Course guide, Human Rights in a Global Perspective 15 credits Spring 2017

This course guide has been adapted to the standard format at SU.

Updated 10 December 2016

Please check the course website daily for updated information!

1 Aim of the course

1.1 Content and purpose

1.1.1 Overarching aim of the course

The goal of the course is to provide students with the opportunity to gain deeper insight in the area of international human rights law.

1.1.2 General structure of the course

The course is divided into six parts. The first part restates some basic concepts of international law and puts human rights in a philosophical and historical perspective. In the second part, on protection, we will learn about the various available mechanisms to monitor and enforce human rights law while the third part provides the substance of international human rights law, i.e., the rights as such. In the fourth part we will take a broader and a critical perspective, which includes looking at human rights from the perspective of some other areas of international law. In the fifth part, you are asked to take a practical approach and formulate advice to (fictitious) people seeking protection.

As you will see in section 3 of this course guide, examination is divided into an exam and three assignments. You are advised to familiarize yourself with the structure of the course as soon as possible.

1.1.3 Expectations

After the course, a student should be able to

- identify legal problems within various areas of human rights law
- identify extra-legal factors that have contributed to the formation of legal human rights norms and
- apply legal human rights norms.
- critically reflect on the role of human rights in context
- conduct a human rights inquiry
1.2 Instruction
Teaching is carried out in the form of lectures, which include discussions. Students are expected to have studied the relevant materials of the course ahead of each lecture, at least in a cursory manner. Student activity is important for the success of the course.

Different types of instructions are used for the purpose of enhancing different skills. The lectures should assist students to understand basic concepts. The case study will enhance the student’s knowledge of and ability to analyze the substance of international human rights law. The mock legal clinic will test the student’s knowledge of the substance of international human rights law and its various procedures, but, more importantly, it should enhance the student’s ability to creatively use this knowledge. The essay, as well as the seminars/lectures in Part IV of the course, should develop the student’s ability to connect knowledge of the substance and procedure of international law with critical thinking. The written exam will test and develop the student’s knowledge of the substantive and procedural rules involved as well as the ability to identify legal problems and apply the rules.

Slides or notes used by a lecturer will in general be posted on the course website.

Please note that 1) attendance at the course introduction session; 2) oral presentation at the case study session; 3) oral presentation at the mock legal clinic and 4) attendance at the preparation for written assignments session are mandatory. Attendance at lectures is non-mandatory but highly recommended.

2 Structure of the course
2.1 Structure of the course and alignment to expectations
The teaching and examination are aligned to the expectations (lärandemål) as listed in the curriculum (kursplan) and section 1.1.3 as follows.

- identify legal problems within various areas of human rights law

Teaching: The lectures will give an overview of human rights law as well as some of the key legal problems in the area
Examination: students will need to identify legal problems in human rights law when they do the case study, essay, mock legal clinic and written exam

• identify extra-legal factors that have contributed to the formation of legal human rights norms and

Teaching: The lecture on “History and philosophy” and lectures in Part IV “Linkages & challenges & critique” all focus on extra-legal factors.

Examination: students are instructed to consider and discuss extra-legal factors during the essay and the mock legal clinic.

• apply legal human rights norms.

Teaching: lectures in Part III “Substantive rights” will provide an overview on how substantive norms are applied in different contexts.

Examination: students will apply legal human rights norms in the mock legal clinic and on the written exam.

• critically reflect on the role of human rights in context

Teaching: The lecture on “History and philosophy” and lectures in part IV “Linkages & challenges & critique” involve critical reflection on human rights.

Examination: students need to critically reflect on the role of human rights when writing the essay and during the written exam.

• conduct a human rights inquiry

Examination: students will conduct a human rights inquiry when writing their essay and during the mock legal clinic.
2.2  Detailed structure of the course
The table below displays the structure of the course and how the various lectures and exercises relate to one another. This is not the definite schedule; the schedule is posted on the website and may be subject to change. Please note that the order in which the lectures appear within each part of table might note exactly correspond to the order in which the lectures are delivered.
### PART I: FOUNDATIONS & INTERNATIONAL LAW

*The aim of this part is to present the main concepts and to put them into context, including the context of public international law.*

<table>
<thead>
<tr>
<th>Introduction</th>
<th>DF</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Presentation of the course</td>
<td></td>
</tr>
<tr>
<td>• Examination, attendance, etc.</td>
<td></td>
</tr>
<tr>
<td>• Basic concepts and ideas of human rights and international law</td>
<td></td>
</tr>
</tbody>
</table>

