

## Course outline

**SSCLAWJ301 – International Human Rights  
Spring 2023**



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## **SSCLAWJ301 – International Human Rights**

**Spring 2023**

**Classroom no:** Eleanor, E-8

**Class times:** Mondays and Thursdays from 11:00 to 13:00

**Instructor:** Dr. Moritz Baumgärtel (he/him)

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**Office no. & location:** Eleanor, E 1.09

**Office hours:** Thursdays from 14:00 and 15:00

### **I. Track information**

Prerequisite for this course:

- SSCLAWJ208 – Introduction to Public International Law

This course is a part of the law track but can usefully complement programmes in politics, international relations, anthropology or sociology. For further information, please consult the relevant document available on the UCR intranet.

### **II. Course description**

The idea that every human being has universal, inalienable and indivisible rights has a long history but developed internationally only in the wake of World War II. With the 1948 Universal Declaration of Human Rights as its foundation, human rights have gradually turned into a multi-layered domain of international law consisting of several legal instruments, specialized courts and other monitoring bodies, and case law. The responsibility of States to respect, promote and fulfil human rights has been laid down in various binding international treaties, while more and more attention is also being paid to the role of businesses, non-governmental organizations and other non-state actors in this field. At the same time, persistent marginalization, discrimination and war in today's world illustrate that human rights guaranteed on paper often do not correspond to reality, and that bridging this gap requires intensive commitment. Vehement and rightful contestation of human rights norms have also forced their proponents to confront their blind spots and the unintended consequences of their actions.

This course aims to equip students with a broad yet solid understanding of the historical and normative foundations of human rights law as well as current debates relating to the politics and the practice of their realization. Assignments include a book review, an exam, a research paper, and a moot court exercise.

### III. Study Load

This course earns students four credits (equivalent to 7.5 ECTS). The class meets twice a week for two hours. Preparation time is approximately 9 hours per week.

### IV. Course materials

#### a) Required books and literature:

The main reading for this course is Daniel Moeckli et. al, *International Human Rights Law* (4<sup>th</sup> ed.), Oxford University Press 2022.

Additional mandatory readings (e.g. case law, journal articles) will be indicated on Moodle at least one week in advance of a class. Please note that printing and bringing materials to class is also mandatory.

The course will also incorporate a number of relevant and inspiring podcasts. Students will be able to use them as a complement to the assigned readings. All episodes will be freely available on the Internet.

#### b) Recommended books and literature:

Supplementary literature, both in the form of books and journal articles, will be indicated on Moodle at least a week in advance of a class.

Students are responsible for acquiring both required and supplementary reading individually. Most of the course's assigned journal articles are available through Google Scholar and UBU link. Books and book chapters are available through the Zeeuwse Bibilothek and/or other libraries. In accessing readings, students should also make use of Picarta's inter-library loans system and other online services (e.g. Google Books).

### V. Course organization and requirements

#### a) General format of class meetings

The course adopts an interactive approach to teaching. Weeks 1 to 7 are dedicated to the *legal framework* of international law. Students will generally prepare for each session by reading the textbook chapter (or, where indicated, by listening to a podcast episode), which will eventually be tested in a mid-term exam (see section VI.c). They will also be asked to submit a question on the materials in advance of class. During the sessions, the lecturer will provide an overview of the topic, interactively building and elaborating on the assigned materials. The sessions will also address a topic through a class exercise, usually centred around a case, to be finished in groups.

In weeks 8 to 12, the substantive focus will shift to *capita selecta of international human rights* such as questions related to their realization or the protection of specific groups. Students will again be asked to submit a reading question prior to each session, which will be spent mostly on group work and debates. The lecturer will provide concrete examples of the issues at stake and will, together with the class, seek to connect the discussions to the previous part of the course.

