

**POLS 466: HUMAN RIGHTS THEORY AND PRACTICE
SPRING 2022**

(This version: 14 February 2022. Please note: syllabus may be subject to change.)

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Office hours:	By appointment		
Class hours:	Mondays 10 - 11h & Thursdays 10 - 12h		
Location:	ONLINE		

COURSE DESCRIPTION

The course 'Human rights: theory and practice' provides students with an introduction to contemporary international human rights law (IHRL). The first part of the course offers students a theoretical background to IHRL and familiarises students with relevant international legal theory and the institutional arrangements for the promotion and protection of human rights that exist within the frameworks of the United Nations (UN) and the Council of Europe. It then delves into criticism of human rights and the systems for their promotion and protection from various theoretical strands and subsequently examines the way international human rights norms are translated into local activism and vice versa. Finally, the course concentrates on the content of IHRL and focuses on the practice of several international human rights monitoring bodies - notably the European Court of Human Rights and several UN human rights treaty bodies. On the basis of a number of contested topics students will - *inter alia* - examine the interpretation of several human rights norms; take a closer look at the actors on the international human rights playing field and the role they play in shaping our understanding of human rights norms; and reflect on the content of IHRL from various critical legal perspectives.

COURSE OBJECTIVES

At the end of the course students should:

- Be familiar with historical perspectives on contemporary IHRL;
- Understand the basic theoretic legal principles of IHRL;
- Be familiar with the main human rights institutions of the UN and the Council of Europe and their work;
- Be able to explain different theoretical strands of critique of IHRL;
- Understand the notion of 'vernacularization' of IHRL;
- Be able to identify the different actors in the human rights playing field;
- Be able to analyze & critically discuss the content of various IHRL norms;
- Be able to read and analyse case law of international HR bodies.

COURSE MATERIALS

1. Essential readings

- Syllabus
- Textbook: Moeckli, D., Shah, S., and Sivakumaran, S. (eds), *International Human Rights Law*, Oxford University Press, 2018. **(MSS)** (Please note that we study a selection of chapters and not the whole book, see *course program* below)
- Cases & materials pack (Shared via Dropbox)

2. Human rights instruments and documents

- Treaties, documents, and work from the *UN human rights treaty bodies* and the *UN Human Rights Council* can be found on: ohchr.org under 'Human Rights Bodies'.
- Treaties, protocols, documents, and case law from the European Court of Human Rights can be accessed via echr.coe.int.

COURSE DELIVERY

This course is offered online via interactive lectures and seminars (see course program). During interactive lectures the instructor explains and illustrates the topic of that week. Students are expected to attend these lectures well-prepared, being able to answer any questions from the

instructor, and engage in class discussions (see course evaluation). During the seminars students are expected to engage with the materials of that week with their fellow students. This can be by way of discussing questions, engaging in group work, and by participating in class discussions. Like the interactive lectures, students are expected to come to these seminars fully prepared, having studied that weeks materials.

As for Zoom etiquette:

- Please keep your video on during the entire session so we can see each other;
- Switch of your microphone and only turn it on when you have the floor;
- For privacy reasons it is strictly prohibited to make photo's, video's, or recordings of Zoom sessions;
- Make sure you use your own name for the Zoom sessions in order for all of us to be able to address each other by our correct name.

COURSE EVALUATION

1. 10% Participation
2. 30% Mid term exam
3. 20% Case law analysis & presentation
4. 40% Final exam

Letter grades will be assigned in accordance with age following overall scores:

AA	90 - 100	CC	70 - 74,99
BA	85 - 89,99	DC	65 - 69,99
BB	80 - 84,99	DD	60 - 64,99
CB	75 - 79,99	F	< 60

1. Participation & cooperative learning

An important part of this course consists of cooperative learning. Studies have shown that students in cooperative learning settings produce greater academic achievement, reason better, and like the learning tasks more compared to those in individualistic or competitive learning settings.¹ Cooperative learning has two important components: (1) Group interdependence, which means organizing tasks so that members must work together to succeed. And (2) Individual accountability, which is achieved in this course through individualized measures of participation in class discussion and in group work.