#### History, Philosophy

<table>
<thead>
<tr>
<th>History, Philosophy</th>
<th>DF</th>
<th>1, 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>• What are human rights?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• How are human rights justified?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• History of human rights, at the national and the international level</td>
<td></td>
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</tbody>
</table>

#### Preparation of Written Assignments

<table>
<thead>
<tr>
<th>Preparation of Written Assignments</th>
<th>DF</th>
<th>- - -</th>
</tr>
</thead>
</table>

### PART II: PROTECTION

*The aim of this part is to help you learn the main features of the various mechanisms, international and national.*

<table>
<thead>
<tr>
<th>Introduction to protection</th>
<th>DF</th>
<th>18-22 (overview) and the personal reflections on p. 3-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Various ways of resolving disputes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Please note: This lecture will be fused with the next one.*

<table>
<thead>
<tr>
<th>The United Nations System</th>
<th>DF</th>
<th>18</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The United Nations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The treaty bodies (the various committees created under the different UN human rights conventions), which are the main global legal bodies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within the State - Litigation</td>
<td>Anna Rogalska-Hedlund</td>
<td>22</td>
</tr>
</tbody>
</table>

- The example of Sweden
- The role of human rights in the Swedish national system, relation between international and national HR protection
- The work of the Centre

<table>
<thead>
<tr>
<th>Europe</th>
<th>DF</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The European Court of Human Rights as the most developed international HR mechanism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Individual complaints procedure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Effect of the Court’s judgments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Accomplishments, difficulties</td>
<td></td>
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<tr>
<td>Africa and the Americas</td>
<td></td>
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<tr>
<td>Ulrika Strand</td>
<td></td>
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</tr>
<tr>
<td>19, 21</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Shadow reports                  |
| Johanna Wiklund                 |
| 18                              |

- The role of civil society in human rights monitoring, including UN treaty bodies and the Human Rights Council

| International Criminal Law      |
| Mark Klamberg                   |
| 24                              |

- The role of International Criminal Law (ICL) in the protection of HR
- Basic principles, the crimes
- Courts, procedures, national jurisdiction

**PART III: SUBSTANTIVE RIGHTS** (including presentations of case studies). *The aim of this part is to cover the main features of the substance of the international human rights system. The case studies will test your knowledge of the law as well as your ability to analyze and to present.*

- Categories of rights, economical, social and cultural rights
- International bill of rights
- Civil and political rights (“first generation”)
- Economic, social and cultural rights (“second generation”)
- “Third generation” rights

| Equality and non-discrimination |
| RW                              |
| 8                               |

- Definition of equality and non-discrimination, relation between the concepts
- General about discrimination
- Legal framework
- State responsibility for private discrimination
- Positive discrimination

| The European Convention on HR   |
| Katak Malla                     |
| 7, 8, 9, 11, 13 (overview)      |

*This Convention covers most civil and political rights. We will therefore not cover the UNICCPR in class.*

- Background and structure of the convention
- General features: derogations, limitations (including proportionality), interpretation, implementation
- The rights
<table>
<thead>
<tr>
<th>Topic</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugees and displaced persons</td>
<td>Katak Malla</td>
<td>25</td>
</tr>
<tr>
<td>• Definition of “refugee” and “internally displaced person” (IDP)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Legal framework</td>
<td></td>
<td></td>
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<tr>
<td>• Rights of refugees</td>
<td></td>
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<tr>
<td>• Rules relevant for IDPs</td>
<td></td>
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</tr>
<tr>
<td>Women’s rights and a gender perspective on HR</td>
<td>Katak Malla</td>
<td>16</td>
</tr>
<tr>
<td>• CEDAW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Gender perspective</td>
<td></td>
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<tr>
<td>Hand-in case study essay</td>
<td></td>
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<tr>
<td>Case study: integrity of the person</td>
<td>DF</td>
<td>9</td>
</tr>
<tr>
<td>Case study: Adequate standard of living</td>
<td>DF</td>
<td>10</td>
</tr>
<tr>
<td>Case study: Thought, expression and assembly</td>
<td>DF</td>
<td>11</td>
</tr>
<tr>
<td>Case study: Education and work</td>
<td>DF</td>
<td>12</td>
</tr>
<tr>
<td>Human rights and private actors, in particular corporations</td>
<td>Sandra Atler</td>
<td>26, SD 2</td>
</tr>
<tr>
<td>• Importance of private actors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Legal framework (“Are corporations bound by IHRL?”). State responsibility</td>
<td></td>
<td></td>
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<tr>
<td>• Codes of conduct, etc. The UN Guiding Principles.</td>
<td></td>
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</tr>
<tr>
<td>Case study: Administration of justice</td>
<td>DF</td>
<td>13</td>
</tr>
<tr>
<td>Human rights in the workplace (International Labour Law)</td>
<td>Ulf Edström</td>
<td>SD 3</td>
</tr>
<tr>
<td>• Legal framework, including the Fundamental ILO Conventions, relation to UN human rights conventions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Basic rights (freedom of association, etc)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Monitoring and complaints</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual orientation and gender identity</td>
<td>Micah Grzywnowicz</td>
<td>15</td>
</tr>
<tr>
<td>Economic, Social &amp; Cultural Rights</td>
<td>RW</td>
<td>10, 12, 14</td>
</tr>
<tr>
<td>• General concept of economic, social and cultural rights</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• State obligations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The rights (cursory)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Critique & politics

