

Critical perspectives on human rights (B001804)

Course size *(nominal values; actual values may depend on programme)*

Credits 4.0

Study time 120 h

Course offerings in academic year 2023-2024

A (semester 2)

English

Gent

Lecturers in academic year 2023-2024

Dembour, Marie-Benedicte

RE22

lecturer-in-charge

Offered in the following programmes in 2023-2024

Master of Science in Teaching in Social Sciences(main subject Laws)

crdts

offering

4

A

Master of Laws in Laws

4

A

Master of Laws in International and European Law(main subject International and Human Rights Law)

4

A

Exchange Programme in Law

4

A

Teaching languages

English

Keywords

Human Rights, International Law, Evidence, Truth, Power, Critique

Position of the course

In regard to knowledge acquisition, the course aims at deepening and broadening students' knowledge of human rights law as well as at introducing them to legal critical analysis. The latter is stimulated through continuous attention being drawn to both the potential and the limitations of human rights as a tool of human rights protection, and to its biases, conscious or unconscious. Autonomous reasoning is encouraged through interactive methods of teaching. Each year the course adopts a particular focus or theme from within the vast range of issues that constitute human rights law

Contents

In 2023-24, the course will focus on evidence, truth and power in international human rights adjudication. It will be given by Professor Marie-Benedicte Dembour who will be assisted by members of her DISSECT research team. DISSECT is a research project at the frontier of knowledge funded by the European Research Council.

Questions we will explore together in the course include:

- How is the truth of human rights violations established?
- In an international human rights case, who bears the burden of proof?
- What kind of evidence do (international) human rights courts consider to be solid?
- Who benefits the most from factual uncertainty? The alleged victim or the defendant state?
- Do the three regional -European, Inter-American and African- human rights courts apply the same evidentiary regime? If not, why not?
- Is it worth distinguishing between 'judicial truth' and 'substantive truth'?
- Can there be justice without truth?

Initial competences

Basic knowledge of international law and human rights law, in particular the ECHR; good passive knowledge of English.

Final competences

- 1 In-depth knowledge of the specific aspects of international human rights law on which the course focuses
- 2 Broad understanding of general international human rights law, including the very different

outlooks adopted by the three human rights regional (European, Inter-American and African) courts

- 3 Insights in the non-neutral character of law, which per force always advantages some parties and disadvantages others
- 4 Understanding of what a scientific critical attitude entails
- 5 Awareness of the benefits of a multidisciplinary approach, that goes beyond legal doctrinal analysis

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Lecture

Extra information on the teaching methods

The students are expected to read materials in advance of each session, with the required preparation estimated to take about 3 hours of your time each week. Classes will be held online. Each session will include break-out rooms, as well as plenary discussions in which you will be invited and expected to participate.

Learning materials and price

- Reader, available on Ufora
- Powerpoint presentations, available on Ufora
- Other material distributed during the lecture or workshop, available on Ufora

References

Course content-related study coaching

The students can download the powerpoint presentations on Ufora. There is a possibility to ask questions during and after the lectures, via e-mail and after appointment with the lecturer or the assistant

Assessment moments

continuous assessment

Examination methods in case of periodic assessment during the first examination period

Examination methods in case of periodic assessment during the second examination period

Examination methods in case of permanent assessment

Oral assessment, Participation, Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible in modified form

Extra information on the examination methods

The assessment consists in 3 elements as follows:

- a. Attendance and participation: this is marked out of 3 points. Students who have attended every session automatically get 2 points. This can go up depending on your participation.
- b. Submission of a 2,000-2,500 word text written in the form of a blog post. Each student chooses the human rights case on which they write a case note that adopts a critical perspective on an evidentiary and/or truth angle. This is marked out of 9 points.
- c. Group oral presentation: Students are invited to self-select a group of either 3 or 4 members until mid-November (exact date will be confirmed in the first class). Any student who has not self-selected a group by the given date is to a group. The task of the group will be to critically discuss an important concept/principle/norm/practice of evidence in international human rights adjudication in a presentation of 15 minutes (3 students) or 20 minutes (4 students) supported by a powerpoint and a bibliography of at least 6 academic texts. The presentations will take place in December (exact date will be confirmed in the first class). This is marked out of 8 points (4 for the group and 4 for each individual)

Examination during the second examination period is possible, as follows:

- A. Oral open-book examination covering the whole course, in which case the note obtained for

this oral examination replaces the three notes obtained for the various assessment elements in the first session.

B. It is open to students who received in the first session a mark of 1.5 or higher for attendance and participation and of 4 or higher for the group presentation element to retake in the second session the case note element only. In this case the mark they receive in the second session replaces the mark they received in the first session for the case note element only, with the original marks for participation and attendance on the one hand and for the group presentation on the other hand standing.

Calculation of the examination mark

See above

Facilities for Working Students

- no evening classes, no distance learning
- independently studying for this course is not possible as understanding of the key concepts requires attending the classes and participating in the discussions. Past students who, despite this warning, have taken this course but not attended it, have failed: there exists no textbook which presents the material we shall discuss.