

Course guide, Human Rights in a Global Perspective 15 credits Spring 2020

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

Version: 10 December 2019

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 into 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. The sixth part comprises the written exam.

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 participation 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 essay should develop the student's ability to connect knowledge of the substance and procedure of international law with critical thinking. 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 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 is mandatory at the course introduction session and at 2) oral presentation at the mock legal clinic. 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 essay, case study, 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 as part of the mock legal clinic. The essay will test the student’s ability to connect knowledge of the substance and procedure of international law with critical thinking.

- apply legal human rights norms.

Teaching: lectures in Part III “Substantive rights” will provide an overview of 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 and analyze 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 as part of the written exam (problem-oriented questions).

- conduct a human rights inquiry

Examination: students will conduct a human rights inquiry as part of 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 the table might not exactly correspond to the order in which the lectures are delivered.

	Subject		Text: Chapter in Textbook/Section in "Selected Documents" (SD)	
PART I: FOUNDATIONS & INTERNATIONAL LAW. <i>The aim of this part is to present the main concepts and to put them into context, including the context of public international law.</i>				
	Introduction			
<ul style="list-style-type: none"> • Presentation of the course • Examination, attendance, etc. • Basic concepts and ideas of human rights and international law 				
	History, Philosophy		1	
<ul style="list-style-type: none"> • What are human rights? • What philosophical currents can be discerned? • History of human rights, at the national and the international level 				
PART II: PROTECTION. <i>The aim of this part is to help you learn the main features of the various mechanisms, international and national.</i>				
	The United Nations System		19	
<ul style="list-style-type: none"> • The United Nations • The treaty bodies (the various committees created under the different UN human rights conventions), which are the main global legal bodies 				
	Within the State - Litigation		24	
<ul style="list-style-type: none"> - 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 				
	Europe - The European Court of Human Rights as the most developed international HR mechanism - Individual complaints procedure - Effect of the Court's judgments - Accomplishments, difficulties		22	
	Africa and the Americas		21, 23	
	International Criminal Law		26	
<ul style="list-style-type: none"> • The role of International Criminal Law (ICL) in the protection of HR • Basic principles, the crimes 				

<ul style="list-style-type: none"> Courts, procedures, national jurisdiction 				
<ul style="list-style-type: none"> 				
PART III: SUBSTANTIVE RIGHTS <i>The aim of this part is to cover the main features of the substance of the international human rights system.</i>				
	Categories of rights, economical, social and cultural rights		7	
<ul style="list-style-type: none"> International bill of rights Civil and political rights (“first generation”) Economic, social and cultural rights (“second generation”) “Third generation” rights 				
	Equality and non-discrimination		8	
<ul style="list-style-type: none"> Definition of equality and non-discrimination, relation between the concepts General about discrimination Legal framework State responsibility for private discrimination Positive discrimination 				
	Refugees and displaced persons		27	
<ul style="list-style-type: none"> Definition of “refugee” and “internally displaced person” (IDP) Legal framework Rights of refugees Rules relevant for IDPs 				
	Sexual orientation and gender identity		15	

Rights of peoples and minorities 18

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

PART IV: LINKAGES, CHALLENGES & CRITIQUES : <i>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.</i>				
	Terrorism		29	
<ul style="list-style-type: none"> Definition of terrorism Legal framework 				

<ul style="list-style-type: none"> Human rights challenges 				
	The right to a decent environment	Dinah Shelton, "Human Rights, Environmental Rights, and the Right to Environment" available on course website		
<ul style="list-style-type: none"> Legal framework (treaties on the protection of the environment, human rights law) Substantive right Procedural right 				
	Critiques		3	
<ul style="list-style-type: none"> Various critiques of human rights law: realist, utilitarian, Marxist, cultural relativistic, feminist and post-colonial 				
	International humanitarian law		25, SD 4	
<ul style="list-style-type: none"> 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. <i>The aim of this part is to help you get an idea of how international human rights law is practiced.</i>				
	International law-making: The development of the Convention on the Rights of the Child	17		Convention on Rights of the Child
	Human rights and private actors, in particular corporations	28, SD 2		
<ul style="list-style-type: none"> Importance of private actors Legal framework ("Are corporations bound by IHRL?"). State responsibility Codes of conduct, etc. The UN Guiding Principles. 				
	Mock legal clinic			

2.3 Oral and written exercises

See below, section 3.

2.4 Mandatory components

Please note that attendance is mandatory at 1) the course introduction session and 2) oral presentation at the mock legal clinic. 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 on a chosen problem and as part of 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" (Folkrätten 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

- International Human Rights Law, Edited by Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran and David Harris, Oxford University Press, 3rd Edition, 2018, 643 pp.

- Blackstone's International Human Rights Documents (Paperback) edited by Alison Bisset, 11th Edition, Oxford University Press, 2018, 512 pp.

- A compendium with texts ("Selected Documents" abbreviation: "SD") on various aspects of the course is available through the course website.

- Law journal articles or other texts made available to students in connection with certain lectures.

Course literature (except "Selected Documents") 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 lectures

Please see above, section 2. The table appearing after 2.2 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 essay, the mock legal clinic 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 essay will test the student's ability to connect knowledge of the substance and procedure of international law with critical thinking. 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 written exam will test the student's knowledge of the substantive and procedural rules involved as well as the ability to identify and critically analyze legal problems and apply the relevant rules.

Important note: We have adapted the written assignments to the amount of time that you will have at your disposal to work on them. It is in any case advisable that you begin work on the papers 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.

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 written assignment.**

The maximum score for each examination component is as follows:

Case study	20 pts
Essay	20 pts
Mock legal clinic (written 20 pts + oral 5 pts)	25 pts
Written exam, fact-oriented questions	10 pts
Written exam, problem-oriented questions	25 pts
TOTAL	100 pts

Swedish grade:

B= 50-64

Ba= 65-83

AB= 84-100

ECTS-grade:

A= 91-100

B= 84-90

C= 74-83

D= 65-73

E= 50-64

FX= Fail

F= Fail

These limits may be revised, but only downwards.

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., do not mix the two styles.

3.1.2.2 Monography

Göran Sluiter, *International Criminal Adjudication and the Collection of Evidence: Obligations of States*, Intersentia, Antwerpen/Oxford/New York, 2002

Short form: Sluiter, 2002

3.1.2.3 Article in journal

Michela Miraglia, *Admissibility of Evidence, Standard of Proof, and Nature of the Decision in the ICC Confirmation of Charges in Lubanga*, *Journal of International Criminal Justice*, vol 6, 3 (2008): 489-503

Short form: Miraglia, 2008

Several authors (three or more): Gideon Boas et al., *International Criminal Law Practitioner Library: International Criminal Procedure Volume 3*, Cambridge University Press, Cambridge, 2011

Short form: Boas et al., 2011

3.1.2.4 Part of a book

Gilbert Bitti, *Two bones of Contention between Civil and Common Law: The Record of the Proceedings and the Treatment of the Concurus Delictorum*, Horst Fischer/Claus Kreß/Sascha Rolf Lüder (Eds.), *International and national prosecution of crimes under International Law*, 273-288, Second Edition, Berliner Wissenschafts-Verlag, Berlin, 2004

Short form: Bitti, 2004

Several editors (three or more):

Peter Malanczuk, *Protection of National Security Interests*, Antonio Cassese et al. (Eds.), *The Rome Statute of the International Criminal Court*, 1371-1386, Oxford University Press, Oxford, 2002

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

Short form: *Tadić*, ICTY T. Ch., 25 June 1996

ICC (please include document number as indicated below)
Prosecutor v. Lubanga, ICC PT. Ch. I, Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81, ICC-01/04-01/06-455, 20 September 2006

Short form: *Lubanga*, ICC PT. Ch. I, 20 September 2006

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
Wolf v. Panama, (Communication No. 289/1988), HRC, Views, 26 March 1992

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

3.1.2.6 Treaties

European Convention for the Protection of Human Rights and Fundamental Freedoms adopted 4 November 1950 as amended by Protocol No. 11 and 14, 213 UNTS 221

Short form: ECHR

Charter of Fundamental Rights of the European Union, published 26 October 2012, C 326/391

Short form: EU Charter of Rights

3.1.2.7 Internet sources

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:

Ban Ki-moon, United Nations Department of Public Information, *UN Saddened by Coal Mine Tragedy, Secretary-General Says he Stands Together with People of Turkey*, 15 May 2014, <<http://www.un.org/News/Press/docs//2014/sgsm15845.doc.htm>>, checked 16 May 2014

Short form: Ban Ki-moon, 2014

3.1.2.8 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 papers, i.e., the essays, case studies and mock legal clinic memos, with anti-plagiarism software, and any form of plagiarism immediately results in a formal complaint with Stockholm University. If you are unsure about what is or is not permissible, check with the teacher responsible for the written assignment in question.