- Why it is important to understand the critique
- Various forms of critique of the concept of human rights and potential responses

Rights of peoples and minorities

- Definition of “minority” and “indigenous people”
- Individual and collective rights
- Legal framework
- Minority rights
- Self-determination

PART IV: LINKAGES & CHALLENGES & CRITIQUE: *This part has two aims: First to introduce a few issues that are closely related to human rights or that are cross-cutting. The second aim is to put human rights in a critical perspective. These aspects are important not least for the essay.*

<table>
<thead>
<tr>
<th>Topic</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terrorism</td>
<td>Katak Malla</td>
<td>27</td>
</tr>
<tr>
<td>• Definition of terrorism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Legal framework</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Human rights challenges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Rights and poverty</td>
<td>Katak Malla</td>
<td>SD 6</td>
</tr>
<tr>
<td>The right to a decent environment</td>
<td>Said Mahmoudi (SAMA)</td>
<td>29</td>
</tr>
<tr>
<td>• Legal framework (treaties on the protection of the environment, human rights law)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Substantive right</td>
<td></td>
<td></td>
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<tr>
<td>• Procedural right</td>
<td></td>
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<tr>
<td>Human rights and international economic law</td>
<td>Pål Wrange</td>
<td>SD 5</td>
</tr>
<tr>
<td>• Introduction to International Economic Law (IEL). Legal framework</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• WTO and IHRL</td>
<td></td>
<td></td>
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<tr>
<td>• International investment law and IHRL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• IEL and IHRL – convergence or conflict?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human rights and Islam</td>
<td>SAMA</td>
<td>SD 7</td>
</tr>
<tr>
<td>• The relevance of Islam – political ideology, source of law</td>
<td></td>
<td></td>
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<tr>
<td>• Islamic law</td>
<td></td>
<td></td>
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<tr>
<td>• Islamic international human rights instruments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Cases of conflict</td>
<td></td>
<td></td>
</tr>
<tr>
<td>International humanitarian law</td>
<td>Ola Engdahl</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SD 4</td>
</tr>
</tbody>
</table>
• What is International Humanitarian Law (IHL)? Application (armed conflict).
  Relation to IHRL.
• Legal framework
• Basic principles
• Implementation and responsibility

PART V: REAL LIFE AND LEGAL PRACTICE. The aim of this part is to help you get an idea of how international human rights law is practiced.

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Mock legal clinic</td>
<td>DF</td>
<td></td>
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</tbody>
</table>

PART VI: WRAPPING UP

<table>
<thead>
<tr>
<th>Mock clinic hand in</th>
<th>Exam</th>
</tr>
</thead>
</table>

2.3 Oral and written exercises
See below, section 3.

2.4 Mandatory components
Please note that 1) attendance at the course introduction session; 2) oral presentation at the case study session; 3) oral presentation at the mock legal clinic and 4) attendance at the preparation for written assignments session are mandatory. Attendance at lectures is non-mandatory but highly recommended.
2.5 **International and comparative elements**
All of the elements are international. There are elements of comparative law regarding various human rights mechanisms.

2.6 **Interaction with the surrounding society**
The course continuously deals with political, social and economical issues, not least when students write essays focused on a chosen problem and the mock legal clinic. Several of the lecturers have lengthy practical experience to share in class.

2.7 **Relation to other courses**
This is one of the specialized and advanced courses offered to exchange students and Swedish students towards the end of the law programme. The course connects to previous courses in the law programme such as constitutional/public law (statsrätt), EU law (Europarätt) and Public International Law (folkrätt).

The course may from Autumn 2016 be part of the specialized study year (studieår) “Public International Law and the Individual” (Folkräten och individen), which includes two specialized courses and a thesis (30 credits). The specialized courses consist of Human Rights in a Global Perspective” (15 credits) and ”International Criminal Law” (15 credits). *Nota bene*: the specialized study year is only available for students registered and writing their final thesis within the law programme (4.5 years) at Stockholm University.

