

JAMR17, Procedural Law of Human Rights, 15 credits
Processrätt och mänskliga rättigheter, 15 högskolepoäng
Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2015-10-29 and was last revised on 2022-09-07. The revised syllabus applies from 2022-09-07, autumn semester 2022.

General Information

The course Procedural law and Human rights is a compulsory course in the master's programme in International human Rights Law at The Faculty of Law. The course is open to students in the programme leading to a Swedish Professional Law degree and who follow the courses on the Master's Programme in International Human Rights Law in their studies at an advanced level.

The course is scheduled to require ten weeks of full-time studies.

Language of instruction: English

The lectures and the course material are in English.

Main field of studies

Human Rights

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

The aim of the course is to provide the knowledge, understanding and skills necessary to respond to human rights violations, including when they occur on a widespread scale, through the use of available remedies at the international level. Such use requires in-depth knowledge of the right to an effective remedy and the international procedures that have been established to secure this right in practice. It also requires the development of skills to argue convincingly, both orally and in writing, in these proceedings on the basis of international legal sources, in order to demand accountability and reparations in connection with these violations. Finally, it requires an understanding of the role of non-judicial remedies, such as economic sanctions and the tensions that exist between different theoretical perspectives on how human

rights violations should be responded to and prevented by the international community.

Knowledge and understanding

To pass the examination, the student must show:

- understanding of the meaning and application of international law with regard to various remedies to address and prevent human rights violations
- understanding of the functioning of international procedures and the challenges arising from their usage, not least when the violations are widespread
- solid understanding of how the concept of remedies in international law is linked to other legal concepts such as jurisdiction, responsibility and indemnification
- understanding of how the concept of remedies in international law interacts with and can be limited by various non-legal factors such as political interests in practice
- understanding of how international law relating to remedies has evolved through international law, precedent, doctrine and practice
- skills in using different international procedures for different types of human rights violations.

Competence and skills

To pass the examination, the student must show:

- good knowledge of available remedies at international level to address different types of human rights violations
- ability to question limitations on accountability and redress at international level and to propose alternative solutions
- ability to describe orally and in writing a complex legal issue concerning legal remedies and proceedings and to present in a convincing manner arguments about rights violations, responsibility/accountability and redress based on international legal sources.

Judgement and approach

To pass the examination, the student must demonstrate:

- an understanding of the basic principles of procedural law, standards and procedures that constitute and regulate available remedies at international level
- an understanding of the theoretical basis of the concept of remedies and the conditions that the availability or absence of remedies creates for the general application of human rights
- a scientific approach to the application of international law relating to remedies to demand accountability and reparations in relation to human rights violations
- ability to evaluate the societal aspects of different theories for responding to human rights violations and their relevance to international law.

Course content

The students acquire the above-mentioned knowledge and skills through independent study of the course literature and other course materials as well as through active participation in lectures and seminars and through oral presentations and writing assignments.

The teaching takes place in the form of lectures and seminars as well as through individual feedback on oral presentations and writing assignments, and mentorship

when choosing an exam topic.

Course design

For approved examination, the students must write a longer thesis and participate in an oral presentation, including submission of a written argument based on the oral presentation.

Assessment

The examination takes the form of two written assignments and an oral presentation. The oral presentation is graded with 0-25 points and makes up 25% of the final grade. The first written assignment consists of a presentation of an argument of 3-5 pages based on the oral presentation. This task accounts for 0-25 points of the final grade or 25%. The second written task is an analysis of a legal issue relating to remedies in relation to rights violations. This final assignment consists of 10–15 pages and makes up 50% of the final grade or 0–50 points. The subject of the second written assignment is mainly chosen by the student after advice and approval by the examiner. To pass the examination, the student must achieve at least a passing grade on all three examination elements.

Active participation in lectures and seminars is taken into account in the assessment of borderline cases.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

The grading scale includes the grades Failed, Passed, Passed with credit, Passed with great credit.

In the course is used as grade one of the expressions Fail (U), Passed (B), Passed With Credit (BA) or Passed With Great Credit (Ltd).

The grading criteria for the grade of B constitute basis for the other grades. Thus, the grading criteria for the grade of BA are what is required in addition to the criteria for the grade of B and the criteria for AB what is required in addition to the for BA. Each of the grading criteria consists of a qualitative and a quantitative component. To receive a certain grade, the students must achieve both the quantitative and the qualitative aims.

The grading criteria are applied on all intended learning outcomes that are included in the course syllabus. For example, the grade AB should assume that the student's examination has reflected his or her complete control of the intended learning outcomes about knowledge and understanding, competence and skills, and judgement and approach that are stated in the course syllabus. The grading is mainly based on qualitative and quantitative criteria. The quantitative criterion reflects how much the course participant has acquired of the reading list while the qualitative criterion reflects how well the course participant can apply their knowledge to carry

out well-structured critical and analytical arguments and place them in a relevant context.

B - Pass

To obtain this grade, the student must demonstrate a good knowledge of how available remedies to address rights violations at the international level work, including what can be achieved using various international procedures.

The student must be able to demonstrate knowledge of how non-legal factors such as political interests affect access to justice and the possibility of demanding accountability and reparations in connection with rights violations.

The student must demonstrate good knowledge and understanding of how to assist victims whose human rights have been violated through the use of various procedures and the production of convincing legal arguments.

The student must demonstrate the ability to identify and critically analyze international legal sources relating to legal remedies, presentation of a written argument, master legal argumentation and work independently and in groups.

BA - Pass with credit

To obtain this grade, the student must demonstrate very good knowledge of how available remedies to address rights violations at the international level work, including about what can be achieved using various international procedures.

The student must be able to demonstrate good knowledge of how non-legal factors such as political interests affect access to legal remedies and the possibility of demanding accountability and reparations in connection with rights violations.

The student must demonstrate the ability to critically and independently identify and develop reasoning about the advantages and disadvantages of different international procedures and with arguments that are taken outside the strictly legal sphere in the response to different types of rights violations.

The student must demonstrate a good ability to identify and critically analyze international legal sources relating to legal remedies; write well-founded, concise and logical legal arguments; master legal argumentation; and work independently and in groups.

AB - Pass with distinction

To obtain this grade, the student must demonstrate in-depth knowledge of how available remedies to address rights violations at the international level work, including on what can be achieved through the use of various international procedures, including the interactions and tensions between them.

The student must be able to demonstrate a good ability to analytically and critically identify how non-legal factors such as political interests affect access to legal remedies and the possibility of demanding accountability and reparations in connection with rights violations.

The student must demonstrate a very good ability to critically and independently identify and develop reasoning about the advantages and disadvantages of different international procedures and with arguments that are taken outside the strictly legal sphere in the treatment of different types of rights violations.

The student must fully and critically understand the methods of interpretation applied by the international judiciary when arguing for a particular position.

The student must demonstrate a very good ability to identify and critically analyze international legal sources relating to legal remedies; write very well-researched, concise and logical legal memoranda; master legal argumentation; and work very well independently and in groups.

Entry requirements

Passed course components equivalent to 60 credits in the first year on the Master's programme in International Human Rights Law.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JAMR17, Procedural Law of Human Rights

Applies from H22

2201 Procedural Law of Human Rights, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction

Applies from H13

1201 Procedural Law of Human Rights, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction