



LUND
UNIVERSITY

Faculty of Law

JAMR50, Human Rights and Remedies, 15 credits *Human Rights and Remedies, 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 2023-09-06 to be valid from 2023-09-06, autumn semester 2023.

General Information

The course Human Rights and Remedies 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 within the Swedish Professional Law degree programme, specialising in International Human Rights Law.

Language of instruction: 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 give the skills that are required to respond to violations of the human rights, including when they take place on an extensive scale, through the use of available remedies at the international level. Such use requires in-depth knowledge of the right to effective remedies and the international procedures that have been created to substantiate this right in practice. It also requires skill to argue convincingly both orally and in writing before these procedures, based on international legal sources to claim responsibility and remedy in connection with these violations. It finally requires an understanding of the role that non judicial remedies play, such as economic sanctions and the tensions between different theoretical perspectives on how human right violations should be responded to and prevented by the international society.

Knowledge and understanding

To pass the examination, the students shall demonstrate

- understanding of the meaning and application of international law as regards different remedies to respond to and prevent violations of the human rights
- an understanding of how the international procedures function and the challenges that arise in connection with their use, not least when the violations are extensive
- solid understanding of how the concept of remedies in the international law is connected to other legal concepts such as jurisdiction, responsibility and reparation
- understanding of how the concept of remedies in the international law in its application interacts with, and can be limited by, different non-judicial factors such as political interests
- understanding of how the international law regarding remedies has been developed through international legislation, jurisprudence, doctrine and practice
- skill to use different international procedures for different types of violations of the human rights.

Competence and skills

To pass the examination, the students shall demonstrate

- good knowledge of available remedies at the international level for responding to different types of human rights violations
- ability to question limitations of possibilities to claim responsibility and remedies at the international level and suggest alternative solutions
- ability to orally and in writing describe a complicated legal question concerning remedies and in a convincing way state arguments about responsibility and remedies based on international legal sources.

Judgement and approach

To pass the course, the students shall demonstrate

- understanding of procedural law related principles, norms and procedures that constitute and regulate available remedies for human rights violations at the international level
- understanding of the theoretical basis for the concept of remedies and the preconditions that access to or the lack of remedies create for a general application of human rights law.
- a theoretically grounded approach in the application of international law concerning remedies to claim responsibility and remedies in connection with human right violations
- ability to evaluate the societal aspects of different theories related to responses for human rights violations and their relevance for international law.

Course content

The students acquire the above-mentioned knowledge and skills through independent study of the reading list and other course material and through active participation in lectures and seminars and through oral presentations and written assignments.

The teaching consists of interactive lectures and seminars as well as individual feedback on oral presentations and written assignments and mentorship of the choice of research topic.

Course design

To pass this course, the student must make an oral presentation, submit a written argument based on the oral presentation, and write a longer written assignment. Seminar participation is mandatory.

Assessment

The assessment is based on two written assignments, an oral presentation and seminar participation. The oral presentation constitutes 25% of the final grade. The first written assignment consists of the production of a written argument of 3-5 pages based on the oral presentation. This assignment constitutes 25% of the final grade. The second written assignment is an analysis of a legal question that concerns remedies in connection with rights violations. This final assignment consists of 10-15 pages and constitutes 50% of the final grade. The subject for the second written assignment is mainly chosen by the student after counselling and approval of the course director.

To pass the course, the student must pass all three examination parts separately.

Submission of the written assignments by set deadlines is required. Late submission will result in a progressive reduction of points.

All work must be independently produced by the student.

Participation in seminars is compulsory. Students who do not meet the requirement must submit a make-up task assigned by the teacher.

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.

B - Pass

To receive this grade, the student must show good knowledge of how available remedies to respond to rights violations at the international level function, including what can be achieved using different international procedures.

The student must be able to demonstrate knowledge of how non judicial factors such as political interests influence the access to remedies and the possibility to claim responsibility and remedy in connection with rights violations.

The student must show good knowledge of and understanding of how to assist victims whose human rights have been violated through the use of different procedures and the production of convincing judicial argumentation.

The student must demonstrate the ability to identify and analyse international legal sources regarding remedies, production of a written argument, to master legal argumentation and to work independently and in groups.

BA - Pass with credit

To receive this grade, the student must show very good knowledge of how available remedies to respond to rights violations at the international level function, including what can be achieved using different international procedures.

The student must be able to show good knowledge of how non judicial factors such as political interests influence the access to remedies and the possibility to claim responsibility and remedy in connection with rights violations.

The student must demonstrate the ability to critically and independently identify and develop arguments about the advantages and the disadvantages of different international procedures, and with arguments that are retrieved outside the strictly legal sphere in the treatment of different types of right violations.

The student must demonstrate good ability to identify and critically analyse international legal sources concerning remedies; to write well supported, concise and logical legal arguments; master legal argumentation; and work independently and in groups.

AB - Pass with distinction

To receive this grade, the student must demonstrate advanced knowledge of how available remedies for right violations at the international level function, what can be achieved using different international procedures as well as the interplay and tensions between them.

The student must be able to demonstrate a very good ability to analytically and critically identify how non judicial factors such as political interests influence the access to remedies and the possibility to claim responsibility and reparations in connection with rights violations.

The student must demonstrate a very good ability to critically and independently identify and develop arguments about the advantages and the disadvantages of different international procedures, and with arguments that are retrieved outside the strictly legal sphere responding to different types of right violations.

The student must have an advanced understanding of and be able to critically examine the interpretation methods that are applied by the international judicial system when arguments for a certain position are presented.

The student must demonstrate a very good ability to identify and critically analyse international legal sources concerning remedies; to write well supported, 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 JAMR50, Human Rights and Remedies

Applies from H23

2301 Written Examination, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction