

INTERNATIONAL HUMAN RIGHTS LAWS 3602A

Fall 2017

Instructor:

Dr. M. Adrian

Course Meeting Time:

Tuesdays 2.30-5.30

Location:

Check Carleton Central

Email:

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Office:

Loeb C 465

Office Phone:

613.520.2600 x.2085

Office Hours:

Wednesdays 3.30-5.30 or by appointment

Teaching Assistant:

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Office Hours:

By appointment. Please e-mail.

Course Description:

This class takes up international law relating to the protection of human rights. General concepts, rules and institutions will be discussed. Specific issues may include self-determination, aboriginal rights, the refugee problem, and torture. Of particular concern will be the inherent problems and overall potential of international law.

Students should come prepared to design a course of their dreams including human rights themes, grading and expectations. Decisions that structure the course will be made using a democratic framework. Please come prepared to take charge of your education, to learn collectively, to challenge the status quo, and to push the frontiers of human rights.

Grading and Requirements:

1. Engagement: 30%
2. Written assessment(s): 40%
3. Verbal Assessments: 30%

For details see class constitution.

Book Available for Purchase:

1. Smith, Rhona K.M. *International Human Rights*. 7th ed. Oxford: Oxford University Press, 2016.

Where to buy the text? The required text has been ordered and is available for purchase at **Octopus Books** [116 Third Ave, Ottawa, (613) 233-2589]. Copies of the text have also been placed on reserve for you in the library. You will need **MY NAME** and the **COURSE CODE**.

For more information see: <http://octopusbooks.ca/book/course-book-faq>

My philosophy on ordering texts: I am keenly aware that most of us are on tight budgets. Thus, if we will use less than 3 chapters of a book, I do not order it for you to purchase. Please read through the syllabus and if there are texts that you feel would be good to have, please order them from one of the many online sources. I have placed books on reserve for you at the library (both physical and e-copies, when available) and made the articles available through our class website on CUlearn (Ares).

Learning and Personal Outcomes:

- To identify and practice the fundamentals of international law (negotiation, agreement, democratic principles) through their enactment
- To integrate democratic principles by taking an activist stand to education
- To build confidence by articulating theoretical and practical norms of human rights law
- To synthesize information from a variety of sources and present to colleagues in written and oral forms
- To develop reading comprehension skills through the close reading of legal and other texts
- To develop precision and creativity in academic writing

Academic Regulations, Accommodations, Plagiarism, etc.

University rules regarding registration, withdrawal, appealing marks, and most anything else you might need to know can be found on the university's website, here:
<http://www.carleton.ca/cu0708uc/regulations/acadregsuniv.html>

Requests for 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 visit the Equity Services website: <http://carleton.ca/equity/>

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: <http://carleton.ca/equity/>

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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

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: <http://carleton.ca/studentaffairs/academic-integrity/>

Department 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.

<http://carleton.ca/law/current-students/>

Assistance for Students:

The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

Student Academic Success Centre (SASC): www.carleton.ca/sasc

Writing Tutorial Services: www.carleton.ca/wts

Peer Assisted Study Sessions (PASS): www.carleton.ca/sasc/pass_home/index.html

(Tentative)
Weekly Themes

Week 1: September 12

Introduction to the Course

Week 2: September 19

Establishment of course norms, themes + legal basics

Readings:

1. Smith, Rhona K.M. *Texts and Materials on International Human Rights*. 3rd ed. New York: Routledge, 2013.
 - a. Chapter 1: Pages 1-26 [Available as PDF on course website] (Electronic Version- Pages 36-62)
2. Orend, Brian. *Human Rights: Concept and Context*. Toronto: Broadview Press, 2002.
 - a. Chapter 1. P.1-33. [Available in PDF on course website]

Week 3: September 26

History of International Human Rights law

Readings:

1. Smith, Rhona K.M. *International Human Rights*. 7th ed. Oxford: Oxford University Press, 2016.
 - a. P.5-7 (2.1, 2.2, 2.3)
 - b. P.19-20 (2.8.5-2.8.6)
 - c. P. 21-23 (2.9-2.10)
 - d. Chapter 4. P.26-37
2. Marks, Stephen P. "Human Rights: A Brief Introduction" *Program on Human Rights in Development*. Boston: Harvard T.H Chan School of Public Health, 2017. P.1-25.