3.1.3 SOURCES

3.1.3.1 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](#)

3.1.3.4 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)

3.1.3.5 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 \(STL\)](#)

3.1.3.6 Library

[Stockholm University Library](#)
[Libris](#)

3.1.3.7 Journals

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

3.1.3.8 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 the assessment criteria of the course Law and Information Communication Technology).

Grade	Criteria
AB (A)*	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 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 each 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.

Overall assessment	
Method, analysis, argumentation	
Presentation (focused, clear and logical outline)	
Sources (citations, use of relevant material)	
Facts, knowledge about the subject	
Conclusions, critical reflections	
Style	
Other comments	

3.2 Case study

3.2.1 CHOICE OF CASE

The student shall choose a case within some area of human rights law. The case should be one decided by an international body 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 body 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 bodies are empowered to receive complaints about human rights violations. Some treaty-based bodies may thus not have any case law based on individual complaints. Therefore, for your convenience, a list is provided below of treaty-based bodies 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

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 (ECtHR)
- Inter-American Court of Human Rights (IACHR)
- African Court on Human and Peoples' Rights (AfCHPR)
- International Criminal Court (ICC)

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 the teacher responsible for the case study assignment.

¹ The Human Rights Committee oversees compliance with the International Covenant on Civil and Political Rights.

If the forum is included on one of the above lists, you do **NOT** need to request approval.

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. Critical 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 **6-8 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 course administrator Sara Freeman (HRGP@juridicum.su.se). The teacher in charge of the case study is Nikola Hajdin. Please direct any questions you may have regarding the assignment to him.

3.3 Essay

In the essay, 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 on 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, it is not the main purpose of the paper that you “show off” as “legal technicians”. Instead, you should make the best possible use of your basic, professional knowledge as international lawyers and put that 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.

Some students might wish 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 something more general. The purpose of the essay is different from that of the case study and the mock legal clinic.

In order to make the essay focused and analytical you are advised to formulate in the introduction of your essay 1) a problem related to the chosen topic; 2) the purpose of the essay; and 3) questions that deal with this problem and purpose. In your analysis and final conclusions you should attempt to answer/discuss this problem and questions.

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 “How to Write your PM”. 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 made 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 vs./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 downtrodden?
8. Human rights and ethics (moral philosophy)

Further topics may be added to this list as suggested by the individual student and approved by the teacher in charge of the essay assignment.

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

The essay shall be **6 pages** long (use **font size 12** and **2.0 line spacing**). It is *not* necessary to include a bibliography. The essay is to be e-mailed to course administrator Sara Freeman: HRGP@juridicum.su.se. For the submission deadline, see the course schedule. The teacher in charge of the Essay is Nikola Hajdin. Please direct any questions you may have regarding the assignment to him.

IMPORTANT: PLEASE DO NOT FORGET TO WRITE YOUR CODE (NOT YOUR NAME!!) AND THE NAME OF THE TOPIC AREA ON THE *UPPER RIGHT HAND SIDE* OF THE *FIRST* PAGE OF THE PAPER! PLEASE COPY THE TABLE FROM SECTION 4.1.1 AND INSERT IT AT THE END OF THIS AND EVERY OTHER PAPER IN THIS COURSE.

3.4 Mock legal clinic

The mock legal clinic will test your ability to provide practical advice in a concrete case. Students will be divided into teams of two to five students. Each team will receive a case file concerning a person or group alleging a human rights violation. *Each individual member* of the team shall write his or her own memo of **6-8 pages** (use **font size 12** and **2.0 line spacing**) with his/her analysis and recommendations. The task is thus 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 teacher in charge of the mock legal clinic is William Underwood. Please direct any questions you may have regarding the assignment to him.

The memo shall be e-mailed to course administrator Sara Freeman:

HRGP@juridicum.su.se (see the on-line course schedule for the deadline). Further instructions may be appended to the mock legal clinic dossier of case files.

Approximately one week after submission of the individual memos, each team will *collectively* present its case and conclusions in class (for the exact date, please consult the online course schedule). Each team will have a maximum of (exactly!) 15 minutes to do so. After each presentation, there will be a brief discussion. Please coordinate the oral presentation with the other members of your team in good time.

Presentation at the mock legal clinic is mandatory.

Please note that although the oral presentation is a team effort, each team member will be graded on an *individual* basis for his/her part of the presentation. Grading will be based on such factors as the contents and clarity of the presentation.

PowerPoint slides may be used, if so desired.

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

3.5 Written exam

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 (25 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 962 (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.)

HRGP@juridicum.su.se