

COURSE OUTLINE

COURSE NUMBER	LAWS 3602
TITLE	INTERNATIONAL HUMAN RIGHTS LAW
SECTION:	B
TERM:	Fall 2022
PREREQUISITES:	Precludes additional credit for LAWS 4604 (no longer offered). Prerequisite(s): (0.5 credit from LAWS 2105, LAWS 2502, LAWS 2601 or HUMR 2001) AND (0.5 credit in LAWS at the 2000 level or PAPM 1001 and PSCI 2003).
DAY & TIME:	Mondays 18:00 – 21:00 (6pm – 9pm)
DELIVERY METHOD:	ONLINE SYNCHRONOUS (via Zoom)
INSTRUCTOR (CONTRACT):	Tara Ashtakala
CONTACT INFORMATION:	OFFICE: Loeb B-442 OFFICE HOURS: By appointment EMAIL: Tara.Ashtakala@carleton.ca

UNDERGRADUATE CALENDAR COURSE DESCRIPTION (GENERAL)

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.

INSTRUCTOR COURSE DESCRIPTION (SPECIFIC)

Nelson Mandela is imprisoned for years for his opposition to discrimination on the basis of race in South Africa; US soldiers exchange photographs of detainees they had tortured and degraded in Iraq; a male 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 in Guatemala receives death threats because of his efforts to organize fellow employees to protest dangerous working conditions;. the military junta ruling Myanmar shuts down internet access in regions where it faces resistance from opposition groups; the Wet'suwet'en nation files a petition asking the UN to investigate Canada for cultural and environmental harm they say is being caused by a natural gas development...these situations that we hear about happening every day all over the world, including here at home, are not just examples of challenges to human dignity, but also are direct or indirect violations of actual laws. A lack of knowledge about the content or even the existence of internationally-guaranteed protections contributes to perpetuation of these breaches. The laws and legal remedies that seek to protect people all over the

world against violations of their physical and mental integrity are contained in the branch of public international law known as International Human Rights Law (IHRL). Claimants and advocates are increasingly turning to this body of international rules to compel their national governments, industry and courts to incorporate universal norms of justice. IHRL is therefore an essential area of knowledge for Law and legal studies programme graduates to possess before they seek employment in practice or policy work.

REQUIRED TEXTS

There is no textbook assigned for this course. Readings consisting of laws and case law will be assigned prior to each lecture; links for these readings will be indicated on the first slide of the pre-lecture notes that will be posted on Brightspace.

COURSE DELIVERY:

- a. Lectures will be delivered online, at the time and on the day indicated above for the particular course section.
- b. The Zoom link will be sent out via Brightspace (Cmail) prior to lecture.
- c. It is during lecture that the answers to the pre-lecture questions will be discussed.
- d. Case study exercises, involving groups discussions, will also be conducted during class.
- e. The presentation and research paper components of evaluation in the course will be submitted by students as per the deadlines indicated in the “Evaluation” section below.

EVALUATION

(ALL 3 COMPONENTS MUST BE COMPLETED TO PASS THE COURSE)

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.

1. Video Presentation - 25% of final grade

- a. Due as per the submission dates indicated below; upload to Brightspace
- b. Duration: 5 minutes
- c. The task: to advocate on behalf of the party that is accused of **violating** a human right, by arguing how international human rights rules either do not apply or that they in fact support the position of the violator; this means that you will essentially be playing devil’s advocate in your video, if your initial inclination was to agree with the victim that his/her human rights have been violated.
- d. In detail, the presentation must accomplish the following:
 - Select a current human rights case study from among those provided
 - Describe the human rights problem from the perspective of the violator.

- Identify the relevant international law that supports the violator's position and/or identify the relevant international law that counters the complainant's position.
 - Propose plausible solutions, based in law and case law, that would satisfy the violator's interests.
- e. Format: In your video, you will essentially be presenting a lecture to your colleagues and to me, summarizing your research and your arguments.
- As such, the use of audio-visual aids (eg Power Point slides) is strongly recommended
 - At the same time, you must show yourself while presenting your content: use of a picture-in-picture screen is one way to do this
 - You may use a short video clip within your presentation to reinforce a point, but do not let it speak for you.

