

## Module 4: International Human Rights Law

|  |  |                 |                  |                          |                             |                         |                             |
|--|--|-----------------|------------------|--------------------------|-----------------------------|-------------------------|-----------------------------|
| <b>Stage</b>                                   | 1  |                 |                  |                          |                             |                         |                             |
| <b>Semester</b>                                | 1  |                 |                  |                          |                             |                         |                             |
| <b>Module Title</b>                            | International Human Rights Law   |                 |                  |                          |                             |                         |                             |
| <b>Module Number/Reference</b>                 | LLM-IHRL   |                 |                  |                          |                             |                         |                             |
| <b>Module Status (Mandatory/Elective)</b>      | Mandatory for International Human Rights Law LL.M., Elective for International Law LL.M. |                 |                  |                          |                             |                         |                             |
| <b>Module ECTS credit</b>                      | 10   |                 |                  |                          |                             |                         |                             |
| <b>Module NFQ level (only if applicable)</b>   | 9  |                 |                  |                          |                             |                         |                             |
| <b>Pre-requisite Module Titles</b>             | N/A  |                 |                  |                          |                             |                         |                             |
| <b>Co-requisite Module Titles</b>              | Public International Law<br>Advanced Legal Research and Writing                          |                 |                  |                          |                             |                         |                             |
| <b>Is this a capstone module? (Yes or No)</b>  | No   |                 |                  |                          |                             |                         |                             |
| <b>List of Module Teaching Personnel</b>       | David Langwallner  |                 |                  |                          |                             |                         |                             |
| <b>Contact Hours</b>                           |  |                 |                  | <b>Non-contact Hours</b> |                             |                         | <b>Total Effort (Hours)</b> |
| <b>Lecture</b>                                 | <b>Practical</b>   | <b>Tutorial</b> | <b>Seminar</b>   | <b>Assignment</b>        | <b>Placement</b>            | <b>Independent work</b> |                             |
| 30   |  |                 |                  |                          |                             | 170                     | 200                         |
| <b>Allocation of Marks (Within the Module)</b> |  |                 |                  |                          |                             |                         |                             |
|  | <b>Continuous Assessment</b>   | <b>Project</b>  | <b>Practical</b> | <b>Final Exam</b>        | <b>Total is always 100%</b> |                         |                             |
| <b>Percentage contribution</b>                 | 50   |                 |                  | 50                       | 100                         |                         |                             |

### Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Demonstrate an integrated systematic and critical awareness of seminal original works addressing the debate between universalism and cultural relativism
2. Critically evaluate and assess the role of justice in International Human Rights Law
3. Synthesise and conceptualise a holistic picture of the position of International Human Rights within the wider Human Rights field
4. Demonstrate a critical awareness of current legal problems in the protection of Human Rights and new insights informed by issues at the forefront of the international legal field
5. Critically analyse and evaluate in-depth International Human Rights Law and the philosophical, political and economic structures underpinning it
6. Arrange and collate complex international legal research and data relating to the protection and abuse of human rights in a systematic and synthesical fashion.
7. Consider possibilities and creative legal solutions to various International Human Rights problems and develop advanced, reasoned arguments,

challenging assumptions and reaching sound informed judgment regarding International Human Rights

### **Module Objectives**

This module examines the development of International Human Rights Law with specific reference to its expansion in the 20<sup>th</sup> and 21<sup>st</sup> centuries. The evolution of the protection of Human Rights from purely a national concern to a global concern is a central theme and involves analysis of the birth of international enforcement mechanisms. The divisions between civil and political rights and socio-economic and cultural rights are discussed with particular focus on the relationship between both sets of rights. Current International Human Rights issues form the final part of this module with learners looking at specific concerns of the international community.

### **Module Aims (to provide learners with):**

- an appreciation of the growth of International Human Rights Law in light of the historical context
- a knowledge of the International Human Rights treaties in existence and their operation
- an understanding of the international enforcement mechanisms currently in place and their relation to domestic human rights
- an appreciation of both civil and political rights and socio-economic and cultural rights and their relation to one another
- an appreciation of the concepts of universalism and cultural relativism
- a knowledge of current issues within International Human Rights Law

### **Module Curriculum**

- Topic 1: The Philosophical and Historical Evolution of International Human Rights
- Topic 2: The UN System
- Topic 3: Consideration of Specific Rights: Life, Inhumane and Degrading Treatment, Right not to be Tortured
- Topic 4: Consideration of Specific Rights: Liberty, Fair Trial
- Topic 5: Consideration of Specific Rights: Privacy, Expression, Association
- Topic 6: Consideration of Specific Rights: Equality, Limitations on Rights Derogability
- Topic 7: Consideration of Specific Rights: The Social and Economic Rights
- Topic 8: Regional Systems: The European Convention System
- Topic 9: Regional Systems: The Inter American System
- Topic 10: Regional Systems: The African Charter
- Topic 11: UN Rights Enforceability: The International Civil and Political Covenant.
- Topic 12: Summary and Inter-relationship and Revision

## Reading lists and other learning materials

- Alston, P., *The EU and Human Rights* (Oxford University Press, 2009)
- Alston, P., and Goodman, R., *International Human Rights* (Oxford University Press, USA, 2012)
- Cassese, A., *International Criminal Law* (2<sup>nd</sup> ed., Oxford University Press, 2008)
- Fitzpatrick, J.M., *Human Rights Protection for Refugees, Asylum Seekers and Internally Displaced Persons: A Guide to International Mechanisms and Procedures*, (Transnational Publishers Inc.U.S. 2002)
- Gearty, C. & Tomkins, A., *Understanding Human Rights* (Continuum International Publishing Group – Pinter, 2000)
- Ghandhi, P.R., *Blackstone's International Human Rights Documents* (5<sup>th</sup> ed., Oxford University Press, 2006)
- Haas, M., *International Human Rights: A Comprehensive Introduction* (Routledge, 2013)
- Hannum, H., *Guide to International Human Rights Practice* (4th ed., Transnational Publishers Inc.U.S., 2004)
- McGoldrick, D., *The Human Rights Committee: Its Role in the Development of the International Covenant on Civil and Political Rights* (Clarendon Press, 1994)
- Moeckli, D., *International Human Rights Law* (Oxford University Press, 2010)
- Mowbray, A., *Cases and Materials on the European Convention on Human Rights* (2<sup>nd</sup> ed., Oxford University Press, 2007)
- Mower, A., *The Convention on the Rights of the Child: International Law Support for Children* (Greenwood Press, 1997)
- Neier, A., *The International Human Rights Movement* (Princeton University Press, 2012)
- Ovey, C. & White, R., *Jacobs and White: The European Convention on Human Rights* (4<sup>th</sup> ed., Oxford University Press, 2006)
- Smith, R., *Textbook on International Human Rights* (4<sup>th</sup> ed., Oxford University Press, 2009)
- Weissbrot, D., *International Human Rights Law: Policy and Process* (Lexis Nexis, 2009)

## Module Learning Environment

A learning environment that promotes collaborative learning is promoted and learners are encouraged to actively engage in all class discussions and exercises.

## Module Teaching and Learning Strategy

The module is delivered by means of structured and participative style lectures. The learners are assigned reading the week previous to each class, and some learners are asked to lead the discussion of the material. Participation by all learners is vital in order to realise maximum benefit from the module.

The lecturer arranges for a Human Rights expert, for example a representative of a non-governmental organisation to deliver a talk to the learners.

### Range of modes of direct contact

Teaching consists of weekly lectures for which learners are expected to have previously completed assigned reading and prepared draft answers to certain questions. In addition learners are expected to present individually and in groups on various topics assigned to them throughout the semester.

Total contact hours: 30 Hours

### Range of other learning methods

Independent learning and research supported with on line resources available through Moodle.

Total non-contact hours: 170 Hours

### Module Assessment Strategy

| Assessment Methods |           |                       |  |
|--------------------|-----------|-----------------------|--|
| Element number     | Weighting | Type                  | Description  |
| 1                  | 50        | Continuous Assessment | 4,000-5,000 word essay<br>Learners are expected to present an individual piece of coursework within this module. Learners are expected to critically assess current International Human Rights Issues, in order to develop a holistic and sophisticated understanding of the operation of the International Human Rights Law |
| 2                  | 50        | Examination           | Closed book examination: a 3 hour exam which covers the breadth of the course and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learned throughout the module.  |

### Diagnostic/ formative assessment

Feedback through formative assessment supports learners taking control of their own learning.

## Further information on assessment

Marking criteria are distributed to learners with each assignment brief. These are used to provide learner direction on all summative assessments.

| <b>Assessment Strategy</b>   |                  |                  |
|--|------------------|------------------|
| <b>Module Learning Outcome</b>   | <b>Element 1</b> | <b>Element 2</b> |
| 1. Demonstrate an integrated systematic and critical awareness of seminal original works addressing the debate between universalism and cultural relativism  | ✓                | ✓                |
| 2. Critically evaluate and assess the role of justice in International Human Rights Law  | ✓                | ✓                |
| 3. Synthesise and conceptualise a holistic picture of the position of International Human Rights within the wider Human Rights field   | ✓                | ✓                |
| 4. Demonstrate a critical awareness of current legal problems in the protection of human rights and new insights informed by issues at the forefront of the international legal field  | ✓                | ✓                |
| 5. Critically analyse and evaluate in-depth International Human Rights Law and the philosophical, political and economic structures underpinning it  | ✓                | ✓                |
| 6. Arrange and collate complex international legal research and data relating to the protection and abuse of human rights in a systematic and synthetical fashion.   | ✓                |                  |
| 7. Consider possibilities and creative legal solutions to various International Human Rights problems and develop advanced reasoned arguments, challenging assumptions and reaching sound informed judgment regarding International Human Rights | ✓                |                  |

Please see **Annex 2** for Faculty Marking Criteria Guidelines and **Annex 3** for Sample Examinations and Continuous Assessment along with Marking Criteria