Participation in interactive lectures and seminars makes up 10% of the final grade. Participation means attending the sessions fully prepared, having studied that week's course materials. The interactive lectures and seminars are forms of enhanced learning that complement the course material. Please note that students that do not attend the sessions and/or participate in group work and discussions tend to fail their mid term and final exam. More importantly, they also deprive other students of their potential contribution to group work and discussions. Participation to all sessions and group work is therefore strongly encouraged.

Participation points are based on the following criteria on a scale from 100 (excellent) to 0 (did not participate and/or prepare for sessions):

- The student attended all sessions fully prepared, having studied all the designated course materials, and actively participated in class discussions;
- The student participated in all seminars and displayed a good comprehension of that week's course materials;

¹ Johnson, D., Johnson, R. & Smith, K. (2014). Cooperative Learning: Improving University Instruction by Basing Practice on Validated Theory. *Journal on Excellence in College Teaching* 25 (3/4), pp. 85 - 118; Johnson, D. & Johnson, R. (2009). An Educational Psychology Success Story: Social Interdependence Theory and Cooperative Learning. *Educational Researcher* 38 (5), pp. 365 - 379.

- The student is a team player, who listens to their classmates, grounds their arguments in course material and/or academic literature, is respectful of other students, and works with their team to create an outcome that is shared by the whole group.

Participation is graded with a score between 0 and 100.

2. Mid term exam

The mid term exam takes place on 31 March 2022, 10 - 12h. It is an open book exam and consists of open and multiple choice questions. The exam will test students' knowledge on the materials studied and the information provided during the interactive lectures and seminars of the first 6 weeks of the course (calendar weeks 8 - 13). More information about the mid term exam will be provided during the course. The mid term exam is marked with a score between 0 and 100.

3. Case law analysis & group presentation

In the second half of the course we analyse the content of IHRL norms on the basis of selected human rights topics. Groups of 4 students will conduct a case law analysis and provide a presentation on the relation between a selected topic and the relevant international human rights norm(s) and discuss the interpretation of the respective norm in light of the critiques examined in the first half of the course. The group of students will also be responsible to start and moderate a class discussion on the topic. The instructor will provide the groups with presentation packs: i.e. instructions, cases and reading material on the selected topic. Students are required to prepare the case law analyses and presentations well in advance and provide the instructor with an overview of the issues and questions they intend to address (see *overview presentations* below). In each group one student will take the role as discussion leader. The other students take on the role of presenters.

Presentations are graded on the basis of the following criteria:

Score	Content	Details
Delivery: 30% (Individual)	Voice; Pacing; Body Language; Preparation	Enunciation, inflection, projection, tone; Easy to listen to; vocal dynamics support content; Speed of ideas and speech; Eye contact, gesture, posture; Fluency, little dependence on notes. For the discussion leader: Ability to engage audience; Using interactive techniques; Responding appropriately to questions; Evaluating listeners' knowledge and using it; Maintaining objectivity.
Organisation: 20% (group)	Introduction; Division of themes; Conclusion	Opening gambits, engaging audience, providing background info, clarifying purpose; Logic in order of presenters; clear links between sections; Reinforcing, summary; Coherence, logic, focus, continuity of thought.
Content: 50% (group)	Depth; Level; Authority, Terminology	Information load, relevance; Convincing, sources noted & quoted appropriately; Explanation of key terms

Class session	Topic	Deadline analysis & outline
Th 21/4	Abortion	M 18/4
Th 21/4	Euthanasia	M 18/4
Th 28/4	Death penalty & death row	M 25/4
Th 28/4	Domestic violence	M 25/4
Th 12/5	Religious symbols & dress	M 9/5
Th 12/5	Compulsory military service & conscientious objection	M 9/5
Th 16/5	Covid-19 health pass & compulsory vaccination	Th 12/5

Groups for the case law analysis & presentations will be formed by the instructor after the add/drop period. Students can indicate a preference for a particular topic but it cannot be guaranteed that their choice is granted.

4. Final exam

The date of the final exam will be set by the University administration and announced in due time. The final exam is an open book exam consisting of open questions and a case study. The exam is based on all the materials studied during the course, as well as the content of and information provided during the interactive lectures and seminars. The final exam is marked with a score between 0 and 100.

