

## Course Outline Template

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| <b>COURSE:</b>        | <b>LAWS 3602C - International Human Rights</b>   |
| <b>TERM:</b>          | <b>Winter 2024</b>   |
| <b>PREREQUISITES:</b> | (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   |
| <b>CLASS:</b>         | <b>Day &amp; Time: Tuesdays 8:35am-11:35am</b><br><b>Room: Please check Carleton Central for current Class Schedule</b><br><b>This is an in person lecture and attendance to class is mandatory; absences will be noted and you will lose marks for not coming to class.</b> |
| <b>INSTRUCTOR:</b>    | <b>Dr. Rueban Balasubramaniam</b>  |
| <b>CONTACT:</b>       | <b>Office Hrs: Tuesdays, 1-2:30pm by appointment only and via Zoom</b><br><b>Telephone: 613-520-2600 ext 8809</b><br><b>Email: Rueban_Balasubramaniam@carleton.ca</b>  |

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### 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.

**REQUIRED TEXTS**

All materials are posted on Brightspace.

**SUPPLEMENTARY TEXTS**

N/A

**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 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.

In addition, your final grade is affected by your attendance in class. Attendance is mandatory; there is no way to make up for lost attendance since one of the key aims of this lecture is that you attend to engage in class discussion and to learn how written work should be completed, as well as to display professionalism (the ability to appear on time on a regular weekly basis as will be necessary when you enter into the workplace). Therefore, you will be permitted two absences with no penalty after which 3% will be deducted from your final grade for every class that you miss.

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.

**Due Dates**

Assignment 1 (33.33%) – February 1, 2024

Assignment 2 (33.33%) – March 1, 2024

Assignment 3 (33.33%) – April 3, 2024

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

**Note that all the parts of the evaluation are related and it is in your interests to complete them as best as you can and within the stipulated deadlines. Students who fail to attend classes regularly are not likely to get through this course and where there is an egregious level of failure to come to classes (less than 50%), there would be grounds for determining that you have failed to complete all the components.**

**LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

As a rule, no extensions are given for late work; such work will not be accepted. Part of the reasons for this rule have to do with the need for students to respect deadlines as well as the administrative burdens that are unfairly generated by such work. One of the major pedagogical aims of this seminar is that you are professional in your approach to doing your work, including the need to take deadlines very seriously.

If extensions are to be granted, this is subject to the discretionary judgment of the instructor in light of relevant pedagogical aims, as well as other relevant administrative considerations.

Note that the following ARE NOT grounds for an extension:

- a) Stress (any claims that you suffer from disabling anxiety will require medical evidence or a note from the PMC)
- b) Inability to manage time or cope with your workload.
- c) Competing deadlines.

**Procedure to Request Extensions:** The initial decision about whether extensions are given resides with the instructor. The relevant procedure I require is that you initiate the request for extension in person unless there is an emergency. You must offer factual evidence to support your claim (which may include medical notes covering the specified period or police reports etc). A decision will be made in light of such facts as well as relevant pedagogical and other relevant considerations applying a reasonableness standard. You will then receive a reply in writing by email communicating the instructor's decision.

**NOTE: TEACHING ASSISTANTS DO NOT ACCEPT REQUESTS FOR EXTENSIONS. YOU WILL HAVE TO APPROACH THE INSTRUCTOR PERSONALLY OR IN CASE OF EMERGENCY THEN EMAIL THE INSTRUCTOR DIRECTLY.**

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/wp-content/uploads/self-declaration.pdf>.

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>

**PROCEDURE FOR GRADE APPEALS:** Appeals are to be initiated to the instructor only after 48 hours of receiving a grade by email. You must show why the reasons given for the grade are

flawed so you must engage the pedagogical/substantive justifications given for the grade by the instructor. The fact that you may have worked hard or feel like you need a particular grade are not relevant reasons for seeking a grade appeal. As well, keep in mind, your grade may also get worse upon review.

**EMAIL ETIQUETTE:** Kindly be professional in communicating with your Professor and TA. Please remember that your Professor and TA, like you, are also human beings with a very large workload, professional and personal responsibilities, immense emotional and other pressures, and all the things that confront our shared human existence. Think before you decide what to say to your Professor by email. Ask yourself if your email will be reasonable. Keep in mind that how you comport yourself will affect subsequent decisions about how far a Professor may be willing to support reference applications and so on.

## SCHEDULE

### 1) January 9 - Introductory Lecture

### 2) January 16 - 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 23 - A Primer on Carl Schmitt

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

### 4) January 30 - The Extra-Legal Measures Model

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

### 5) February 6 - A Primer on the Rule of Law

### 6) February 13 - 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.

### February 20 - Winter Break, No Class

### 7) February 27 - 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 5 - 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 12 - 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 19 - 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 26 – 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 2 - International Law and the Politics of Legal Spaces**

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

**14) April 9 - Wrap Up Lecture**

| <b>Winter 2024 Sessional Dates and University Closures</b>  |  |
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| <i>Please find a full list of important academic dates on the calendar website:<br/><a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></i> |  |
| <b>January 8, 2024</b>  | Winter term begins.  |
| <b>January 19, 2024</b>   | Last day for registration and course changes (including auditing) in full winter and late winter courses.  |
| <b>January 31, 2024</b>   | Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment.  |
| <b>February 19, 2024</b>  | Statutory holiday. University closed.  |
| <b>February 19-23, 2024</b>   | Winter break. No classes.  |
| <b>March 15, 2024</b>   | Last day for academic withdrawal from full winter, late winter, and fall/winter courses.   |
| <b>March 27, 2024</b>   | Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar). |
| <b>March 29, 2024</b>   | Statutory holiday. University closed.  |
| <b>April 10, 2024</b>   | Winter term ends.  |
|   | Last day of full winter, late winter and fall/winter term classes.   |
|   | Classes follow a Friday schedule (full winter and later winter courses).   |
|   | Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full winter term and late winter courses.  |
|   | Last day for take home examinations to be assigned.  |
| <b>April 13-25, 2024</b>  | Final examinations in full winter, late winter and fall/winter term courses will be held. Examinations are normally held all seven days of the week.   |
| <b>April 25, 2024</b>   | 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

### DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

### 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.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

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/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

**ACADEMIC ACCOMMODATIONS**

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 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](mailto: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/>.