Week 4: October 3

Key Concepts I – Rights and Cultures:

Universality, Margin of Appreciation, Indivisibility of Rights

Readings:

1. Smith, Rhona K.M. *Texts and Materials on International Human Rights*. 3rd ed. New York: Routledge, 2013.
 - a. Chapter 2: Pages 29-58 [available as PDF on course website] (Electronic Version- Pages 63-92)
 - b. Chapter 3. P.61-64 [available as PDF on course website] (Electronic Version- Pages 95-99)
2. Donnelly, Jack. “The Relative Universality of Human Rights” in *Human Rights Quarterly*. Vol. 29 (2), 2007. P.281-306. [Available as PDF on course website]

Week 5: October 10

Key Concepts II – Watering Down Rights:
Ratification, Reservation, Declaration, Derogation, Denunciation

Readings:

1. Smith, Rhona K.M. *International Human Rights*. 7th ed. Oxford: Oxford University Press, 2016.
 - a. Chapter 11. P.179-191
2. Smith, Rhona K.M. *Texts and Materials on International Human Rights*. 3rd ed. New York: Routledge, 2013.
 - a. Chapter 3. P.64-90 [available as PDF on course website] (Electronic Version-Pages 99-125)

Week 6: October 17

Human Rights Institutions I – The UN

Readings:

1. Smith, Rhona K.M. *International Human Rights*. 7th ed. Oxford: Oxford University Press, 2016.
 - a. Chapter 5. P.53-80
2. Smith, Rhona K.M. *Texts and Materials on International Human Rights*. 3rd ed. New York: Routledge, 2013.
 - a. Chapter 4. P.93-108 [available as PDF on course website]

Fall break – enjoy the week!

Week 7: October 31

Human Rights Institutions II – International Human Rights Courts and select Regional Organizations

Readings:

1. Smith, Rhona K.M. *International Human Rights*. 7th ed. Oxford: Oxford University Press, 2016.
 - a. Chapter 6. P.84-93
 - b. Chapter 7. P.94-117
 - c. Chapter 8. P.118-135
 - d. Chapter 9. P.136-152
2. Smith, Rhona K.M. *Texts and Materials on International Human Rights*. 3rd ed. New York: Routledge, 2013.
 - a. Chapter 4. P.108-123 [available as PDF on course website]

Week 8: November 7

Monitoring Human Rights

Readings:

1. Smith, Rhona K.M. *International Human Rights*. 7th ed. Oxford: Oxford University Press, 2016.
 - a. Chapter 10. P.153-178

Week 9: November 14

Case Example: Religious Minorities

Readings:

1. Smith, Rhona K.M. *International Human Rights*. 7th ed. Oxford: Oxford University Press, 2016.
 - a. Chapter 21. P.347-359
2. International Covenant on Civil and Political Rights [[Found here](#)] – particularly Article 18
3. The [Case of S.A.S v France](#) [Available as PDF on course website]
 - a. Read paragraphs 10-14
 - b. Skim: paragraphs 15-52
 - c. Read: paragraphs 53-61
 - d. Skim: paragraphs 62-68
 - e. Read: paragraphs 69-85
 - f. Read (very carefully): paragraphs 106-159

Week 10: November 21

Case Example: Rights for Categories of People

Readings:

1. Smith, Rhona K.M. *International Human Rights*. 7th ed. Oxford: Oxford University Press, 2016.
 - a. Chapter 22. P.364-389

Week 11: November 28

The Future of Human Rights

Readings:

1. Smith, Rhona K.M. *International Human Rights*. 7th ed. Oxford: Oxford University Press, 2016.
 - a. Chapter 23. P.390-399