2.8 **Course literature and source materials**


- A compendium with texts (“Selected Documents”) on economic aspects of human rights law, ILO conventions, international humanitarian law documents and other materials (to be sold at the on-campus bookstore *Juristernas bokhandel*).

Course literature (besides the compendium) are no longer available at Juristernas bokhandel and you will have to obtain it in some other way. It can be ordered from internet bookshops such as www.adlibris.com or www.bokus.com.
2.9 Optional reading
Power and Law in International Society: International relations as the Sociology of International Law, Mark Klamberg, Routledge, 2015, 182 pp., Chapters 1, 2 and 5 available as e-book through the Stockholm University Library website.

2.10 Preparations for teaching
Please see above, section 2. The table under 2.1 contains detailed references to the literature and source material for each lecture/seminar.

3 Assignments and examination

3.1 General
3.1.1 EXAMINATION
The course is examined through the case study, the mock legal clinic, the essay and a written exam.

The case study will test the student’s knowledge of and ability to analyze the substance of international human rights law. The mock legal clinic will test the student’s knowledge of the substance of international human rights law and its various procedures, as well as the student’s ability to creatively use this knowledge. The essay will test the student’s ability to connect knowledge of the substance and procedure of international law with critical thinking. The written exam will test the student’s knowledge of the substantive and procedural rules involved as well as the ability to identify legal problems and apply the rules.

Please note that grading is anonymous, as far as possible. Each student will receive a code, to be used on individual written assignments. Do not write your name on any paper that will be graded individually.

The maximum score is as follows:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case study, written paper</td>
<td>20 pts</td>
</tr>
<tr>
<td>Case study, oral opposition</td>
<td>5 pts</td>
</tr>
<tr>
<td>Mock legal clinic (oral + written, each 5 pts)</td>
<td>10 pts</td>
</tr>
<tr>
<td>Essay</td>
<td>20 pts</td>
</tr>
<tr>
<td>Written exam, fact-oriented questions</td>
<td>10 pts</td>
</tr>
<tr>
<td>Written exam, problem-oriented questions</td>
<td>35 pts</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100 pts</td>
</tr>
</tbody>
</table>
Swedish grade:
B= 50-65
Ba= 66-85
AB= 86-100

ECTS-grade:
A= 93-100
B= 86-92
C= 76-85
D= 66-75
E= 50-65
FX= Fail
F= Fail

These limits may be revised, but only downwards. **In order to pass the course, a student needs to pass each element of the examination, i.e., 50% of the maximum score for that element. This includes at least 50% of the maximum score of the fact-oriented questions.**

**Further, students must collect their graded papers during the course; failure to do so will result in a withheld grade.**
3.1.2 CITATION

3.1.2.1 Format of sources
You can choose whether to use Oxford referencing style or Harvard referencing style.

Oxford referencing: references are in footnotes. The first time a source is used, use the full reference. In subsequent references use ibid. if it is the immediately subsequent footnote, otherwise use short form.

Harvard referencing: references are embedded in the text in short form and enclosed in parenthesis, either within or after a sentence, for example: (Sluiter, 2002, p. 35).

Legal texts normally use Oxford referencing, social sciences use Harvard referencing. Since this is text combining law and political science you can choose which style to use. However, it is important that you are consistent and stick to the same referencing style throughout the entire text, don’t mix the two styles.

3.1.2.2 Monography

Short form: Sluiter, 2002

3.1.2.3 Article in journal

Short form: Miraglia, 2008


Short form: Boas et al., 2011

3.1.2.4 Part of a book

Short form: Bitti, 2004
Several editors (three or more):

Short form: Malanczuk, 2002

### 3.1.2.5 Case law

**ICTY** *(and other international criminal tribunals)*
*Prosecutor v. Tadić*, (Case No. IT-94-1), ICTY T. Ch., Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-link, 25 June 1996


**ICC** *(please include document number as indicated below)*


**ICJ**  
*Corfu Channel* (United Kingdom of Great Britain and Northern Ireland v. Albania), ICJ, Judgment, 9 April 1949

Short form: *Corfu Channel*, ICJ, 9 April 1949

**ECtHR** *(and other human rights courts)*
*Doorson v. The Netherlands*, (Application No. 20524/92), ECtHR, Judgment, 26 March 1996

Short form: *Doorson v. The Netherlands*, ECtHR, 26 March 1996

**Human Rights Committee**  

Short form: *Wolf v. Panama*, HRC, 26 March 1992

### 3.1.2.6 Treaties


Short form: ECHR
Internet sources can be used with the following guidelines:

- If the source is available in printed form as well as on the internet, use the format indicated in 3.1.2.1-3.1.2.6, do not indicate the internet address. This is relevant for example in relation to case law and articles in journals which you can assume exist in printed form. In other words, even if you find a case or article in a journal though the internet, treat them as printed sources.
- It is not enough to indicate on which website you find some information, for example, www.un.org is an incomplete reference. A reader will not be able to find, check and read such a reference.
- By the same reasoning, it is not enough with a reference only consisting of an internet address because they may change.
- Thus, if you use a reference from the internet, indicate the author (if applicable), organization or equivalent that is the owner/publisher of the website, title of the relevant page on the website, date when the page was published (if date is indicated on the website), internet address, last date when you visited the website - as done in the following example:


Short form: Ban Ki-moon, 2014

Plagiarism

You may never use any source or copy from the internet or elsewhere without referencing in the main text, footnotes and/or in endnotes. We check all writing, including the case studies and individual essays, with anti-plagiarism software, and any form of plagiarism immediately turns into a formal complaint with Stockholm University. If you are unsure about what is ok and not, check with the teacher responsible for the assignment in question.

SOURCES

Sources of Law

Domestic law normally relies on sources of law such as:
1. Statute law (adopted by parliament/congress)
2. Case law (from courts)
3. Preparatory works (by the Government and/or committees)
4. Doctrine (writings of legal scholars who are perceived as authorities)

Different domestic jurisdictions assign different legal value to the sources listed above. For example, in the UK case law is relied upon extensively whereas preparatory works are perceived as having little/no value (as a binding source of law). This may be contrasted with continental European jurisdictions which rely more on statute law, in some cases on preparatory works (for example Scandinavia) and less on case law.

Under the traditional approach international law has three sources of law (as enumerated in Article 38 of the ICJ Statute)

1. Treaties
2. International customary law
3. General principles of law

Doctrine and case law are not sources of law in themselves, they are subsidiary means for the determination of the rules of law (1-3 above)

Instruction: Left-click + ctrl to use the links below

3.1.3.2 International Organizations
Council of Europe (CoE)
United Nations (UN)
  United Nations Treaty Collection
International Committee of the Red Cross (ICRC)

3.1.3.3 Tribunals and Courts
International Court of Justice (ICJ)
International Tribunal for the Law of the Sea (ITLOS)
Court of Justice of the European Union (ECJ)
Administrative Tribunal of the International Labour Organisation

4.1.3.4 Regional Human Rights Courts
European Court of Human Rights (ECtHR)
  Hudoc database
Inter-American Court of Human Rights (IACHR)
African Court on Human and Peoples’ Rights (AfCHPR)
4.1.3.5 International criminal tribunals and courts
Trial of the Major War Criminals before the International Military Tribunal (IMT)
   Database at the Library of Congress
   Database Yale University
Trials of War Criminals Before the Nuernberg Military Tribunals Under Control Council Law No. 10 (NMT)
   Database at the Library of Congress
International Criminal Tribunal for Rwanda (ICTR)
   Cases
International Criminal Tribunal for the former Yugoslavia (ICTY)
   Cases
   Court records
Mechanism for International Criminal Tribunals (MICT)
International Criminal Court (ICC)
Extraordinary Chambers in the Courts of Cambodia (ECCC)
Special Court for Sierra Leone (SCSL)
Special Tribunal for Lebanon (STL)

4.1.3.6 Library
Stockholm University Library
Libris

4.1.3.7 Journals
Hein-on-line (access: Stockholm University)
Westlaw start (access: Stockholm University, first log in through the University library website)

4.1.3.8 Online commentaries
Commentary on the Law of the International Criminal Court (CLICC)

3.1.4 HOW PAPERS WILL BE EVALUATED
The papers will be evaluated mainly on the basis of the following criteria (which we have adopted from assessment criteria of the course Law and Information Communication Technology).

<table>
<thead>
<tr>
<th>Grade</th>
<th>Criteria</th>
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</thead>
<tbody>
<tr>
<td>AB</td>
<td>An excellently structured reasoning with a clear focus on the central aspects and with a high relevance in light of the questions posed; extensive reference to legal sources and the correct use of relevant facts; great ability to engage in</td>
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<tr>
<td>(A)*</td>
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abstract reasoning and to make an independent assessment of the problems, including critical reflection.

AB (B)* A very well structured reasoning with a clear focus on the central aspects and with a high relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; great ability to engage in abstract reasoning and to make an independent assessment of the problems, including critical reflection.

