

THE GOVERNMENT OF THE RUSSIAN FEDERATION
Federal State Autonomous Educational Institution
for Higher Learning

THE NATIONAL RESEARCH UNIVERSITY
HIGHER SCHOOL OF ECONOMICS

INTERNATIONAL PROTECTION OF HUMAN RIGHTS

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1. Course Description

- a. Title of a Course
International Protection of Human Rights
- b. Pre-requisites
General knowledge of Public International Law
- c. Course Type (compulsory, elective, optional)
Compulsory
- d. Abstract

This course is aimed at providing an introduction to the main features of international human rights law. It will address the international and regional human rights legal framework in detail. From one side, it will analyze the United Nations human rights system exploring the Universal Declaration of Human Rights, the treaty based human rights instruments and the various monitoring and complaints mechanisms that have been put in place under the UN conventions. From the other side, it will analyze the major human rights regional conventions and their corresponding judicial mechanisms. The course will pay specific attention to current and challenging human rights topics.

2. Learning Objectives Learning Objectives

Main purpose of the course is to enable the students to apply and master International Human Rights Law, make legal research and solve cases in this field.

3. Learning Outcomes Learning Outcomes

Students must gain knowledge on:

- sources of International Human Rights Law;
- the scope of application and content of the basic human rights.

- competence and working methods of international judicial and quasi-judicial human rights bodies at the universal level and the ECHR;

Skills and abilities:

- to use specific terms and sources of International Human Rights Law;
- practical abilities of research, analysis of judicial decisions and scientific works;
- skills to analyse and solve cases, building up of the legal position and composition of procedural documents on cases in the sphere of International Human Rights Law.

Students should gain the following competences:

- ability to work with information (search, evaluate, use information, necessary for fulfilment of scientific and professional tasks, from various sources, including application of the systematic approach);
- ability to carry out professional activities in the international environment;
- ability to search, analyse, and work with legally relevant information by using the juridical, comparative and other specific methods,

4. Course Plan

Topic 1: Introduction to International Human Rights Law: Main Sources and Human Rights Bodies

Topic 2 : The regional protection of Human Rights (ECHR, OAS Pact of San José, Banjul Charter, ACHR), and the corresponding regional protection mechanisms

Topic 3: Right to Life

Topic 4: Prohibition of Torture and inhuman treatment

Topic 5: Right to Liberty and Security

Topic 6: Right to a Fair Trial. Right to an Effective Remedy

Topic 7: Prohibition of Discrimination

Topic 8: Freedom of Thought, Conscience and Religion

Topic 9: Freedom of Expression, Freedom of Assembly and Association

Topic 10: Protection of Privacy and the Right to Respect for Private and Family Life

5. Reading List

a. Required

Smith, Rhona K. M., *International Human Rights Law*. OUP, 2018 + additional readings that will be assigned

b. Optional

Bantekas I., Oette L., *International Human Rights Law and Practice*. Cambridge, 2013.

De Schutter O., *International Human Rights Law: Cases, Materials, Commentary*. 2nd Ed. Cambridge, 2014.

All relevant legal instruments are available on the internet. A number of websites provide access to these documents. If students wish to purchase a volume of documents, they may consider:

Ian BROWNIE & GUY S. GOODWIN-GILL, *Basic Documents on Human Rights*, OUP 2010.

6. Grading System

Grading System

Final Mark = 0,4 exam + 0,2 attendance and participation + 0,1 Mid-course test + 0,15 Case brief+ 0,15 Brief essay

Method of rounding the resulting assessment: rounding down from (0.0-0.5) rounding up (0.5-0.9).

Final exam: 40%

The final exam consists of 1) a theoretical part, which includes four questions discussed during the course and 2) practical part, which includes deciding a brief hypothetical legal case on human rights. The students must analytically argument the main case law, correctly identify the legal sources, the protection mechanisms and use legal terminology.

Attendance, active participation and in-class discussion during seminars: 20%

The students will be evaluated on their performance during the seminars. Each student is expected to attend all the seminars and lessons and being prepared on the topic of the lesson in advance. The students must have previously studied in depth the assigned material. The knowledge of the students will be also assessed in class through written tests (close and/or open questions), as well as on the ground of his/her active/inactive participation in class discussions. Proactive participation will be positively evaluated as well as asking inherent questions and make analytical comments about the assignments. Students may be called out to answer certain questions. Presentations on certain sub-topics are welcome and will be a benefit in the course of assessment of class participation.

Mid-course test: 10%

In the middle of the course, to assess the understanding of the material, students will write a brief test. They should demonstrate their knowledge of the material that has been under discussion up to the date of the test.

Case brief: 15%As part of the homework, students will provide a brief of the ECtHR case, describing the facts, the Court's mode of reasoning, the applicable principles, the decision and their own opinion of the case outcome. They should be familiar with the case, correctly trace the Court's analysis and clearly explain their opinion, using legal terminology.

Essay: 15%

As part of the homework, students will be given several topics regarding human rights and should write a brief 2-4 page essay (12, Times New Roman) on the chosen topic. In the essay, the students have to clearly explain their position and support it by the relevant case-law, legal sources and demonstrate the knowledge of the key human rights protection mechanisms.

7. Guidelines for Knowledge Assessment

All assignments (including the final exam) are graded on the scale of 0-10. Students are required to present one of the subjects assigned by the professor.

1. Short essay (max = 10)

Type	Criteria of evaluation	Points
1. Preparation of an argumentative essays	Correct, comprehensive and consistent legal analysis based on an excellent use of primary and secondary sources, including relevant case-law	8-10
	In general, a correct and consistent legal analysis based on both legal sources, including relevant case-law, and consistent argumentation, but there are few (1-2) minor mistakes or omissions	6-7
	In general, a correct and consistent legal analysis based on both legal sources, including relevant case-law, and consistent argumentation, but there are few (3-5) minor mistakes or omissions	4-5
	In general, a correct and consistent legal analysis based on main legal sources, but there are no references to relevant case-law and few serious mistakes (1-2) and omissions	3-4
	In general, a correct and consistent legal analysis based on main legal sources, but with no references to relevant case-law and some serious mistakes (3-5) and omissions	1-2
	Wrong analysis, sources and applicable law are not correctly identified	0

8.1 Attendance policy

It is imperative that students attend classes. Participation in lessons and seminars is mandatory, except in case of a medical emergency (e.g. sickness). Students will need to provide evidence for missing class (doctor's note). If evidence is provided, the missed class is considered as an excused class. If no evidence is provided immediately before or after the class, the missed class is counted as an absence. Late arrivals will be considered as absences if the delay is more than 30 minutes. Participation implies that students are on time, have studied the assigned material in advance and work actively.

If students are absent for many classes, they receive a penalty on their final grade. If students are absent:

- for the 10% of the classes, they receive a penalty of 1 point on their overall grade (out of) for that course.

- for the 20% of the classes, they receive a penalty of 3 points on their overall grade (out of) for that course.
- for the 30% of the classes, they receive a penalty of 5 points on their overall grade (out of) for that course.
- for the 40% of the classes, they receive a penalty of 7 points on their overall grade (out of) for that course.

8.2 *Additional course policies*

Late papers will not be accepted unless there are serious legitimate reasons. Provision of a signed medical note is required, and notice must be given prior to the deadline.

8.3 *Plagiarism*

Dishonesty and plagiarism are NOT admitted in this course. Cheating and plagiarism cases will be sanctioned. Works affected by plagiarism will be considered null and void. If you report a sentence or a passage taken by someone else's work or by your own past works, you must cite the source/s. References and citations must be comprehensive and in a standard citation style (APA, MLA, Harvard, etc.). Please, pay attention to grammar, spelling, and punctuation.

8. Methods of Instruction

Classes will be structured as participative lectures in order to stimulate class discussion. This course uses interactive educational technologies (problematic lectures, Socrates method, work in small groups, interactive seminars; brainstorming sessions). Students are expected to be well prepared, they must carefully study the materials indicated before the lesson. Students are expected to spend 12-14 academic hours of house reading, researching, and preparation.

9. Special Equipment and Software Support (if required)

The following equipment is essential to make teaching and learning comfortable and efficient:

- Personal computer (equipped with Microsoft Windows 10) with Internet access;
- Multimedia projector with remote control.

Students will be encouraged to use the following legal databases to access cases, legal comments and academic articles: JSTOR, Lexis-Nexis, WestLaw. Such Internet resources as HUDOC and CODICES will also be of use to the students.