

Module 16: Social and Economic Rights

Stage	1						
Semester	2						
Module Title	Social and Economic Rights						
Module Number/Reference	LLM-SER						
Module Status (Mandatory/Elective)	Elective for International Human Rights Law LL.M. and International Law LL.M.						
Module ECTS credit	10						
Module NFQ level (only if applicable)	9						
Pre-requisite Module Titles	Public International Law, Advanced Legal Research and Writing						
Co-requisite Module Titles	N/A						
Is this a capstone module? (Yes or No)	No						
List of Module Teaching Personnel	David Langwallner						
Contact Hours				Non-contact Hours			Total Effort (Hours)
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent work	
30						170	200
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Exam	Total is always 100%		
Percentage contribution	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 the debate surrounding the place of Social and Economic Rights within the wider protection of human rights
2. Critically analyse the place of Social and Economic Rights within the wider framework of human rights
3. Apply advanced theoretical knowledge and in-depth critical thinking to suggest credible and creative solutions to various international Social and Economic Rights problems
4. Critically analyse and evaluate in-depth Social and Economic Rights in international law and the philosophical, political and economic structures underpinning it
5. Evaluate and assess the role of justice in International Social and Economic Rights Law
6. Demonstrate mastery in breaking down complex legal research and data and presenting this with clarity and coherence
7. Communicate ideas orally in an effective manner and argue, advocate, present and persuade with clarity and accuracy

8. Visualise and advocate creative and novel solutions to complex International Social and Economic Rights legal issues and problems

Module Objectives

This module examines the protection of Social and Economic Rights within International Law. It seeks to locate social and economic rights within the wider scope of International Human Rights Law protection and addresses the theoretical debates over the method of protection that these rights should be given. Learners study the operation of the UNESCR and assess its effectiveness. The UNESCR is compared to a range of regional instruments and the contrasts between the various methods of protection discussed. Case studies are undertaken focusing on the protection of specific rights within developing and developed nations.

Module Aims (to provide learners with)

- a detailed understanding of such diverse rights as food, shelter, housing, emergency health care, health care in general, basic income and minimum standard of living, dignity, development
- a knowledge of the different treaty based systems of Social and Economic Rights protection
- an enhanced social, political and philosophical awareness of Social and Economic rights
- the ability to contribute to the solution of Social and Economic Rights problems

Module Curriculum

- Topic 1: The Philosophical and Historical Evolution of Social and Economic Rights
- Topic 2: The UN System and International Protection of Social and Economic Rights
- Topic 3: Justiciability
- Topic 4: Consideration of Specific Rights: Food, Water
- Topic 5: Consideration of Specific Rights: Shelter, Health Care
- Topic 6: Consideration of Specific Rights: Minimum Standard of Living, Social Assistance, Social Security
- Topic 7: Consideration of Specific Rights: Dignity and Development
- 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: The Minimum Content of Social and Economic Rights
- Topic 12: Summary and Inter-relationship and Revision

Reading lists and other learning materials

Books

- Alston, P., and Goodman, R., *International Human Rights* (Oxford University Press, USA, 2012)
- Baderin, M., and McCorquodale, P.R., (eds.), *Economic Social and Cultural Rights in Action* (Oxford University Press, 2007)
- Eide, A., Krause, C. & Rosas, A., *Economic, Social and Cultural Rights: A Textbook* (2nd ed., Brill, 2001)
- Gauri, E.B.V. & Brinks, D.M., *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World* (Cambridge University Press, 2010)
- Ssenyonjo, M., *Economic Social and Cultural Rights In International Law* (Hart Publishing, 2009)

Articles

- Langwallner, "Separation of Powers, Judicial Deference and The Failure to protect The Rights of The Individual" Carolan and Doyle: *The Constitution: Politics, Governance and Values* (2008)
- Palmer, "Beyond Arbitrary Interference: the right to a home? Developing socio-economic duties in the European Convention on Human Rights" *NILQ*, 2010 61(3) 225-43
- Palmer, "Protecting Socio- economic Rights through the European Convention on Human Rights: Trends and Developments in the European Court of Human Rights, *Erasmus Law Review*" Vol. 2, No. 4, pp. 397-425, 2009
- Young, "The Minimum Content of Social Rights: A Concept in Search of a Content" *Yale Journal of International Law*, Vol. 33, No. 1, 2008
- Kent, "The Human Right to Food in India University of Hawaii" March 12, 2002
- Eleftheriadis, "A Right to Health Care" 2012, *The Journal of Law, Medicine & Ethics*, 40: 268–285.

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 course.

The lecturer arranges for an expert in Social and Economic Rights, such as a campaign officer from Amnesty, 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	<p>4,000-5,000 word essay</p> <p>Oral presentation of topic to class, with learners choosing salient points to present, discuss and defend to an audience.</p> <p>Learners are expected to apply doctrinal core concepts of Social and Economic Rights to current and pressing issues.</p> <p>The written assignment is worth 40% while the oral presentation is worth 10%</p>
2	50	Examination	<p>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.</p>

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.

Assessment Strategy		
Module Learning Outcome	Element 1	Element 2
1. Demonstrate an integrated systematic and critical awareness of the debate surrounding the place of Social and Economic Rights within the wider protection of human rights	✓	✓
2. Critically analyse the place of Social and Economic Rights within the wider framework of human rights	✓	✓
3. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to various international Social and Economic Rights problems	✓	✓
4. Critically analyse and evaluate in-depth Social and Economic rights in international law and the philosophical, political and economic structures underpinning it	✓	✓
5. Evaluate and assess the role of justice in International Social and Economic Rights Law	✓	✓
6. Demonstrate mastery in breaking down complex legal research and data and presenting this with clarity and coherence	✓	
7. Communicate ideas orally in an effective manner and argue, advocate, present and persuade with clarity and accuracy	✓	
8. Visualise and advocate creative and novel solutions to complex International Social and Economic Rights legal issues and problems	✓	

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