BA (C)* A well structured reasoning with a focus on the central aspects and with relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; ability to engage in abstract reasoning and to make independent and balanced assessment of the problems.

BA (D)* A structured and relevant reasoning which covers some of the central aspects in light of the questions posed; reference to legal sources and the correct use of relevant facts; signs of an ability to engage in abstract reasoning and to make an independent assessment of the problems.

B (E)* A transparent reasoning which observes some aspects that are central to the questions posed; some reference to legal sources and relevant facts; signs of an ability to make an independent assessment of the problems.

Fx A reasoning which observes aspects that are central to the questions posed but insufficient reference to legal sources and the relevant facts and/or no signs of an ability to make an independent assessment of the problems.

F A reproduction of disjointed facts with insufficient reasoning.

*The symbols in parenthesis represent the equivalent of the stated grade on the A – F scale.

In the grading of the papers these criteria will be used, although the weight given to the different criteria will vary depending on the assignment; please see further under each assignment.
Please copy the following table and insert it at the end of every paper in this course. This table contains the criteria which will be used in the grading, and it will also enable us to give you feedback. Please do not forget to pick up your papers after they have been graded, since they contain valuable feedback.

<table>
<thead>
<tr>
<th>Overall assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Method, analysis, argumentation</td>
</tr>
<tr>
<td>Presentation (focused, clear and logical outline)</td>
</tr>
<tr>
<td>Sources (citations, use of relevant material)</td>
</tr>
<tr>
<td>Facts, knowledge about the subject</td>
</tr>
<tr>
<td>Conclusions, critical reflections</td>
</tr>
<tr>
<td>Style</td>
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<tr>
<td>Other comments</td>
</tr>
</tbody>
</table>
3.2 Case study

3.2.1 CHOICE OF CASE

The student shall choose a case within the topic assigned to that student (the assignments will be given during the first week of the course) among the following topics:

1. Case study: integrity of the person
2. Case study: Adequate standard of living
3. Case study: Thought, expression and assembly
4. Case study: Education and work
5. Case study: Administration of justice

The case should be one decided by an international organ in which an individual or group has complained of a human rights violation (or in which a State has filed such a complaint against another State on behalf of some individual or group). The international organ in question could be an international court (e.g., European Court of Human Rights) or a treaty-based human rights organ charged with supervising states’ compliance with a particular human rights convention (e.g. the Human Rights Committee hears complaints under the ICCPR).¹

Not all treaty-based organs are empowered to receive complaints about human rights violations. Some treaty-based organs may thus not have any case law based on individual complaints. Therefore, for your convenience, a list is provided below of treaty-based organs that do have case law:

- Human Rights Committee
- Committee Against Torture
- Committee on the Elimination of Racial Discrimination
- Committee on the Elimination of Discrimination against Women
- Committee on the Rights of Persons with Disabilities
- African Commission on Human and People’s Rights
- Inter-American Commission on Human Rights

¹ The Human Rights Committee oversees compliance with the International Covenant on Civil and Political Rights.
If you wish to consult the case law of an international court, you may choose one of the courts listed below (or the more extensive list in 3.1.2.5 above):

- European Court of Human Rights: [www.echr.coe.int/echr](http://www.echr.coe.int/echr) (click on “Case-Law”)


- International Criminal Court (ICC): [www.icc-cpi.int/cases.html](http://www.icc-cpi.int/cases.html) (click on “Situations and Cases”)

If you wish to deal with a case decided by a forum which is not included on one of the above lists (for example, the high court of some particular state), you should request approval to do so from David Fisher.

**In order to ensure that no two students write about the same case, a student should inform the course administrator which case she or he has picked. First come, first served.**

### 3.2.2 WHAT THE PAPER SHOULD CONTAIN

Your paper should contain the following:

1. The relevant facts of the case.

2. What the parties argued with regard to the applicable law (international human rights law in particular).

3. Your own analysis and view of the reasoning and outcome of the case, including whether you think that a different outcome would have been better (for example, from the point of view that the international organ should have given the human right in question greater protection than it did or that the organ should instead have given greater consideration to some interest of society (e.g., the prevention of crime) or that the organ could have solved a conflict between two human rights differently than it did (for example, freedom of speech vs. freedom of religion)).

This should be reflected in your paper by using the following sections and headings:
1. Facts of the case
2. Legal arguments of the parties
3. Analysis and view of the reasoning and outcome of the case

It is expected that your analysis (in point 3 above) will at least in part be based on other legal sources than the case itself. Examples of such outside sources are other cases, books (including course literature) and law journal articles. Any source used in the paper must of course be cited (you may choose whether to cite sources in the main text or in footnotes).

The case study must contain an Internet link to the case.

3.2.3 LENGTH OF THE PAPER
The paper should be 6 pages long (use font size 12 and 2.0 line spacing) and be sure to number pages. Regarding formal requirements, please consult section 3.1.2 above. It applies to all papers during this course, unless modified by our own instructions.

3.2.4 SUBMISSION OF THE PAPER
IMPORTANT: PLEASE DO NOT FORGET TO WRITE YOUR CODE (NOT YOUR NAME!!) AND THE NAME OF THE TOPIC AREA ON THE FIRST PAGE OF THE PAPER! PLEASE COPY THE TABLE FROM SECTION 3.1.4 AND INSERT IT AT THE END OF THIS AND EVERY OTHER PAPER IN THIS COURSE.

Regarding the deadline for submission of the paper, see the on-line course schedule. The paper is to be submitted by e-mail to the course amanuensis (human_rights@juridicum.su.se) and to the opponent (see below).

We have adapted the assignment to the amount of time that you will have at your disposal to work on it. It is in any case advisable that you begin work on the paper as soon as possible in order to meet the deadline. Computer failures and short-term illnesses are unfortunately all too common occurrences, so be sure to take such risks into account when planning your time, and do make back-up copies.

3.2.5 ORAL PRESENTATION (OPPOSITION)
During the oral presentation each student will present and comment on the case study of another student. This presentation should present the case, but it should also include an assessment of the case study (see the criteria above) as well as any reflections that the presenter might have.

These presentations will constitute the only in depth treatment in class of the respective topics (“Integrity of the person,” etc.), so it is important that the oral presentation puts the case in the context of the international legal regulation of the
issue. Please be aware that it is usually more difficult to follow a spoken presentation than a written text, so it might be advisable to leave out some details that are not crucial for the study. (If details are crucial, they should be explained carefully.) You may use PowerPoint or similar presentation techniques. The presentation may last a maximum of 10 minutes, but it is by no means necessary to use the 10 minutes allotted. After each presentation there will be a discussion.

The grading will be based both on the content and the form. Each student will receive feedback.

3.3 Mock legal clinic

The mock legal clinic will test your ability to provide practical advice to a client. Students will be divided into teams of three to four students. Each team will receive a case file concerning a person or group alleging a human rights violation. Your task will be to analyze the situation and give advice. The analysis should contain the following elements:

- What is the problem, seen from the perspective of the victim (or potential victim)?
- Is it likely that a human rights violation has occurred (or will occur)? Which violation?
- Are there any national or international remedies available? Other options (like public opinion)?
- Which are the potential allies? Potential (or actual) “enemies”? Are there any extra-legal factors?
- What could realistically be achieved?
- What is the best course of action in the present circumstances?

The scenarios will be real and will concern existing states. You may supplement any information in the case file with information that you may find from other sources.

The team shall present its conclusions during the exercise; each team will have a maximum of (exactly!) 15 minutes to do so. After each presentation, there will be a brief discussion.

The cases will be posted on the course’s website.

Presentation at the mock legal clinic is mandatory.

Based on the oral exercise, each team shall present a memo of 6 pages (use font size 12 and 2.0 line spacing) with its analysis and recommendations and a few brief
reflections on the exercise itself. That memo shall be submitted to the amanuensis (see the on-line course schedule for the deadline). The memo should be prepared before the exercise, with the exception of the reflections, which will be added afterwards. You may also add material that had not been observed until during the oral phase of the mock legal clinic. Further instructions are appended to the mock legal clinic dossier of case files.

PLEASE COPY THE TABLE FROM SECTION 3.1.4 AND INSERT IT AT THE END OF THIS AND EVERY OTHER PAPER IN THIS COURSE.

3.4 Essay
3.4.1 CHOICE OF TOPIC
The third assignment is an essay in which you are expected to write about human rights from a philosophical/social science/policy-oriented perspective. The purpose is to give you an opportunity to develop your own views of international human rights law, its role in the world and your role in international human rights law.

The topics (see below) are quite general and will give you an opportunity to refer to several different areas of human rights. The essay should display good knowledge of international human rights law, in the sense that it could not have been written by a non-lawyer. Such knowledge can be displayed in a number of ways – accurate use of international legal concepts, references to different sources and doctrines, etc. However, I do not expect you to feel that it is the main purpose of the paper for you to ”show off” as “legal technicians” (the exam will test you in that respect). Instead, I want you to put your basic, professional knowledge as international lawyers in a context. So, feel free to bring in material from philosophy, political theory, economics, personal reflections and experiences, etc., as long as it is in some respect connected to your professional skills.

