

INTERNATIONAL HUMAN RIGHTS LAW

CAS IR 306

Lecturer: Claire-Michelle Smyth

Email: claire-michelle.smyth@dcu.ie

Venues: See Calendar

Course Overview

The purpose of this module is to examine the history, development, structure and efficacy of international human rights law. In this module students will investigate the legal framework of the United Nations and regional systems relating to the protection and promotion of, inter alia, the rights of minorities and indigenous peoples, women's rights, the rights of migrants and refugees, children's rights, cultural rights, and the emerging field of rights relating to the environment. Students will assess the remedies that exist for violations of human rights law in the various systems and examine practical case studies where relevant. This module provides a platform through which students can explore international human rights norms thematically. Reference is made throughout the course to the Irish context.

Learning Outcomes

On completion of the course the students will be able to:

- Compare the international human rights law system and regional human rights law systems;
- Evaluate the various mechanisms and procedures for the implementation of human rights;
- Critically assess specific areas of international human rights law with reference to relevant legal instruments and contemporary cases;
- Draft a legal document in the form of a submission, reasoned opinion, declaration or resolution concerning a specific area of human rights.

Teaching Methodology

Class time will be used for a combination of lectures, discussions and group exercises. Participation is very important in this module. Students will be asked to explain readings and concepts, to offer analysis of cases and to express their opinion.

Assignments and Grading

Further details on the assignments will be distributed during lectures and discussed. Opportunities for questions about the assignments will be given during the course. Your grade for the course will be based on your work as follows:

Attendance & Participation:	20%
Presentation:	15%
Essay assignment:	35%
Final Examination:	30%

The presentation will be given during one of the lectures and will be based on the written assignment. The presentation should last 15 minutes.

Assignment details are distributed at the end of week five. The essay should be approximately 2,500 words long. Essay requirements will be distributed with the essay titles.

For the exam you are required to answer a combination of multiple choice questions, short answer questions and one essay-style question – which should be different from the specific topic on which you wrote your essay.

Required Text – (available to purchase in Campus Bookstore)

- Smith, R., 2013, *Textbook on International Human Rights*, 6th ed., Oxford University Press, Oxford.

Supplementary reading (available to borrow from DCU & BU Dublin Libraries)

- Bantekas I and Oette L, 2013 *International Human Rights Law and Practice*, Cambridge University Press
- Alston and Goodman, 2012, *International Human Rights*, Oxford University Press, Oxford
- Harris, Moeckli, Shah and Sivakumaran, 2013, *International Human Rights Law*, Oxford University Press, Oxford
- Alston, P., Steiner, H. & Goodman, R., 2007, 3rd ed., *International Human Rights in Context*, Oxford University Press, Oxford.
- Baderin, M. & McCorquodale, R., 2007, *Economic, Social and Cultural Rights in Action*, Oxford University Press, Oxford.
- Berkeley. Nickel, J., 2007, *Making Sense of Human Rights*, Blackwell, MA.
- Brownlie, I., & Goodwin-Gill, G., 2006, *Basic Documents on Human Rights*, 5th ed., Oxford University Press, Oxford.
- Clapham, A., 2006, *Human Rights Obligations of Non-State Actors*, Oxford University Press, Oxford.
- Donnelly, J., 2003, *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca.
- Ishay, M., 2004, *The History of Human Rights*, University of California Press.
- Tomuschat, C., 2003, *Human Rights: Between Idealism and Realism*, Oxford University Press, Oxford.

Plagiarism

It is every student's responsibility to read the Boston University statement on plagiarism, which is available in the Academic Conduct Code. Students are advised that the penalty against students on a Boston University program for cheating on examinations or for plagiarism may be "...expulsion from the program or the University or such other penalty as may be recommended by the Committee on Student Academic Conduct, subject to approval by the Dean."

Note: Students must retain an electronic copy of all essays submitted for assessment.

Lecture Schedule

Date	Lecture Title / Reading / Activity
	<p>Reading list items marked with an asterisk (*) are journal articles and are available to download through the DCU Library website. Other readings will be made available online.</p>
	<p>Human Rights: Historical Context and Development</p> <p>The genesis and expansion of human rights</p> <p>Reading: Smith, R., 2012, <i>Textbook on International Human Rights</i>, Chapter 2, pp. 5-25.</p>
	<p>The United Nations: Charter, Treaties and Bodies</p> <p>The International Bill of Human Rights and the UN treaty framework</p> <p>Reading: Smith, R., 2012, <i>Textbook on International Human Rights</i>, Chapter 3, pp. 26- 36, Chapter 4, pp. 37-53.</p>
	<p>Sources of International Human Rights Law</p> <p>Conventions, Custom, Principles and Practice: What constitutes human rights?</p> <p>Reading: Alston, P. 1984, 'Conjuring Up New Human Rights: A Proposal for Quality Control,' <i>American Journal of International Law</i>, Vol. 78, No. 3.*</p>
	<p>Rights of Minorities and Indigenous Peoples under UN and Regional Human Rights Law</p> <p>What protection does international human rights law afford indigenous peoples and minorities?</p> <p>Reading: Smith, R., 2012, <i>Textbook on International Human Rights</i>, Chapter 21, pp. 343 -358 and Chapter 22, pp. 359-366.</p>
	<p>Field Trip (Also, assignment details distributed.)</p>
	<p>Women's Rights, CEDAW, Security Council Resolution 1325</p> <p>Special focus on the rights to life, health and self-determination: The Savita Halappanavar case.</p> <p>Reading: Human Rights Watch, January 2013, 'Ireland: Clarify and Reform Abortion Laws and Regulations,' available here: http://bit.ly/XRRQen</p>

	<p>Rights of Migrants, Refugees and Asylum Seekers Guest lecture by Dr. Irial Glynn (UCC)</p> <p>Reading: Arendt, H., 1951, <i>The Origins of Totalitarianism</i>, Chapter 5: ‘The Decline of the Nation State and the End of the Rights of Man’, pp. 341-368.</p>
	<p>Rights of the Child: Guest lecture by Katie Mannion, Legal Researcher with Campaign for Children</p> <p>Reading: Committee on the Rights of the Child, General Comment No.12 and Smith, R., 2012, <i>International Human Rights</i>, Chapter 22, pp. 371-376.</p>
	<p>Human Rights and Culture</p> <p>Cultural rights, cultural heritage and the notion of ‘cultural genocide’</p> <p>Reading: Francioni, F., 2008, ‘Culture, Heritage and Human Rights: An Introduction’, <i>Cultural Human Rights</i>, pp. 1-15.</p>
	<p>Human Rights Violations - judicial and quasi-judicial means of redress</p> <p>Access to justice for victims of human rights violations</p> <p>Reading: Smith, R., 2012, <i>Textbook on International Human Rights</i>, Chapter 10, pp. 153-180.</p>
	<p>Human Rights and the Environment</p> <p>The emerging link between human rights and environmental protection</p> <p>Reading: Gearty, C., 2010, ‘Do Human Rights Help or Hinder Environmental Protection?’ <i>Journal of Human Rights and the Environment</i>, Vol. 1, No. 1, pp. 7-22</p> <p>Essay Submission Day</p>
	<p>Recap/Revision lecture</p>
	<p>Final Examination</p>