Human Rights and International Law
2015 Syllabus

Course Information

Name: Human Rights and International Law
Teaching Institution: Masaryk University
Location: Brno, Czech Republic
Dates: 11th January – 31st January 2015
Duration: 3 weeks
Course contact hours: 36 hours of academic classes and seminars, 12 hours of professional site visits, 12 hours of cultural activities.
Pre-requisites: Program is open to undergraduate law students who have completed at least 2 years of study at time of participation. Entry to the program is on a competitive basis.

Course Descriptions

The Human Rights and International Law course program will give students a European perspective on various topics in international law and human rights. The course contains academic classes around these themes, as well as field trips to a number of relevant legal and political institutions.

Week I – Introduction and Principles

Students will get acquainted with the basic general questions of human rights protection and with the fundamental international instruments for their protection and with some basic principles governing implementation of human rights protection.

Lecture 1 (Pavel Molek) - Introduction: First concepts of Human Rights
- human rights relationship: rights holder and duty bearer
- horizontal human rights relationship
- brief history of human rights protection at the domestic level
Lecture 2 (Pavel Molek) - Levels of protection: Who is protecting our human rights?

- entry of international law to human rights protection
- domestic level of protection (very brief)
- Council of Europe and European Court of Human Rights
- universal protection of human rights: Charter-based bodies and Treaty based bodies
- human rights protection at EU level: reasons and instruments

Lecture 3 (Ladislav Vyhnanek) – Constitutional Courts and their role in human rights protection

- the concept of judicial review
- legitimacy of judicial review
- structural models of constitutional judiciary
- competences of constitutional courts
- constitutional courts in transitional periods and constitutional courts in established democracies (do established democracies need a constitutional court?)
- case studies

Lecture 4 (Ladislav Vyhnanek) – Human Dignity

- human dignity as the underlying value of human rights protection
- human dignity as a principle – aspects and dimensions of human dignity
- prohibition of torture and inhuman treatment
- right to personhood

Week II – Substantive and procedural human rights

The second week will be dedicated to specific human rights issues – both domestic and international issues will be tackled.

Lecture 5 (Ladislav Vyhnanek) – Equality and Discrimination

- the concept of discrimination (direct, indirect)
- principle of equality (formal and substantial, equal opportunities, equal outcomes)
- discrimination grounds
- possible justifications of discrimination
- affirmative actions
- cultural context of discrimination

Lecture 6 (Ladislav Vyhnanek) – Social Rights

- the problem of positive rights
- social rights as fundamental rights (social rights as human rights?)
- justiciability of social rights
- international and national level of social rights protection
- social rights and economic crisis
Lecture 7 (Pavel Molek) - To be or not to be: Right to life
- instruments of protection
- beginning of life
- right to die…?
- connections with other rights
- positive obligations
- death penalty

Lecture 8 (Pavel Molek) - Right to fair trial
- instruments of protection
- implicit and explicit parts of fair trial
- right to access to court
- independent and impartial court

**Week III: Freedom of Expression v. Hate Speech**

The right to freedom of expression is central to the international human rights regime. At the same time, freedom of expression is one of the rights that tend to generate much controversy.

After explaining the meaning and conceptual contours of this right, the dichotomy and interaction between freedom of expression and hate speech will be examined through various cases (case-law of both domestic and international courts). In this context, discussion will focus on this right’s boundaries (i.e. how, where and why to draw any limits to this right).

Lecture 9 (Katerina Uhlirova) - Freedom of Expression: Introduction and Background
- Meaning of freedom of expression (FoE)
- Conceptual contours of FoE
- Relation to other rights and state interests (impact of religious beliefs, cultural patterns, traditions etc.)
- Curtailment of FoE

Lecture 10 (Katerina Uhlirova) - Freedom of Expression v. Hate Speech: Human Rights Law Perspective
- Overview of international instruments that protect freedom of expression and focus on limitations in various contexts while each context presents very different legal, ethical and historical issues:
  a) Denial of Holocaust/Anti-Semitism
  b) Islamophobia
  c) Glorifying terrorism
- What constitutes hate speech?
Lecture 11 (Katerina Uhlirova) - Freedom of Expression v. Hate Speech: Human Rights Law Perspective

- Advocacy of (racial) hatred versus advocacy of (racial) violence
- Clarification of the standard by which ‘incitement’ is judged
- The effectiveness of laws aimed at restricting hate speech
- Examples of misuse of hate speech laws

Lecture 12 (Katerina Uhlirova) Freedom of Expression v. Hate Speech: International Criminal Law Perspective

- Role of hate speech in international criminal law: hate speech as an international crime?
- Persecution as a crime against humanity with respect to speech-related conduct: case-law of the International Criminal Tribunal for the former Yugoslavia
- Hate Speech as a part of incitement to genocide: case-law of the International Criminal Tribunal for Rwanda

Learning outcomes
Course aim: To develop participants' awareness and skills related to the issues, policy and institutional frameworks, cases and practice in international and European law with a focus on human rights.

On completion of this program, students should be able to:

- Understand what human rights are and how they are structured
- Describe the legal institutions and structures that have jurisdiction over human rights issues
- Talk about key actors and instruments in the field of human rights
- Analyse the limits and conflicts of some of the basic freedoms (eg freedom of expression)
- Summarise the current key issues in global human rights
- Compare aspects of the Czech and Australian legal systems
- Compare and argue the merits of various European and International approaches to human rights issues
- Evaluate how areas such as constitutional and international private law interact with, and impact on, human rights
- Examine, analyse and interpret a range of cases related to human rights and constitutional law
- Interact and collaborate with legal professionals in a cross-cultural setting
Professional Visits (12 hours)
There will be approximately 12 hours of sites visits and on-site seminars/discussions as part of the program.

It will include visits such as:
- The Czech Republic Ombudsman’s office
- The Constitutional Court
- The Supreme Administrative Court
- The UN Office in Vienna
- The Open Society Justice Initiative

Cultural Activities
The course includes a number of cultural activities, both inside and outside of Brno, designed to give participants an appreciation for Czech culture and attitudes, and the regional context within which the country interacts.

Course requirements (assessment)
Students are required to undertake the following assessment.

Final examination – 40%
Essay (2000 words) – 45%
In-Class participation – 15%

The final written essay will be due three weeks after the conclusion of the course on Sunday 22nd February 2015.

Australian universities may choose to request additional assessment from students, such as submitting a reflective journal, in order to approve credit transfer.

Grading
The threshold to pass is 60 points of 100 possible. The grade scale is as follows: A 100-90, B 89-80 C 79-70, D 69-65, E 64-60, F 59.
Students will receive a transcript from Masaryk University. Results and transcripts will be available after 1st April 2015.

Instructor Information
The course’s instructors come from Masaryk University’s various law departments. Students will also learn in-situ from law and human rights professionals during site visits and seminars.

Pavel Molek is a lecturer at the Law Faculty of Masaryk University (since 2007), Brno, and a visiting teacher at Universidade Católica, Lisbon. He is specialized on Human Rights, his favourite human rights (theoretically and practically) being freedom of expression, freedom of assembly, right to fair elections and refugee rights. He used to work as a part-time legal clerk at the
Supreme Administrative Court of the Czech Republic (between 2003 and 2013).

Katerina Uhlirova is a Lecturer in International Public Law at the Law Faculty of Masaryk University (since 2007), Brno. She specializes in international criminal law, humanitarian law and human rights. She publishes in these fields both in the Czech Republic and abroad (she published in the UK, USA, Australia, India, Greece and Netherlands). As for her working experience in this area, she interned as a Law Clerk for the Office of the President, International Criminal Tribunal for the former Yugoslavia, The Hague, The Netherlands and she also interned as a Law Clerk for the panel of international judges, War Crimes Chamber of the Court of Bosnia and Herzegovina (Sarajevo). She is a Coordinator of the Czech team and Reporter for Czech Republic in the ‘International Law in Domestic Courts Project’ (Amsterdam Centre for International Law/Oxford University Press, online database “Oxford Reports on International Law”).

Ladislav Vyhnanek is a lecturer at the Law Faculty of Masaryk University (since 2008) and a law clerk at the Constitutional Court of the Czech Republic. His research interests are in Human Rights and Constitutional Review (esp. prohibition of torture, proportionality, balancing, judicial enforcement of social rights, problems of constitutional adjudication), although he occasionally publishes in other areas (for example presidential powers in the Commentary on the Czech Constitution) and considers law his hobby.

Literature
http://cic.muni.cz/en/?option=com_content&view=article&id=490&Itemid=765

Materials
Students will be provided with learning materials (a course reader and/or access to relevant texts) in approximately late November, prior to arrival at Masaryk University. During the program students will have access to computing facilities, though students should be advised to bring their own laptop if they have one.

Attendance
Students are required to attend all lectures, presentations, visits, practical and cultural activities that are scheduled as part of the program.

Class participation
Students will be required to participate in discussions during lectures, seminars and visits.

Academic honesty
Students will be required to comply with Masaryk University’s policies regarding plagiarism and academic integrity.
Available Support Services
The program is fully supported by Masaryk’s international office and students will have access to both academic and pastoral support. Students will have access to campus computing and library facilities to assist them with completing the program’s required assessment.

Contact Information
For further information regarding this syllabus, please contact the Australian Institute for Mobility Overseas:
info@aimoverseas.com.au
Phone: (02) 9975 7792
Web: www.aimoverseas.com.au

Course Calendar/Schedule

Week One
Arrival in Brno/opening dinner
Orientation
Module 1
Prague excursion

Week Two
Module 2
Budapest excursion

Week Three
Module 3
Final Test
Closing dinner
Vienna excursion
Departure - residence check out

Final Essay due – 22nd February 2015