The final three weeks of the course will be completely dedicated to a *moot court* exercise that, overall, accounts for 35 % of the final grade (see section VI). Students will be assigned into groups of two to three students by week 10, when they will also be informed about the facts of the case. Consultations will take place on 1 May to discuss the finalization for the memorial, which is due in week 13. All groups will plead their case in four separate one-hour sessions in week 14.

There will be two guest lectures in week 9. *Dr. Jeff Handmaker* (International Institute of Social Studies) will lecture on legal mobilization for Roma, Sinti and Travellers' rights. *Dr. Shpend Kursani* (University of Tartu) will discuss the politics of the right to self-determination on Thursday.

#### b) Student expectations

As in other UCR courses, it is mandatory for students to attend all the sessions. Students are expected to participate actively, both in group and general discussions. Reading and thoroughly preparing all assigned readings is therefore indispensable. The lecturer takes the liberty to facilitate the discussion among *all* students or to ask questions 'on the spot'.

Note that the usage of laptops, smartphones and tables during the sessions is prohibited. Students are asked to actively take notes and to bring the textbook or additional assigned readings to class.

#### c) Rules for missing classes and deadlines

Attendance will be monitored. Students are responsible to make sure to be counted as present. They may miss **four classes**, with any additional absence affecting the participation grade. Missing more than six will result in failing the entire course. Absences do not need to be excused.

To treat all students equally, missed deadlines will be subject to a strict reduction of grades unless students can prove to have suffered from extenuating circumstances. Delays in submitting the memorials or the research paper will be sanctioned by a reduction of 10 % of the grade per day (or part thereof).

#### d) Procedures for communication

Moodle as the official mode of communication will be used extensively throughout the course. Students will be able to access via Moodle a brief overview over a session (incl. mandatory and optional reading materials) at least two weeks in advance of a class.

This course is subject to UCR academic rules and procedures. Both students and instructors are required to know and follow these rules and procedures.

Any suspected case of plagiarism will be forwarded to the Board of Examiners.

## **VI. Assessment**

The final grade will be based on six elements:

*a) Book review – 15%*

Students will be asked to write a review of 1,000 words on a recent human rights-related book of their choice, to be handed in (via Moodle) by 23 February. The review will be assessed based on the quality of the summary and analysis of the strengths and weaknesses of the book in question, as well as their structure, language and style.

*b) Research Paper – 15 %*

A short research paper consisting of approximately 2,000 words (incl. footnotes) will have to be submitted by 13 April. Students are expected to identify independently a topic of their interest related to the course. The basis for assessment will be structure and cohesiveness, quality and depth of the research effort, and language and style.

An ungraded proposal which includes a problem statement, a research question, and a tentative outline, is due in week 6. The instructor will provide feedback on this proposal by email. Students are strongly encouraged to build on the work they completed for their book review, for example by providing a new perspective or case study on the topic in question.

*c) Mid-term exam – 25 %*

The exam will take place before the mid-term break, thus marking the end of the first part of the course dealing with the legal framework of international human rights. Students will be given two fictitious legal scenarios to resolve within a period of two hours. The basis for assessment will be the identification of the relevant legal provisions, their correct and reasoned application to the facts at hand, as well as language and style.

Students will be able to use all accessible materials, which should be adequately cited. A revision session in preparation of the exam will be held on 13 March.

*d) Moot Court memorial – 20 %*

By week 10, students will be divided into groups of two or three students that will work together on a hypothetical case to be pleaded in week 14. The groups will be assigned the role of applicant or respondent and will have to submit a memorial of around 3,000 words (including tables of contents and authorities, a summary of facts, a summary of arguments and the pleadings) before the second session of week 13.

The memorials will be assessed based on both the quality of the research and the arguments as well as their compliance with the formal requirements (more information to follow). Students will receive a group grade for their work.

e) *Moot Court pleadings – 15 %*

The Moot Court exercise will be completed in week 14 with four rounds of pleadings. Each round of pleadings will consist of 60 minutes as applicant and respondent teams are each allotted 30 minutes to make their case. Presentations must be made by at least two team members, which will be given a group grade.

