

Glocalizing Human Rights and Rule of Law

Law

Autumn Semester 2016

SYLLABUS

(subject to change)

Instructor:	Lucio Valerio Sarandrea
Class Meetings Time:	TBA
Office Hours:	By appointment
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I General Description and Objectives of the Course

In order to ease the difficult transition from the theoretical studies to the hard reality of working on Human Rights and Rule of Law in international organizations, students will be accompanied through a process showing three different steps between theory and implementation. A course which would aim at reaching all students interested in working in the area with a special view to the ones aiming to pursue an international career.

Part I

The first part of the course intends to walkthrough the students in the history of the theory of Human Rights and Rule of Law and how they have developed over the course of the centuries. Starting from the Pre Socratic philosophy through the Scholastic and the Illuminist movement the students will be familiarized with the basic milestones on how the concept has evolved and crystalized itself in the Universal Declaration of Human Rights (UDHR) from 1948. Particular attention will be given to the preparatory works of the UDHR and the conflict between cultural relativism and the proponents of the universal principle of Human Rights. In this context will be highlighted the different accents of different geopolitical areas which preferred to concentrate either on the Civil and Political Rights or on the Economic and Social ones.

Part II

The second part of the course will familiarize the students with the most relevant international and regional conventions on Human Rights such as the ICCPR, the ESCSR, and the ECHR. In this section the students will be able to identify how the theoretical principles have been solidified into the international conventions and at the same time they will be able to assess the case law stemming from the conventions. In this part will be given special attention to the progressive shift from the concept of human rights to the Rule of Law one with a thorough study on it differences, overlaps and synergies. The section will end with the September 2015 adoption of the Sustainable Development Goals.

Part III

As a natural conclusion of the course the students will be introduced with case studies on how few of the most relevant international development agencies have translated their theories and practice into the implementation of Human Rights and Rule of Law assistance programs. Using abundant international theory available, as well as the direct experience of the professor, the

students will be able to understand the internal dynamics of international assistance and emerging trends.

II Main Course Materials

- Apology of Socrates <http://classics.mit.edu/Plato/apology.html>
- “Human rights”, Stanford Encyclopedia of Philosophy (Parts 1-2-3) at: <http://plato.stanford.edu/entries/rights-human/#MinGroRig>
- J. Morsink, “The Universal Declaration of Human Rights: Origins, Drafting, and Intent” University of Pennsylvania Press, Philadelphia 1999
<http://eprints.gla.ac.uk/61216/1/61216.pdf>
- The Margin of appreciation . Interpretation and Discretion (Council of Europe)
[http://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-17\(2000\).pdf](http://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-17(2000).pdf)
- Promoting the Rule of Law abroad: The Problem of Knowledge: Thomas Carothers <http://carnegieendowment.org/files/wp34.pdf>
- Beyond the Rule of Law orthodoxy : The Legal Empowerment theory . Steve Golub <http://carnegieendowment.org/files/wp41.pdf>

Other course materials will be provided on the e-course system for the course, including conventions and articles.

III Teaching Methods

The class will meet twice a week. This course does not use traditional method of lecture and seminar division. There is going to be hybrid of lecture/seminar every class, also called the interactive lecture method. This method helps and equips the students with self-learning skills, which he/she will need in their further studies.

The instructor of this course is also going to use Socratic Method based on the maieutic principle. This method is widely used in courses based on case law. Since our course is mostly based on cases, this method is going to guide students’ discussion. The instructor will call on the students randomly to answer a question, discuss the given case, or a hypothetical situation. This method will equip students with analytical and critical thinking skills since the student is not given the answer to question but the student should find an answer him/her self by answering instructor’s questions.

IV Assessment

During semester, students’ grading will be based on the following components:

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|---------------------------------------|------|
| a) Class participation and attendance | 10 % |
| b) Oral presentation | 40% |
| c) Final Exam | 50 % |

These components are going to be assessed based on the following criteria:

Class participation is defined as following: constant participation (should be considered as: answering questions that were asked through the Socratic Method; commenting on classroom discussions, and; asking questions) in the class, which shows his or her preparation for the class with the use of and citation to the home material assignment that the student was assigned to read.

Oral presentation: The student will be asked to prepare and deliver to the rest of the class an oral presentation on a selected topic from the previous lessons with the possible support of slides.

Final Exam. Students cannot miss or rewrite the final exam.¹ If a student misses an exam, he/she will have an F for exam. The final exam will be in the form of short answer written questions and multiple choice questions. The final exam will be entirely closed book. Notes, phones, laptops, tablets, group work and any other forms of cheating are **strictly prohibited** on the final exam. Students will have 75 minutes to complete the exams. There will be a review session conducted before the final exam.

V Academic Conduct/ Course Policies

- (1) Students are expected to BE ON TIME for classes. If instructor marked a late student as absent, he/she is considered to be absent for the whole class, unless excused by instructor.
- (2) ATTENDANCE. ***Class attendance is required.*** An excused absence is possible only after the preliminary consent of the instructor or must be proved by necessary documents within a week after a student missed the class. If a student misses 4 classes without excuse or more than 50% of classes, he/she receives 0% for participation and attendance. (Remember, the quizzes cannot be made up or repeated).
- (3) The student has to follow ACADEMIC HONESTY code. ***All types of cheating*** (plagiarism, group work, reusing old assignments from other courses, notes sharing in an exam...etc.) ***are strictly prohibited.*** If student fails to observe this requirement, instructor may give from an "F" for the work up to an "F" for the whole course depending on the type of assignment and other circumstances.
- (4) CELL PHONES and any other electronic devices should be either turned off or kept on silent.

VI Grading

1. Grading criteria:

¹ If the student is sick, he/she is required to come to exam anyway. The instructor will grade the exam according to those circumstances surrounding the student situation.

A 94-100%
A- 90-93%
B+ 86-89%
B 80-85%

B- 77-79%
C+ 74-76%
C 68-73%
C- 64-67%

D+ 60-63%
D 54-59%
D- 50-53%
F below 50%

VII Subject Content

Week 1:

- Introduction to the Course and the Socratic Maieutic Principle
- Early history of Human Rights from the Pre Socratic to the XX Century

Week 2:

- The drafting process of the UDHR , Human Rights versus cultural relativism
- The proportionality principle, the legitimate aim and the margin of appreciation

Week 3:

- The foundations of the Rule of Law and the social contract
- The relations between Human Rights and Rule of Law

Week 4:

- The convention process ICCPR, ECSCR and the European Convention on Human Rights
- Individual students presentations on a given topic from the course

Week 5:

- Human Rights and Rule of Law intervention policies in transitional countries, the beginning
- The role of the United Nations

Week 6:

- The role of the European Union
- Brief History of 20 years of international assistance in Bosnia and Herzegovina

Week 7:

- The Sustainable Development Goals and the 2030 agenda (SDGs)
- International assistance and local cultures, the glocalization

Week 8:

- Review
- Final exam