Fraud

The Department of Political Science and International Relations of Bogazici University has the following rules and regulations regarding academic honesty.

- Copying work from others or giving and receiving answers/information during exam either in written or oral form constitutes cheating;
- Submitting take-home exams and papers of others as your own, using sentences or paragraphs from another author without the proper acknowledgement of the original author, insufficient acknowledgement of the consulted works in the bibliography, all constitute plagiarism. For further guidelines, you can consult https://www.gc.cuny.edu/CUNY_GC/media/CUNY-Graduate-Center/PDF/Policies/General/AvoidingPlagiarism.pdf.

Plagiarism and cheating are serious offenses and will result in:

- I. an **automatic 'F'** in the assignment or the exam;
- II. an oral explanation before the **Departmental Ethics Committee**
- III. losing the opportunity to request and receive any **references** from the entire faculty
- IV. losing the opportunity to apply in **exchange programs**
- V. losing the prospects of becoming a **student assistant** or a **graduate assistant** in the department

The students may further be sent to the **University Ethics committee** or be subject to **disciplinary action**.

TENTATIVE COURSE PROGRAM

DATE	TOPIC	READINGS
24 February 2022, 10 - 12h	Introduction to POLS 466: Human Rights (HR): Theory & Practice	Syllabus
28 February 2022, 10 - 11h	History & nature of international HR law (<i>Interactive lecture</i>)	MSS , chapter 1 Mazower, M. The strange triumph of human rights, 1933–1950. <i>The Historical Journal</i> 47 (2), 379-98.
3 March 2022, 10 - 12h	Sources of international law (<i>Seminar</i>)	MSS , chapter 4
7 March 2022, 10 - 11h	Nature of HR obligations (<i>Interactive lecture</i>)	MSS , chapter 5 ECtHR , <i>Loizidou v. Turkey (Preliminary objections)</i> , Grand Chamber judgment of 23 March 1995 (Extract).
10 March 2022, 10 - 12h	HR monitoring: the United Nations (<i>Interactive lecture</i>)	MSS , chapter 19
14 March 2022, 10 - 11h	HR monitoring: the United Nations (<i>Interactive lecture</i>)	Carraro, V. Promoting compliance with human rights: the performance of the United Nations' UPR and Treaty Bodies. <i>International Studies Quarterly</i> 63 (4), 1079 - 1093. UN HRC , <i>Concluding Observations on Turkey</i> , 13 November 2012. UN CEDAW , <i>R.K.B. v. Turkey</i> , Views of 24 February 2012 (Extract).
17 March 2022, 10-12h	HR monitoring: the European Court of Human Rights (<i>Seminar</i>)	MSS , chapter 20 & 22
21 March 2022, 10 - 11h	HR monitoring: the European Court of Human Rights (<i>Interactive lecture</i>)	ECtHR , <i>Proceedings under article 46(1) in the case of Ilgar Mammadov v. Azerbaijan</i> , Grand Chamber judgment of 29 May 2019 (extract). Collis, T. <u>The impact of infringement proceedings in the Mammadov/Mammadli group of cases: a missed opportunity</u> , <i>Strasbourg Observers</i> 28 May 2021.
24 March 2022, 10 - 12h	Critiques of IHRL (<i>Seminar</i>)	MSS , chapters 3 & 16
28 March 2022, 10 - 11h	Recap & midterm exam prep	
31 March 2022, 10 - 12h	MID TERM EXAM	
4 April 2022, 10 - 11h	Critiques of IHRL (<i>Interactive lecture</i>)	Kapur, R. Human rights in the 21st Century: take a walk on the dark side. <i>Sydney Law Review</i> 28 (4), 665-687. Mutua, M. Savages, victims, and saviors: the metaphor of human rights. <i>Harvard International Law Journal</i> 42 (1), 201-245.
7 April 2022, 10 - 12h	NO CLASS	