An introduction to art of pleading will be given in the second session of week 13.

f) *Participation – 10 %*

The participation grade will be based on an evaluation of the contribution to discussions and the group work. Students are also expected to submit a reading question prior to each class.

More detailed instructions (including grading rubrics) will be provided for each of the assessment items prior to the start of the work.

Grades for each of the assignment are given on a numerical scale from 0-100. The final grade for a course is computed as a weighted average of these grades. To translate the final score into the final letter grade, the standard UCR chart will be used (see Student Handbook).

## VII. Course schedule

	Week / Date		Topic	Materials	Assignment due
THE LEGAL FRAMEWORK	1	30 Jan	Introduction		
		2 Feb	The history of human rights	M 1	
	2	6 Feb	Rights and obligations	M 6, 7	
		9 Feb	Civil and political rights	M 9	
	3	13 Feb	Economic and social rights	M 10	
		16 Feb	Group rights	M 18	
	4	20 Feb	Equality and non-discrimination	M 8	
		23 Feb	Intersectional discrimination	AM	Book review
	5	27 Feb	Human rights at the United Nations	M 19	
		2 Mar	The Inter-American system	M 20, 21	
	6	6 Mar	The European system(s)	M 22	
		9 Mar	The African system	M 23	Paper proposal
	7	13 Mar	Exam revision session		
		16 Mar	Mid-term exam		
Spring break					
CAPITA SELECTA	8	27 Mar	Domestication of human rights	M 24	
		30 Mar	Conflicting rights	AM	
	9	3 April	Roma, Sinti and Travellers' rights (Dr. Jeff Handmaker, ISS)	AM	
		6 April	The right to self-determination (Dr. Shpend Kursani, Tartu University)	AM	
	10	10 Apr	No class (Easter Monday)		
		13 Apr	Introducing the moot court	AM	Research paper
	11	17 Apr	Human rights critiques	M 2, 3	
		20 Apr	Refugee protection	M 27	
	12	24 Apr	Human rights and the environment	M 31	
		27 Apr	No class (King's Day)		
MOOT COURT	13	1 May	Group consultations		
		4 May	The art of pleading		Memorials
	14	8 May	Pleadings		
		11 May			
	15	15 May	Feedback session		
		18 May	No class (Ascension)		

M: Moeckli et al.

AM: Additional (assigned) materials

**VIII. Student learning outcomes**

<b>Period</b>	<b>Teaching activities</b>	<b>Student is able to do</b>
Period 1 (Weeks 1-7)	Discussions In-class group work Book review Exam	SLO1 – Display an understanding of the historical and normative foundations of international human rights law SLO 2 – Understand the scope and content of the various types of rights and obligations that arise under international human rights law SLO3 – Distinguish between, and compare the legal and institutional characteristics of global and regional systems of human rights protection SLO4 – Evaluate the legal and institutional shortcomings of different global and regional systems of human rights protection SLO5 – Read and critically review a monograph dealing with a topical issue related to human rights law and practice SLO6 – Identify a research problem and formulate a legal research question based on a review of human rights scholarship SLO7 – Apply the rules of international human rights law to complex factual situations and propose specific legal arguments for their resolution
Period 2 (Weeks 8-12)	Discussions In-class group work Research paper	SLO8 – Comprehend and critically analyse the political aspects related to the implementation and realization of human rights SLO9 – Appreciate the contested nature and the limitations of human rights law and discourse SLO10 – Understand and engage with scholarly criticism of human rights SLO11 – Offer a substantiated empirical and/or normative appraisal of a selected aspect of international human rights law
Period 3 (Weeks 13-15)	Group consultations Moot court memorial Moot court pleadings	SLO12 – Prepare a written memorial that sets out in a formalized and concise fashion a submission to be pleaded in moot court proceedings SLO13 – Plead a case in a moot court setting, thus responding on the spot to questions by judges and rebutting the case of the opposing party