes evident to you that you cannot meet the stipulated deadlines.

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

Grade Appeals

A grade appeal has to be submitted to the instructor in writing with relevant reasons requesting an appeal. Relevant reasons must engage the reasons given for the original grade and have to be based entirely on the assignment itself. Irrelevant reasons include the fact that you may need a specific grade for this or that reason. Grades are based on the quality of the work produced and no other considerations. If relevant reasons are given, an appeal may proceed and the work re-evaluated.

Final Grade Approval

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Dean.

SCHEDULE

The following is a breakdown of the weekly schedule. Note I do provide stipulated page ranges to read but the lectures cross refer materials as the weeks progress on the basis that the lectures amount to the unfolding of a wider argument. Sound practice is to read as much as you can before a lecture and then read again in light of the lecture itself since I supply far more context and information than contained in any given reading.

1) January 10 - Introductory Lecture

2) January 17 - The Business as Usual and Accommodation Models

Oren Gross, “Should Responses to Violent Crises Always be Constitutional?” (2003) 112 Yale Law Journal 1011-1134.

3) January 24 - A Primer on Carl Schmitt

Oren Gross, “Should Responses to Violent Crises Always be Constitutional?” (2003) 112 Yale Law Journal 1011-1134.

4) January 31- The Extra-Legal Measures Model

Oren Gross, “Should Responses to Violent Crises Always be Constitutional?” (2003) 112 Yale Law Journal 1011-1134.

5) February 7 - A Primer on the Rule of Law**6) February 14- The Legality Model**

David Dyzenhaus, “The Compulsion of Legality” in Victor Ramraj ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 33 – 59.

– No Class on Feb 21 due to Reading Week.

7) February 28 - The Moral Subject of Law

Terry Nardin, “Emergency Logic: prudence, morality, and the rule of law” in Victor Ramraj ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 97-117.

8) March 7 - A Realist Approach to Emergencies

Mark Tushnet, “The political constitution of emergency powers: some conceptual issues” in Victor Ramraj ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 145 – 155.

9) March 14- Torture and the Rule of Law

Jeremy Waldron, Torture and Positive Law: A Jurisprudence Lesson for the White House (2005) 105:6 Columbia Law Review 1681-1750.

10) March 21- Torture and Legal Archetypes

Jeremy Waldron, Torture and Positive Law: A Jurisprudence Lesson for the White House (2005) 105:6 Columbia Law Review 1681-1750.

12) March 28 – Detention without Trial

Ratna Rueban Balasubramaniam: “Indefinite Detention: Rule of Law or Rule by Law?” in Victor Ramraj ed. *Emergencies and the Limits of Legality* (Cambridge: Cambridge University Press, 2008), 118-142.

13) April 4 - International Law and the Politics of Legal Spaces

- David Dyzenhaus, “The Legal Experience of Injustice,” Julius Stone Lecture, 2022.

POLICY ON PERMISSIBILITY OF SUBMITTING SAME WORK MORE THAN ONCE, PERMISSIBILITY OF GROUP OR COLLABORATIVE WORK, AND PERMISSIBILITY OF USING GENERATIVE AI

- The assignments for these lectures are to be done on an individual basis.
- Each assignment is sufficiently different so that there is no possibility of submitting the same work more than once.
- The use of Generative AI is absolutely prohibited.

Further resources and examples:

Winter 2025 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
January 6, 2025	Winter term begins.
January 17, 2025	Last day for registration and course changes (including auditing) in winter courses.
January 31, 2025	Last day to withdraw from full winter courses and the winter portion of fall/winter courses with a full fee adjustment.
February 17-21, 2025	Winter break, no classes.
March 15, 2025	Last day for academic withdrawal from winter courses.
March 25, 2025	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in winter term or fall/winter undergraduate courses, before the official April final examination period.
April 8, 2025	Winter term ends.
	Last day of winter and fall/winter classes.
	Last day for final take-home examinations to be assigned.
April 9-10, 2025	No classes or examinations take place.
April 11-26, 2025	Final examinations in winter and fall/winter courses will be held.
April 18, 2025	Statutory holiday. University closed.
April 26, 2025	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

UNIVERSITY AND DEPARTMENTAL POLICIES

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes 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. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

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.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

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

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in

this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and 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. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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. Please contact your instructor 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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the*

same as a formal appeal of grade. More information about the academic consideration can be found [here](#).