



LUND
UNIVERSITY

Faculty of Law

JAMR33, Human Rights and Cultural Diversity, 7.5 credits

Human Rights and Cultural Diversity, 7,5 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus is an old version, approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2015-12-22 and was valid from 2015-12-22, autumn semester 2015.

General Information

The course Human Rights and Cultural Diversity is an elective course within the Master's Programme in International Human Rights Law at the Faculty of Law. The course is open to students on the programme leading to a Swedish Professional Law degree and who follow the Master's Programme in International Human Rights Law in their studies at advanced level.

The course is scheduled to require 5 weeks of full time studies.

Lectures and 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

Knowledge and understanding

To pass the examination the student shall show

- in-depth knowledge of cultural diversity as a legal standard in international human rights law
- knowledge of the legal discourses under which the establishment of cultural diversity as a legal standard has been grounded
- insight on the manner that cultural diversity – as legal standard – influences and permeates the understandings of the notion of ethno-cultural groups and has shaped their specific legal frameworks, in particular with regard to minorities and

- indigenous peoples
- knowledge of the incorporation of cultural diversity as a legal standard, within different regional systems for human rights protection, especially in Europe and the Americas
- critical understanding of the interpretative methods used by the regional and universal judicial and/or quasi-judicial bodies when applying cultural diversity – as a legal standard – for the interpretation of recognised human rights.

Competence and skills

- To pass examination the student shall show
- ability to critically understand the notion of cultural diversity as a legal standard
- ability to independently and critically identify the presence of cultural diversity – as a legal standard – within the international human rights law instruments
- ability to analytically and critically identify the impact of cultural diversity – as a legal standard – in the construction of specifically targeted norms for specific ethno-cultural groups, in particular vis-à-vis minorities and indigenous peoples
- ability to realize the advantages and disadvantages to use cultural diversity as a justification for the adoption of specific legal regimes, within the framework of international human rights law
- ability to critically analyse and understand the interpretative method used by judicial and/or quasi-judicial bodies – at the regional or universal levels – when using cultural diversity in the interpretation of recognised human rights
- ability to write legal memos and to show a sound knowledge of legal analysis and argumentation skills.

Course content

The aim of the course is to provide the students with the possibility to critically analyse the impact of cultural diversity, as a legal standard, within the contemporary regime of international human rights law. Particular emphasis will be given to the influence of cultural diversity on the construction of differentiated legal regimes for diverse groups, such as ethno-cultural minorities and indigenous peoples.

Different disciplines have focused on cultural diversity and in the manner that this notion has shaped modern societies. In this course, cultural diversity will be approached from a legal standpoint, tracking its presence – as a legal standard – in different international human rights instruments, and – in particular – through the interpretation given by regional and international judicial or quasi-judicial bodies, such as the European and Inter-American Courts of Human Rights, the Human Rights Committee, etc.

In this sense, this course will provide a comparative approach between different regional systems of human right protection, in particular between the European and the Inter-American ones. Through the critical analysis of their jurisprudence, this course will focus on the manner that cultural diversity has influenced the interpretation and implementation of recognised human rights. In particular, it will encourage the development of an autonomous critical thinking vis-à-vis the potential contradictions that the use of cultural diversity – as a legal standard – has generated vis-à-vis the universal character of human rights.

Course design

Students should be able to obtain the above-mentioned knowledge and competences through an active participation during the lectures, individual studies of the course literature and elaboration and presentation of their case memos.

Therefore, teaching is structured in lectures and seminars. The lectures will systematically and critically analyse the relevant legal notions and concepts involved in the use of cultural diversity as legal standard in international human rights law. Individual critical thinking will be encouraged through an active participation in the classroom.

During the seminars, students will train the skills and knowledge acquired at the lectures, in particular through the elaboration and presentation of case memos. In this sense, students will have to critically analyse relevant case law –involving specific human rights that have been interpreted in connection with the standard of cultural diversity– and present them to their peers, whom will provide suggestions and feedbacks.

