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

This course guide has been adapted to the standard format at SU. Last updated in June 2020.

Please remember to check the course website regularly for updated information.

Welcome to the course!

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 consists of lectures, written exercises (four short case memos, a case study, and an individual essay), a problem-based seminar session, and a written end exam (open-book), all of which will strive to give students an understanding of the fundamentals and theoretical underpinnings of human rights protection in the international legal framework.

   After having put human rights in a philosophical and historical perspective, the lectures will provide an overview of the various available mechanisms to monitor and enforce human rights law while also providing a closer inspection of the very substance of international human rights law, i.e., the rights as such.

   Throughout, the course will seek to offer a critical (albeit a sympathetic) exploration of the meaning of human rights and of their potential as the basis for an ethical and legal order by illustrating the complex interplay between law and extra-legal factors.

Course examination is divided into four short case memos (1-2 pages), a case study (6-8 pages), an individual essay (6-10 pages), a problem-based seminar session, and a written end exam (open-book). Please see section 3 of this course guide.

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 with discussions. Students are expected to have read 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 and principles that underpin international human rights law. The short case memos as well as the case study will enhance the student's knowledge of and ability to analyze the substance of international human rights law. The problem-based seminar session will test the student's knowledge of the substance of international human rights law and its various procedures, but, more importantly, it should also enhance the student's ability to creatively use this knowledge. The essay should develop the student's ability to connect knowledge of the substance and procedure of international human rights 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 used by the lecturer together with a short synopsis for each lecture will be posted on the course website.

Please note that while attendance at lectures is not **mandatory**, attendance is highly recommended, given that the end exam will be based on the lectures as well as on the (whole of the) course textbook. Participation in the seminar session, however, **is** mandatory, as are all the written exercises.

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 written exercises, actively take part in the problem-based seminar session and complete the written exam.

- *Identify extra-legal factors that have contributed to the formation of legal human rights norms*

  Teaching: The lectures will seek to illustrate the complex interplay between law and extra-legal factors in international human rights protection.

  Examination: students are instructed to consider and discuss extra-legal factors as part of the assignments, which 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: The lectures will provide an overview of how substantive norms are applied in different contexts.

  Examination: students will apply legal human rights norms in the written assignments, the problem-based seminar session and the written end exam.

- *Critically reflect on and analyze the role of human rights in context*

  Teaching: Throughout the course, the lectures involve critical reflection on human rights.

  Examination: students need to critically reflect on the role of human rights as part of their written assignments and when preparing for and taking part in the problem-based seminar session, and in completing the written end exam (problem-oriented questions).

- *Conduct a human rights inquiry*

  Examination: students will conduct a human rights inquiry as part of the problem-based seminar session.

2.2   Detailed structure of the course

The table below displays the structure of the course and the way in which the various lectures and exercises relate to one another. As the course schedule may be subject to change, please remember to check the course website regularly for any potential amendments.

For your convenience, the following table will also indicate the corresponding chapters in the course textbook. **Do note** however that you are to read the **whole book** for the exam. Additional readings will be indicated during the course and can be found on the course website. The website will also offer a summary for each lecture.

Lectures	Assignments & Exam	Chapter in the textbook
Introduction		4, 5, 6
History & Philosophical Background		1, 2, 3
Enforcing Human Rights: United Nations		19
Regional Enforcement: Europe	memo	20, 22
Regional Enforcement: Americas	memo	21
Regional Enforcement: Africa	memo	23
The interplay between domestic, regional and international proceedings		24
An Afterthought: Minorities, Groups		18
Social Rights	memo	7, 8, 10
Special Protection? Women & Children		16, 17
Freedom of Expression		11
The Right to Life		9
Freedom from Torture		9, 29
Administration of Justice		13, 24
Sexual Orientation & Gender Identity		15, 16
	case study	
Refugees & Displaced Persons		27
Non-State Actors		28
Poverty & Environmental Degradation		30, SD
International Humanitarian Law		25
New Technologies		SD
	problem-based seminar	
	essay	
	open-book exam	

2.3 Oral and written exercises

See below, section 3.