PRESENTATION SUBMISSION DATES:

If your SURNAME starts with

- **Aa – Al (incl)**
- **Am – C (incl)**
- **D – F (incl)**
- **E - H (incl)**
- **G- K (incl)**
- **L – Mn (incl)**
- **Mo- R (incl)**
- **S - Z (incl)**

you submit your video by:

- 3 October**
- 17 October**
- 31 October**
- 7 November**
- 14 November**
- 21 November**
- 28 November**
- 5 December**

Please note that surnames are listed according to how they appear in Brightspace

2. Research Paper - 30% of final grade

- a. Due on **9 December 2022**; upload to Brightspace
- b. Length: 10-12 pages double-spaced, bibliography extra, proper legal citation required

Citations: use Canadian Guide to Uniform Legal Citation (McGill Guide) at

<https://libguides.ucalgary.ca/guides/mcgillguide>

- c. **Canadian spelling only; this is not a joke.** If you are going to use spell-checking applications to review your text, you should first ensure that the language settings on your computer are set to Canadian (English or Multilingual Standard).
- d. The task: having played devil's advocate for the Presentation, the objective of your Research Paper is now to conduct an in-depth, scholarly **refutation of the arguments made by the violator** and instead **advocate on behalf of the victim** of the human rights breach alleged in the case study.
- e. In detail, your paper must:

- Describe the human rights problem from the perspective of the **victim**.
- Identify the defects in the currently-applicable law that are causing the problem
- Using relevant international legal rules and case law, refute the arguments made by the violator.
- Propose plausible solutions, based on international law and case law, to remedy the violations, taking into account the political and/or legal realities that currently work in favour of the violator.

3. Open book final examination - 45% of final grade

- a. **To be scheduled during formal exam period: 10-22 December 2022**
- b. Duration: 3 hours, in a fixed, formally-scheduled time interval
- c. the goal of the final exam is to apply the course content to 1) find a legal solution to a fictitious human rights violation and to 2) thoroughly discuss a thematic human rights issue
- d. The final exam will be written **online** during a fixed time period.
- e. **Any student who does not write the online exam during the fixed time period on the formally-scheduled date must apply for a deferral:** <https://carleton.ca/registrar/deferral/>
- f. **The final exam will be E-proctored:** *Please note that tests and examinations in this course will use a remote proctoring service provided by Scheduling and Examination Services. You can find more information at <https://carleton.ca/ses/e-proctoring/>.*

LATE PENALTIES AND REQUESTS FOR EXTENSIONS:

- a. Penalties for late submission of in-term assignments will be 1 point/mark per day. This is based on fairness to the class members who have submitted their assignment on time.
- b. The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension.
- c. For requests for extensions lasting less than 7 days, 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>.
- d. **Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are requested, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days). The instructor is under no obligation to grant such an extension.

LECTURE TOPIC SCHEDULE

12 Sep IHRL: Evolution, General Principles and International mechanisms

19 Sep Regional Implementation

26 Sep Right to Life

3 Oct Freedom from Discrimination

10 Oct: Thanksgiving holiday, no lecture

17 Oct International Human Rights law applicable to groups particularly vulnerable to rights violations: the case of Women and LGBTQ+

24 Oct: Fall term break, no lecture

31 Oct International Human Rights law applicable to groups particularly vulnerable to rights violations: the case of Children and Persons with Disabilities

7 Nov Freedom of Expression

14 Nov Economic Rights

21 Nov Labour Rights

28 Nov Right to a Healthy Environment

5 Dec International rights of Indigenous Peoples

9 Dec: Review of Course - please note that although the 9th of December is a Friday, classes on that day will follow a Monday schedule, as per University stipulation (refer to The Academic Year calendar, at <https://calendar.carleton.ca/academicyear/>).

DIVERSITY AND INCLUSION IN COURSE CONTENT AND EXECUTION:

Lawyers need to be able to read statutes, in order to apply them in the courtroom. It is equally important to the success of a lawyer's case to know what the statute does not say.

The vast majority of the readings in this course are cases, from both international and domestic courts, rather than academic articles. I ask students to read case law so that we can glean from it the basic concepts of the international law of human rights. It is whilst reading a case that students also have the opportunity to think critically about whose concerns are not addressed in the case and its applicable law, and about what impact that omission of voices has on the development of the basic concepts of international law that the whole international community operates by today. Note that the questions in the pre-lecture notes for this course will help you to do so. You should include those insights in the presentation and research paper assignments, as well as express them in the honest, yet respectful, debates that comprise the live case study discussions following each lecture.

COVID-19 PREVENTION MEASURES

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements at short notice, if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses, as soon as they are eligible and to submit their booster dose information to [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend on campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety, which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing that information, you can contact covidinfo@carleton.ca.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term..

Pregnancy Obligation

Please contact 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, see [Pregnancy Accommodation Form](#).

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

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. 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 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>

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 contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>.

PLAGIARISM

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism 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, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

DEPARTMENTAL POLICY

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations:
<https://carleton.ca/law/student-experience-resources/>.