The essay should involve a problem that either may be of a general nature or that has been manifested in an actual event/situation. Some students want to base their essays on a case, a specific situation or a specific problem (such as illegal detention). That is fine, as long as the case is used as an example of a more general problem. The purpose of the essay is different from that of the case study and the mock legal clinic.

Legal sources and other sources have to be properly referenced. You do not have to use any particular style of citation, but be consistent. Consult section 3.1.2 above. As for well-known human rights conventions, in the body text it suffices to mention the name of the convention or a widely accepted abbreviation (such as the ICCPR), but
references to less well-known conventions should be written in full, at least in a footnote.

TOPICS

1. Human rights and religion
2. Human rights and politics
3. Compliance and enforcement
4. Civil and political versus and economic, social and cultural rights
5. Individual rights and group rights
6. Human rights and pluralism (human rights relativism)
7. Are human rights relevant to the poor and the down-trodden?
8. Human rights and ethics (moral philosophy)

Further topics may be added to this list as requested by the student and approved by David Fisher.

It is strongly suggested that you start to take notes on your own thoughts on your chosen topic as soon as possible.

3.4.2 WHAT THE ESSAY SHOULD CONTAIN

Your essay should contain the following:

1. You should state a puzzle (dilemma or problem). A good puzzle is something that appears to be a contradiction. The purpose of the essay is to solve the contradiction.

2. You should state the purpose of the essay and research questions.

The purpose should explain why you have chosen the topic, what you want to achieve, for example if you want to examine the need for more detailed regulation, if you have a hypothesis etc.

After presenting the purpose, you should state relevant research questions and/or a hypothesis. Your essay should focus on answering these research questions and nothing else. Questions that can be answered yes/no are not good.

3. Description and analysis of relevant legal sources and rules.
4. If available, different views among scholars and/or states on how to deal with the problem.

5. Your own analysis and view of the problem, to be presented in the section “Analysis”. You should consider and discuss extra-legal factors and critically reflect on the role of human rights.

This should be reflected in your essay by using the following sections and headings:

1. Problem
2. Purpose and research question
3. Delimitations
4. Legal framework
5. Analysis
6. Conclusions

3.4.3  LENGTH OF THE ESSAY
The final essay shall be 6 pages (use font size 12 and 2.0 line spacing).

SUBMISSION OF THE ESSAY
It should be posted on Mondo and submitted to human_rights@juridicum.su.se (for the deadline, see the online course schedule).

IMPORTANT: PLEASE DO NOT FORGET TO WRITE YOUR CODE (NOT YOUR NAME!!; THE CODE IS THE SAME AS FOR THE CASE STUDY) AND THE NAME OF THE TOPIC AREA ON THE FIRST PAGE OF THE PAPER! PLEASE COPY THE TABLE FROM SECTION 3.1.4 AND INSERT IT AT THE END OF THE PAPER.

3.5  Written examination
The exam will have two parts:

1. The first part will consist of fact-oriented questions. No books will be allowed. (10 points). These questions will be multiple-choice.

2. Two problem-oriented questions (35 points).

Instructions for the second part of the exam:

All books and all other materials are allowed (except cellular phones, computers and other electronic devices).

The following standards apply regarding your answers to the questions:
1. I will be influenced by how well your answer is organised, on the micro-level as well as on the macro-level.

2. This is an exam in international human rights law which indicates that legal arguments should be used. Always state your sources. When referring to sources, you do not have to put down the full references, but they should be identifiable. Examples: “Article 2 of the Universal Declaration provides that….” or ” the Lubicon Lake Band case from the Human Rights Committee is an interesting example of…”

3. Time is scarce and it might be necessary that you try to identify the most pressing issues to be dealt with first. For a full point on the question it is not necessary that all issues are dealt with in detail, but I will take note of the identified issues and how you have dealt with them.

PREPARATION FOR THE FINAL EXAM

Students will be expected to answer questions on the final exam on the basis of the following texts/materials:

1. Assigned readings of chapters or sections of “International Human Rights Law”.

2. Texts, i.e., law journal articles and the like, that have been made available to students in connection with certain lectures.

3. PowerPoint/Overhead slides and the like that have been made available to students in connection with certain lectures.

4 Contact information

Head of course:
David Fisher
08 - 16 32 95
C 960 (reception hours: by appointment)
david.fisher@juridicum.su.se

Course administrator:
Sara Freeman
08-16 25 75
C 898 (Reception hours: Tuesdays and Thursdays 1-3 p.m.)