2.4 Mandatory components

Please note that while attendance at lectures is not mandatory, attendance is highly recommended, given that the end exam will be based on the lectures as well as on the (whole of the) course textbook. Participation in the **seminar session**, however, is mandatory, as are all the **written exercises**.

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

Throughout the course we will deal with not only "legal" but also political, social, cultural and economic issues.

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 constititutional/public law (Statsrätt), EU law (Europarätt) and Public International Law (Folkrätt).

The course may 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*, edited by Alison Bisset, 11th Edition, Oxford University Press, 2018, 512 pp.

- Additional texts for the course will be made available through the course website (these will be referred to as "Selected Documents", abbreviation "SD").

- The course website will also offer the slides and a synopsis for each lecture.

2.9   Optional readings

References to optional readings will be offered on the course website.

2.10 Preparations for lecture and seminar sessions

Teaching/learning in this course is partly carried out in the form of traditional lectures with discussions, partly pursuant to problem-based learning.

For the lectures, students are expected to have studied the relevant materials of the course ahead of each session, at least in a cursory manner. Any slides used by the lecturer will be posted on the course website, together with a summary for each lecture. For readings instructions, please see above, the table under section 2.2. Kindly note that the course website will offer further, detailed references to the literature and source material for each session.

In all the lectures, complex real-world problems will be used to promote students' critical understanding of the actual functioning of various concepts and principles within the field of international human rights law. This does not merely mean analyzing cases that have already been adjudicated (whether in class or whether by writing case memos and a case study) but it also means that students will in the problem-based seminar be offered with a open-ended case that has specifically been created for them to deliberate, discuss and solve.

3   Assignments and examination

3.1   General

3.1.1   EXAMINATION
The course is examined through four short case memos (1-2 pages each), a case study (6-8 pages), an individual essay (6-10 pages), a problem-based seminar session, and an open-book exam.

The case memos and 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 problem-based seminar 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.

Please note that grading is anonymous, as far as possible. Each student will receive a code, to be used on individual written assignments. Accordingly, kindly refrain from writing your name on any of the assignments.

The maximum score for each examination component is as follows:

Memos (max 5 points per memo)	20 pts
Case study	10 pts
Essay	25 pts
Problem-based seminar session	10 pts
Written exam	35 pts
TOTAL	100 pts

Swedish grade:
AB= 91-100
Ba= 71-90
B= 51-70

ECTS-grade:
A= 91-100
B= 81-90
C= 71-80
D= 61-70
E= 51-60
- - - - - - - -
FX=Fail
F= Fail

These limits may be revised, but only downwards. **A passing grade for the course is only attainable if a student receives at least 50% of the maximum score on each component.**

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 Concursus 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 such addresses 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 the writing assignments, including the individual essays, with anti-plagiarism software. Kindly note that any form of plagiarism immediately results in a formal complaint with the Stockholm University. If you are unsure about what is or is not permissible, do check with the teacher.

To plagiarize is to present content from someone else's work as your own by omitting information either on the authorship or on where the said content originated from. Do note that plagiarism refers not only to copying someone else's text *in verbatim* but also to presenting someone else's ideas and conclusions as your own. It can also cover materials other than mere text, such as pictures, figures and diagrams.

Scholarly work does of course to a large extent build on the work of others - there is nothing wrong in making intellectual progress by using the understanding gained by previous discoveries, as long as proper references are used. So, in order to avoid plagiarism, always remember to carefully indicate correct references to your sources.

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 Nuremberg 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 insert a copy of the following table at the end of 1) the case study and 2) the individual essay that you write for this course. The table contains the criteria which will be used in the grading, and it will also enable us to give you 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 memos

Please see the separate instructions posted on the course website.

3.3 Case study

Please see the separate instructions posted on the course website

3.4 Essay

Please see the separate instructions posted on the course website.

3.5 Problem-based seminar

Please see the separate instructions posted on the course website.

4 Contact information

Head of the course:
Jarna Petman
08 - 16 21 05
C 876 (reception hours: by appointment)
HRGP@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