DATE	TOPIC	READINGS
11 April 2022, 10 - 11h	HR activism & advocacy	<p>Merry, S. Transnational Human Rights and Local Activism: Mapping the Middle. <i>American Anthropologist</i> 108 (1), 38–51.</p> <p>Murphy-Lawless, J. Holding the state to account: ‘Picking up the threads’ for women who have died in Irish maternity services. 56 <i>Eire-Ireland</i> 3/4 (Extract)</p>
14 April 2022, 10 - 12h	HR activism & advocacy (Guestlecture by Jelle Klaas, LL.M. - human rights lawyer & Litigation Director of PILP-NJCM)	<p>Blauw, S. <u>How a small group of activists put Big Brother on trial – and won.</u> <i>The Correspondent</i>, 12 March 2020.</p> <p>Roa, M. & Klugman, B. Considering Strategic Litigation as an Advocacy Tool: a Case Study of the Defense of Reproductive Rights in Colombia. <i>Reproductive Health Matters</i> 22(44), 31-41.</p> <p>Klaas, J., Beets, R., & Hendrickx, M. <u>Guide on strategic litigation to combat ethnic profiling in the European Union</u>, 2020, pp. 1 - 26.</p>
18 April 2022, 10 - 11h	The right to life - selected topics	<p>MSS, chapter 9, pp. 165-166 & 175 - 185.</p> <p>UN HRC, <u>General comment No. 36</u> (2018), UN doc. CCPR/C/GC/36.</p> <p>ECtHR, <i>Osman v. The United Kingdom</i>, Grand Chamber judgment of 28 October 1998 (Extract).</p> <p>ECHR, <u>Guide on article 2 of the European Convention on Human Rights</u>, 31 August 2019. (Skim)</p>
21 April 2022, 10 - 12h	The right to life - selected topics	<p>ECtHR, <i>Vo v. France</i>, Grand Chamber judgment of 8 July 2004 (Extract).</p> <p>Zilli, L. <u>The UN Human Rights Committee’s General Comment 36 on the Right to Life and the Right to Abortion.</u> <i>Opinio Iuris</i> 6 March 2019.</p>
25 April 2022, 10 - 11h	The freedom from torture - selected topics	<p>MSS, chapter 9, pp. 165 - 174.</p> <p>ECtHR, <i>Ireland v. the United Kingdom</i>, Grand Chamber judgment of 13 December 1977 (Extract).</p> <p>ECtHR, <i>Izçi v. Turkey</i>, judgment of 23 January 2013 (Extract).</p>
28 April 2022, 10 - 12h	The freedom from torture - selected topics	<p>McQuigg, R. Domestic violence as a human rights issue, In: <i>The Istanbul Convention, domestic violence and human rights</i>, Routledge, 2017.</p>
2 - 6 May 2021	SPRINGBREAK	
9 May 2022, 10 - 11h	Freedom of religion - selected topics	<p>MSS, chapter 11, pp. 208 - 217.</p> <p>ECtHR, <i>Eweida and Others v. the United Kingdom</i>, 15 January 2013 (Extract).</p>

DATE	TOPIC	READINGS
12 May 2022, 10 - 12h	Freedom of religion - selected topics	<p>ECtHR, <i>S.A.S. v. France</i>, Grand Chamber judgment of 1 July 2014 (Extract)</p> <p>UN HRC, <i>Yaker v. France</i>, decision of 7 December 2018 (Extract).</p> <p>Ouald Chaib, S. & Peroni, L., <i>S.A.S. v. France: Missed Opportunity to Do Full Justice to Women Wearing a Face Veil</i>, <i>Strasbourg Observers</i>, 3 July 2014.</p> <p>Berry, S. The UN Human Rights Committee Disagrees with the European Court of Human Rights Again: The Right to Manifest Religion by Wearing a Burqa, <i>EJIL: Talk!</i>, 3 January 2019.</p>
16 May 2022, 10 - 11h	Right to private life - selected topics	<p>ECtHR, <i>Evans v UK</i>, Grand Chamber judgment of 10 April 2007.</p> <p>ECtHR, <i>Dubska and Krejzova v. The Czech Republic</i>. Grand Chamber judgment of 15 November 2016.</p> <p>ECtHR, Guide on Article 8 of the European Convention on Human Rights, 30 April 2019. (Skim)</p>
19 May 2022, 10 - 12h	Gençlik ve spor bayramı - NO CLASS	
23 May 2022, 10 - 11h	Recap & final exam prep	Revision of past readings & class discussions.
TBD	FINAL EXAM	