Assessment

Examination is in the form of an oral exam at the end of the course, and constitutes 75% of the final grade. Student performance on the elaboration and presentation of the case memos constitutes the remaining 25%. In the latter case, the examination includes a peer-review opposition process, where the opponent performance is also evaluated. The teacher will make questions and provide comments if necessary.

In order to pass the course, students need to pass both examination instances.

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.

One of the following grades is given: Fail (U), Pass (B), Pass with Credit (BA) or Pass with Distinction (AB).

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as “Learning outcomes” in this syllabus. By way of example, an AB would presuppose that the student’s examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as “learning outcomes”. Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

B – Basic command

In order to achieve this grade the student must show good knowledge about how cultural diversity has been used as a legal standard in international and regional human rights law.

The student must achieve sound knowledge about the influences of cultural diversity in the construction of ethno-cultural groups’ specific legal regimes, in particular with

regard to ethno-cultural minorities and indigenous peoples.

The student has to acquire sound knowledge and understanding of the interpretative methods used by the regional and universal judicial and/or quasi-judicial bodies when applying cultural diversity – as a legal standard – for the interpretation of recognised human rights.

BA – Advanced command

In order to achieve this grade the student must show very good knowledge about how cultural diversity has been used as a legal standard in international and regional human rights law.

The students must achieve good knowledge about the influences of cultural diversity in the construction of ethno-cultural groups' specific legal regimes, in particular with regard to ethno-cultural minorities and indigenous peoples. The student must be able to demonstrate good knowledge with regard to the incorporation of cultural diversity, within different regional systems for human rights protection, especially in Europe and the Americas; showing the ability to analytically and critically identify the impact of cultural diversity –as a legal standard– in the construction of specifically targeted norms for specific ethno-cultural groups, in particular vis-à-vis minorities and indigenous peoples.

The student has to be able to critically and independently identify and elaborate about the advantages and disadvantages to use cultural diversity as a justification for the adoption of specific legal regimes – within the framework of international human rights law – including the capacity to analyse, compare and assess theoretical and practical problems related to the application of this legal standard.

The student has to be able to critically understand the interpretative methods used by the regional and universal judicial and/or quasi-judicial bodies when applying cultural diversity – as a legal standard – for the interpretation of recognised human rights.

The student must show a good ability to identify and critically analyse case law concerning cultural diversity within international human rights law; to write legal memos; to show good command of argumentative skills; and to work both individually and in Groups.

AB – Mastery

In order to pass the student must show an in-depth knowledge about how cultural diversity has been used as a legal standard in international and regional human rights law.

The students must achieve substantive knowledge about the influences of cultural diversity in the construction of ethno-cultural groups' specific legal regimes, in particular with regard to ethno-cultural minorities and indigenous peoples.

The student must be able to demonstrate an excellent knowledge with regard to the incorporation of cultural diversity, within different regional systems for human rights protection, especially in Europe and the Americas; showing good ability to analytically and critically identify the impact of cultural diversity – as a legal standard – in the construction of specifically targeted norms for specific ethno-cultural groups, in particular vis-à-vis minorities and indigenous peoples.

The student has to be able to critically and independently identify and elaborate about the advantages and disadvantages to use cultural diversity as a justification for the adoption of specific legal regimes, within the framework of international human rights law, including good capacity to analyse, compare and assess theoretical and practical problems related to the application of this legal standard. In addition they must show ability to identify and to logically deconstruct legal discourses grounded on the incorporation and application of cultural diversity as legal standard.

The student has to be able to fully and critically understand the interpretative methods used by the regional and universal judicial and/or quasi-judicial bodies when

applying cultural diversity – as a legal standard – for the interpretation of recognised human rights.

The student must show a very good ability to identify and critically analyse case law concerning cultural diversity within international human rights law; to write solid and substantial legal memos; to show very good command of argumentative skills; and to work both individually and in Groups.

Entry requirements

Passed examination in courses corresponding to the first year of the Master's programme equivalent to 52.5 credits.

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 JAMR33, Human Rights and Cultural Diversity

Applies from H13

1301 Human Rights and Cultural Diversity, 7,5 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction