

**UNIVERSITY OF COLOMBO****FACULTY OF LAW****By-Laws of Master of Human Rights and Democratisation**

By-Laws made by the Council of the University of Colombo, Sri Lanka (hereinafter referred to as University of Colombo) under Section 135 of the Universities Act No. 16 of 1978 and its subsequent amendments.

Whereas the University of Colombo had entered into a Memorandum of Understanding (hereinafter referred to as the Memorandum) jointly with the University of Sydney (Australia), Kathmandu Law School (Nepal), Gaja Mada University (Indonesia) and Mahidol University (Thailand) (hereinafter referred to as the 'Partner Institutions') to cooperate and offer a joint Programme of Study leading to the Degree of Master of Human Rights and Democratisation at the Asia Pacific Regional Level (hereinafter referred to as the 'Programme');

Whereas under the Memorandum it has been agreed by the Partner Institutions that students from various countries with the required qualifications will be selected to follow the First Semester of the Programme at the University of Sydney (Australia) and that they would be selected to follow the Second Semester of the Programme at the Partner Institutions other than the University of Sydney;

Whereas it has also been agreed that the University of Colombo would admit some of those students to follow the Second Semester of the Programme at the Faculty of Law of the University of Colombo;

Whereas the University of Colombo has decided to concurrently admit Sri Lankan students with the required qualifications to follow both the First Semester and Second Semester of the Programme at the Faculty of Law of the University of Colombo; and

Whereas the University of Colombo has agreed with its Partner Institutions to award and confer the Degree of Master of Human Rights and Democratisation at the successful conclusion of the Programme on those who satisfy the requirements of the Degree as hereinafter prescribed;

Be it enacted by the Council of the University of Colombo as follows;

**By-Laws**

1. These By-Laws may be cited as the By-Laws governing the Degree of Master of Human Rights and Democratization No 05/2014.
2. Subject to these By-Laws, a person may be awarded the Degree of Master of Human Rights and Democratisation (hereinafter referred to as the 'Master's Degree') if he/she has:
  - (a) been a registered student of the University for this Programme for the period prescribed by these By-Laws which period may include a period of study undertaken at the University of Sydney;
  - (b) thereafter pursued the programme of study of the University as prescribed by these By-Laws and other Regulations and Rules of the University;
  - (c) satisfied the examiners for the Master's Degree at the written examinations, Dissertation, Internship Research Report, case study presentations/reports, take-home assignments, class room tests, and *viva voce* examination/s as may be prescribed by the By-Laws and other Regulations and Rules of the University;

- (d) a minimum of 80% attendance at classroom teaching activities, internship placements, meetings with supervisors and other related activities;
    - (e) paid directly or caused to be paid through the University of Sydney, such registration, tuition, supervision, examination and other fees as may be payable to the University of Colombo; and
    - (f) fulfilled all other requirements prescribed by these By-Laws and other Regulations and Rules of the University.
3. The following persons shall be eligible for registration as a candidate to follow the said Master's Degree Programme at the University of Colombo
  - 3.1 A person who has a Bachelor's degree from any recognized University or an equivalent qualification recognized by the University of Colombo, and such other qualifications and experiences as deemed relevant from time to time by the Senate of the University of Colombo [such candidates shall hereinafter be referred to as 'Local Master's Degree Students']; or
  - 3.2 A person who has a Bachelor's degree from any recognized University or such other equivalent qualifications recognized by the University of Colombo who has successfully completed the First Semester of the Master's Degree Programme at the University of Sydney as certified by the said University and who has been selected by the Sydney University in conjunction with the University of Colombo to follow the Second Semester of the Master's Degree Programme in the University of Colombo [such candidates shall hereinafter be referred to as 'International Master's Degree Students'].
4. There shall be a Coordinator for the Program, who shall be appointed by the Dean, Faculty of Law on the recommendation of the Director of the Centre for the Study of Human Rights.
5. Registration
  - 5.1 The minimum period of registration for the Master's Degree Programme shall be one year, inclusive of the period of registration a candidate had at the University of Sydney in the case of International Masters Degree Students. The registration shall be valid for one year counted from the date of commencement of the Programme of Study.
  - 5.2 The registration for the Masters Degree shall be deemed to have lapsed at the expiry of its period of validity. A candidate may, with the approval of the Faculty Board, renew his/her registration for another year provided he/she is eligible to be so registered.
  - 5.3 Notwithstanding anything stated to the contrary, the University of Colombo shall have the right to cancel at any time the registration of a candidate for cause assigned.
  - 5.4 No student shall keep away from lectures, tutorial/discussion classes, seminars, internship placements, meetings with supervisors, or withdraw from any written examination or classroom test without prior approval from the Faculty of Law unless on medical grounds or other reasonable cause.

## Part II

### Course Details

#### 6. Course Components

6.1 The Masters Degree Programme shall be a one-year full-time course of study, which shall amount to a minimum of 30 credits. The candidates will be required to attend lectures, seminars, workshops; tutorials, other teaching events, internship placements, meetings with supervisors that cover the curriculum of the Degree. A minimum of 80% attendance is required at these teaching activities.

6.2 The Masters Degree Programme shall include eight Course Modules. A One-Week Thematic Intensive Programme may be included as an additional Course Module.

#### *First Semester Course Modules*

6.3 For Local Master's Degree students the first four course modules and the One-Week-Thematic Intensive programme (if any) shall be completed in the First Semester at the University of Colombo (hereinafter referred to as 'First Semester Course Modules (Colombo)'). These Course Modules shall cumulatively amount to a minimum of 12 credits.

6.4 For International Master's Degree Students, the first four Course Modules and the One-Week-Thematic Intensive programme (if any) shall be completed in the First Semester at the University of Sydney (hereinafter referred to as 'First Semester Course Modules (Sydney)'). These Course Modules shall cumulatively amount to a minimum of 12 credits.

6.5 The following four Course Modules shall be offered to the Master's Degree students during the First Semester of study:

1. Human Rights Norms and Mechanisms (Part 1)
2. Human rights and Democratisation Research
3. Dynamics of Human Rights Violations
4. Democracy Theory and Practice

#### *Second Semester Course Modules*

6.6 The Second Semester at the University of Colombo (for both Local and International Master's Degree Students) shall consist of two Course Modules and either an Internship Placement or Dissertation. The two Second Semester Course Modules shall cumulatively amount to a minimum of 6 credits and the Internship Placement or Dissertation shall amount to a minimum of 15 credits.

6.7 The following two Course Modules shall be offered to the students during the Second Semester of study:

1. Human Rights Norms and Mechanisms Part II
2. Critical and Emerging Issues in the Asia Pacific

- 6.8 Where a candidate opts to undertake writing a Dissertation, he/she will undertake research under the guidance of a supervisor nominated by the Faculty of Law on a subject approved by it.
- 6.9 Each candidate who opts to undertake writing a Dissertation shall have a research supervisor. Such a research supervisor may be either a member of the Teaching Faculty or other suitable person to be appointed by the Faculty Board.
- 6.10 A candidate who opts to undertake writing a Dissertation shall first submit a Dissertation Proposal, which shall be subject to approval by his/her appointed research supervisor, and thereafter submit a Final Dissertation for examination

#### *Dissertation*

- 6.11 Where a candidate opts to undertake an Internship Placement, he/she shall be placed at a suitable host institution, which is approved by the Senate on the recommendation of the Faculty Board, to undergo an internship at the end of which he/she shall submit an 'Organizational Product' and a 'Reflection' (collectively referred to as the 'Organizational Output') to the University of Colombo as well as to the host institution.

#### *Internship*

- 6.12 Where a candidate who opts to undertake an Internship Placement shall also submit an Internship Research Report for examination.
7. The Senate shall have power, on the recommendation of the Faculty Board, to amend the number of course modules, the course structure, the syllabi, the number of question papers thereof and the scheme of evaluation.
8. The Senate, on the recommendation of the Faculty Board, shall appoint a Board of Examiners to conduct the examinations of the Masters Degree Programme. The Registrar shall release results of the examinations held each Year.
9. The medium of instruction and examination shall be English.
10. Examination
- 10.1 Each of the four First Semester Course Modules shall carry a maximum mark of 100.
- 10.2 Each of the Second Semester Course Modules shall carry a maximum mark of 100.
- 10.3 There shall be conducted In-Course Assessments in the form of Take Home Assignments, Seminar Presentations, Viva, and Class Room Tests for each Course Module. The In-Course Assessments shall collectively carry a maximum mark of 70% and the End-of-Course Written Examination shall carry a maximum mark of 30% for each Course Module. This assessment scheme shall apply to all Course Modules offered to students at the University of Colombo (both Local and International Master's Degree students), except in respect of the Dissertation and Internship Placement components.
- 10.4 The Organizational Output and Dissertation Proposal shall carry a pass or fail grade.
- 10.5 The Internship Research Report and Final Dissertation shall carry a maximum mark of 100.

- 10.6 A candidate who does not obtain the minimum pass mark for a Course Module or any component thereof may re-take that Course Module or component as the case may be, subject to the conditions stipulated hereinafter.
- 10.7 A candidate shall not take any component of the Master's Degree on more than two (2) occasions, and in computing the total number of occasions, there shall be taken into account any occasions on which he/she is deemed to have taken the examination in terms of Clause 10(9) of these By-Laws.
- 10.8 A student shall take any component of the Master's Degree on the first occasion on which that component is held, unless:
- (a) he/she has submitted a medical certificate which has been accepted by the Senate; or
  - (b) he/she has established to the satisfaction of the Senate that there is adequate reason for being excused from sitting for the examination.
- 10.9 Where a student does not take the component of examination on the first occasion on which the examination is held during or after the programme of study, he/she shall be deemed, unless the Senate determines otherwise, to have taken that component on that first occasion. Such occasion shall be taken into account in computing the total number of occasions in which the candidate is entitled to sit for that component.

## 11. Evaluation Procedure

- 11.1 In the case of Local Master's Degree Students, a candidate may not be evaluated unless she/he has been deemed duly registered as a candidate for the Masters Degree Programme as from the commencement of the academic year at the University of Colombo. In the case of International Master's Degree Students, a candidate may not be evaluated unless she/he has been deemed duly registered as a candidate for the Masters Degree Programme as from the commencement of the academic year at the University of Sydney. Candidates shall also satisfy the attendance requirements at lectures, tutorials/discussions, internship placements, and meetings with supervisors as prescribed in these By-Laws or as varied by the Faculty Board due to exceptional reasons.
- 11.2 All rules relating to the Examination Procedure, Offences and Punishment Regulation No. I of 1986, *mutatis mutandis*, apply to, or in relation to, all assessments/tests of the Masters Degree.
- 11.3 Without prejudice to the generality of the Regulation No. I of 1986, rules relating to assignments/tests, Organisational Outputs, Internship Research Reports, Dissertation Proposals and Final Dissertations shall be formulated and implemented by the Coordinator with the approval of the Faculty Board and any matter, relating to them shall be decided by the Faculty Board on the recommendation of the Coordinator, the Dean of the Faculty of Law and Director of the Centre for the Study of Human Rights
- 11.4 Rules relating to assignments/tests, Internship Research Reports, and Dissertations shall be announced with the concurrence of the Faculty Board of the Faculty of Law from time to time, by the Coordinator in consultation with the teachers and such rules shall not be changed or revoked unless otherwise so decided by the Faculty Board.

### Part III

#### Scheme of Evaluation

##### 12. Evaluation Procedure

- 12.1 Each of the First Semester Course Modules (Colombo), Second Semester Course Modules, Internship Research Reports and Final Dissertations shall carry a maximum mark of 100.
- 12.2 The pass mark for each of the First Semester Course Modules (Colombo), Second Semester Course Modules, Internship Research Reports and Final Dissertations shall be 50%.
- 12.3 The Organisational Output and Dissertation Proposal shall receive a pass or fail grade.
- 12.4 End-of-Course Written Examinations for the First Semester Course Modules (Colombo) and Second Semester Course Modules shall be marked by two independent examiners.
- 12.5 The Organisational Output shall be evaluated by a panel consisting of a representative of the host institution and one examiner appointed by the Senate on the recommendation of the Faculty Board. .
- 12.6 The Internship Research Report shall be evaluated by an internal examiner appointed by the Senate on the recommendation of the Faculty Board and an external examiner from the Dissertation and Internship Committee for Examination appointed by the Steering Committee of the Master of Human Rights and Democratisation Programme independently. The nomination for external examiner shall be ratified by the Senate on the recommendation of the Faculty Board. The two examiners may also conduct a viva voce examination. If an Internship Research Report is deemed unsatisfactory, re-submission will be permitted. As far as possible, the same two examiners shall re-examine the Report.
- 12.7 The Final Dissertation shall be evaluated by an examiner appointed by the Senate on the recommendation of the Faculty Board and an external examiner from the Dissertation and Internship Committee for Examination appointed by the Steering Committee of the Master of Human Rights and Democratisation Programme independently. The nomination for external examiner shall be ratified by the Senate on the recommendation of the Faculty Board. These two examiners may also conduct a viva voce examination. If a Final Dissertation is deemed unsatisfactory, a re-submission will be permitted. As far as possible, the same two examiners shall re-examine the Final Dissertation.
- 12.8 A satisfactory Final Dissertation shall be an account of research carried out by the candidate, making a contribution to knowledge in the field. The research question should be clearly formulated and based upon a review of the literature; the methodology justified by reference to the literature, and described sufficiently precisely to permit replication; the results must be clearly presented and analysed, using appropriate statistical methods.

- 12.9 A Final Dissertation requiring re-submission shall be handed in within four months of the release of results. The examiners shall have the authority to decide on the acceptability of a re-submitted Final Dissertation. When a Final Dissertation is accepted, two bound copies shall be submitted to the university. If a Final Dissertation is failed by the examiners, this constitutes course failure.
- 12.10 In the case of International Masters Degree Students, if the two examiners disagree on the final grade to be allocated for an Internship Research Report or Final Dissertation, or when the disparity between the two grades allocated by the two examiners exceeds the maximum permitted, the Internship Research Report or Final Dissertation shall be referred to a panel of three examiners, who shall be members of the Dissertation and Internship Committee for Examination. The panel shall reconcile the grade difference and determine a final grade. The appointment of the panel of examiners shall be ratified by the Senate on the recommendation of the Faculty Board.
- 12.11 In the case of Local Masters Degree Students, if the two examiners disagree on the final grade to be allocated for an Internship Research Report or Final Dissertation, or when the disparity between the two grades allocated by the two examiners exceeds the maximum permitted, the Internship Research Report or Final Dissertation shall be referred to a third examiner. The appointment of the third examiner shall be ratified by the Senate on the recommendation of the Faculty Board.
13. The Board of Examiners may decide to refer a candidate who has failed a course or any component thereof and may decide the timeframe within which and conditions upon which the candidate is to re-sit the failed examination and/or resubmit the failed Organisational Output, Internship Research Report or Final Dissertation.
14. Academic or ethical misconduct may lead to a candidate being expelled from the Programme. Such a decision shall be made by the Senate on the recommendation of the Faculty Board after extending due process to the candidate.
15. Grade Descriptions:
- 15.1 A candidate's performance in all Course Modules, and in the Internship Research Report or Final Dissertation shall be represented by the following Grade Table:
- |                       |                |
|-----------------------|----------------|
| High Distinction (HD) | - 85-100       |
| Distinction (D)       | - 75-84        |
| Credit (C)            | - 65-74        |
| Pass (P)              | - 50-64        |
| Fail (F)              | - 49 and below |
- 15.2 A candidate shall be deemed to have been successful at the examination leading to the award of the Masters Degree if he/she obtains:
- (a) A pass mark or above (i.e. 50% or above) for each of the First Semester Course Modules (Colombo) or each of the First Semester Course Modules (Sydney);

- (b) A pass mark or above (i.e. 50% or above) for each of the two Second Semester Course Modules, and
  - (c) A pass mark or above for the Organisational Output and Internship Research Report; or
  - (d) A pass mark or above for the Dissertation Proposal and Final Dissertation.
16. There will be additional fees charged from candidates who have failed the whole or part of the Examinations leading to the Master's Degree as determined by the Council on the recommendation of the Faculty Board, depending on the expenses to be incurred by the University to service their repeat attempts in the Master's examination process.
17. The University shall announce through public notification the names of candidates who have passed the Masters examination. All candidates shall be informed individually of the results of their examinations and in case of failure, they shall be informed of the nature of their failure.
18. The University may hold, as the case may be, a separate Convocation to formally confer the Degree of Master of Human Rights and Democratization on those who have successfully passed the Examinations leading to the Degree.
19. If any difficulty arises in the conduct of the Programme of Study for which there seems to be no provision in the By-Laws, the Vice-Chancellor may, in consultation with the Dean of the Faculty of Law and the Director of the Centre for the Study of Human Rights, take such suitable and appropriate decision or action, in furtherance of the spirit of these By-Laws to deal with such difficulty without compromising on the quality and integrity of the Programme.

**Part IV**  
**Interpretations**

20. In these By-Laws unless the context otherwise requires -

"Council" means the Council of the University of Colombo constituted under the University Act No. 16 of 1978 as amended;

"Senate" means the Senate of the University of Colombo constituted under the University Act No. 16 of 1978 as amended;

"Faculty" or "Faculty Board" means the Faculty of Law or the Faculty Board of the Faculty of Law respectively;

"Centre for the Study of Human Rights" means the Centre for the Study of Human Rights established by the University of Colombo under the Universities Act, No. 16 of 1978 as amended;

"Registrar" means the Registrar, the Acting Registrar, Deputy Registrar or any other officer authorized to sign for and on behalf of the Registrar of the University of Colombo;

"Memorandum of Understanding" or "Memorandum" means the Memorandum of Understanding signed between the University of Colombo and the University of Sydney (Australia), Kathmandu Law School (Nepal), Gaja Mada University (Indonesia) and Mahidol University (Thailand);

"Application" means an application for registration or for entry to an Examination.

21. Any question regarding the interpretation of these By-Laws shall be referred to the Council of the University of Colombo whose decision thereon shall be final.

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**By-Laws of Master of Human Rights and Democratisation**  
**Schedule I**

**Courses Offered During the First Semester of the Program**

**1. Human Rights Norms and Mechanisms (Par 1) (3 Credits)**

***Learning Outcomes***

- (i) A sound knowledge of the basic content of the major international human rights instruments;
- (ii) The ability to debate the philosophical justifications for human rights norms, including critiques of human rights as a normative framework;
- (iii) An understanding of the conceptual and historical relationship between human rights and democracy;
- (iv) Knowledge of the historical and ongoing development of human rights norms and the ongoing contestation and expansion of the normative content of human rights;
- (v) Understanding some of the key critiques of a human rights approach to advocacy and some limits of the approach;
- (vi) A practical understanding of the major international mechanisms for rights protection including the operation of charter and treaty-based bodies as well as regional protection mechanisms;
- (vii) A basic understanding of other areas of international law that impact human rights, such as humanitarian law, international criminal law, environmental law and trade law; and
- (viii) Knowledge about the role and obligations of non-State actors vis-a-vis human rights.

***Unit Description***

This is the first part of a two-part full year unit, which will provide students with the foundational understanding of the content of human rights norms as well as the philosophical justifications for those norms. Philosophical and historical and more positivist perspectives on human rights norms will be brought together in this unit so that students gain a grasp not only of what the treaties or other instruments actually say, but are

also able to understand the justification for norms that become law and to think about how to develop other justifications in the different cultural and social contexts. The course will also provide students with a foundational knowledge about the major institutional protection mechanisms that human rights advocates might use, including the operation of treaty and charter bodies of the UN and regional protection mechanisms (European, African, Inter-American, Asian in development). Protection mechanisms will be taught using a case study method where students examine how particular protection mechanisms have been used to defend particular human rights or promote the protection of particular rights in different contexts. In particular, the unit will examine not only more traditional mechanisms designed to ensure the protection of civil and political rights but also new developments seeking to ensure that states fulfil their obligations in these areas. Finally, students will examine different models for how international treaty obligations can be translated into domestic law and policy and how human rights organisations can contribute to mainstreaming human rights into various areas of judicial decision making and policy.

### ***Key Topics***

- (i) What are rights and what are human rights? (Historical and philosophical background, conceptual interrogation)
- (ii) Philosophical critiques of human rights (Liberalism, natural law, utilitarianism, feminism)
- (iii) Sovereignty, cosmopolitanism, universalism and the institutionalisation of human rights (human rights in international politics)
- (iv) The development of international human rights law, the formation and structure of the UN
- (v) United Nations, the human rights framework and key institutions (the Human Rights Council, 1503 and 1235 procedures, special rapporteurs, UN reform)
- (v) The UN treaty based system (treaty bodies, General Comments, periodic reports, complaints procedures)
- (vi) Key civil and political rights issues (Racism and equality, torture, disabilities rights)
- (vii) Key economic, social and cultural rights issues (Progressive realisation, Indigenous Rights)
- (viii) Allied areas of international law (international criminal law, humanitarian law, refugee law)
- (ix) Nationality and statelessness

## **2. Human Rights and Democratisation Research (3 Credits)**

### ***Learning Outcomes***

- (i) Understanding of the role of research in the field of human rights and democratisation;
- (ii) Sound understanding of a range of quantitative and qualitative research methodologies relevant to researching human rights issues;
- (iii) Ability to conduct interviews that will produce sound data on human rights issues;
- (iv) Analytic capacity to judge appropriate research methodology choices;
- (v) Ability to critically and analytically interpret qualitative and quantitative research on human rights issues;

- (vi) Ability to locate and meaningfully use sources of information relevant for human rights research, including reports and data sets of the UN and other international and national bodies and NGOs;
- (vii) Ability to write a research proposal and make appropriate judgments concerning the feasibility of research (including considerations of time, budget, personnel and expertise);
- (viii) Knowledge and skills required to effectively monitor human rights situations;
- (ix) Ability to present the research in formats that will be effective within a broader strategy of advocacy; and
- (x) Familiarity with and ability to present research findings using a range of media, including written reports, press releases, websites, film, radio and other new technology formats.

### ***Unit Description***

Students will be exposed to a range of research methods as applied to actual human rights issues. A case study approach will ensure that students can see the relevance of different research approaches and develop the ability to make judgments about when to use a particular method. The unit will cover specific research techniques relevant to the field, in particular interviews and fieldwork.

Students will also be exposed to the key sources of information about human rights and will acquire the research skills to be able to look for the information they might require in researching human rights problems and comparative cases. The unit will also emphasise the products of research and ensure that students have the skills both to think about the most appropriate/effective format for presentation of findings and the ability to use a number of different formats. In particular, students will develop skills in writing reports for different audiences, writing press releases and using alternative media to ensure maximum exposure and accessibility of their research findings. The emphasis here will be on how research gets fed into broader advocacy and institutional change processes.

### ***Key Topics***

- (i) Understanding what research is, the role of research in human rights work and the importance of a critical approach to research
- (ii) Methodological debates, options and issues (qualitative and quantitative methods)
- (iii) The importance of making good arguments
- (iv) Designing research, formulating research questions and making methodological choices
- (v) Writing a research proposal
- (vi) Literature reviews
- (vii) Using secondary literature and accessing data sources
- (viii) Research ethics
- (ix) Surveys, constructing questionnaires and sampling
- (x) Fieldwork and participatory research
- (xi) Quantitative/statistical analysis
- (xii) Presenting research

### 3. Dynamics of Human Rights Violations (3 Credits)

- (i) The ability to analyse the social, political, economic and cultural factors, processes and institutions that underlie, support or sustain human rights violations and failures to fulfil human rights (social, economic and cultural);
- (ii) The ability to map out this multi-dimensional system underpinning human rights problems and to understand how different disciplines (in particular political science, political economy, sociology, anthropology and human geography) highlight different aspects of this system;
- (iii) Knowledge of key empirical findings concerning structural (economic, social, cultural, political) factors impacting human rights;
- (iv) Familiarity with conceptual explanations for impediments to realisation of human rights and how to effect change;
- (v) Tactical skills in identifying the options for intervention and the implications of different types of intervention;
- (vi) A broad knowledge of different types of interventions as well as the ability to access networks to discover alternative strategies and tactics;
- (vii) Understanding of the role of coalition-building and coordinating interventions from various actors;
- (viii) The ability to make sound judgments about the pros and cons of different approaches to advocacy, in particular judgments about compromise, the use of insider/outsider or public/private approaches and coalition building;
- (ix) Familiarity with the literature on impact evaluation, knowledge about the techniques for evaluating the impact of different strategies and basic skills in impact evaluation;
- (x) Knowledge of key empirical findings concerning the impact of human rights interventions; and
- (xi) Familiarity with the processes for evaluating the human rights impact of laws, policies and other social or economic developments in a particular context, including an understanding of the analytic, deliberative and monitoring phases of impact evaluation.

#### *Unit Description*

The starting point of this unit is the recognition that effective advocacy requires moving beyond being able to frame instances of suffering or oppression as human rights violations or the failure to fulfil human rights (as articulated in various treaties). Beyond this, effective interventions require the ability to analyse the dynamics underpinning and sustaining violations or impeding fulfilment (for example, economic reliance of industries that use child labour, cultural understandings of the role of women, incentives amongst institutional leaders to suppress opposition etc.). This unit will provide students with the ability to think about causes and sustaining dynamics along a number of dimensions, including cultural, economic, organisational, social and political. Students will look at a number of key case studies (chosen from topical regional issues) from the point of view of these different disciplines to analyse these causal or sustaining dynamics. This analysis will then form the basis for thinking about how to strategically intervene. Judgments about appropriate intervention require not only this sound structural analysis of the problem ('the territory'), but also an understanding of the capacities of one's own organisation and the potential for building alliances. They also require those designing interventions to make judgments about the relative merits of different tactics, including when to make short-term (in principle)

compromises for longer-term beneficial outcomes. This unit will take a small number of cases and introduce a number of disciplinary perspectives on the dynamics of those cases. It will also introduce students to a number of conceptual models that have been developed to explain both the intransigence of certain human rights problems and the avenues for change. It will then introduce students to the tactical mapping technique so that they learn to map human rights issues and make considered judgments about where and how to intervene. Students will also be invited here to consider some of the possible unintended consequences of human rights interventions, the moral dilemmas involved in intervention and how different actors involved in the situation (local, international, state, non-state, minorities) may frame the issue of appropriate intervention differently.

The unit will also introduce students to two bodies of evaluation literature that are increasingly important in the field. The first of these concerns the assessment of the impact of laws, policies or other developments that are being proposed in a particular nation or locale (for example a mine or a factory). Students will learn how human rights organisations can effectively evaluate the impact of such interventions, including an initial analytic phase, followed by a deliberative phase where effected parties are brought into the impact assessment with the final phase being ongoing monitoring of the law, policy or development. The second body of impact literature concerns the evaluation of human rights interventions themselves. Students will be familiarised with this new literature on how we can evaluate the impact of our own interventions so as to continue to sharpen those interventions.

### ***Explanation***

One of the criticisms that human rights organisations have of graduates of human rights programs is that their understanding of human rights is overly abstract and legalistic. What they are looking for are graduates who have more contextualised and practical understandings of human rights. Further, human rights organisations are themselves at a critical stage of trying to work out the most effective way in which to address human rights violations/failures to fulfil human rights and both organisations themselves and the scholarly literature are beginning to question the efficacy of traditional advocacy techniques (naming and shaming, treaty ratification). In this regard, if what we are doing is training the human rights leaders of the future, we need to equip them with the analytic tools both to evaluate the effectiveness of their interventions and to develop more effective ones.

There are several innovations that this unit will introduce. First, rather than students specialising in one disciplinary approach, which will emphasise one type of causal dynamic, the inter-disciplinary approach of this unit will allow students to piece together those different lenses and recognise how they complement each other to give a fuller systemic picture. Second, by linking the disciplinary approaches to case studies, it will bring them to life and avoid the danger of their remaining remote and abstract. Third, it uses the tactical mapping tool, a tool developed over the last 10 years by a consortium of human rights actors and academics. This is a tool that will be of ongoing use to graduates in their professional life and includes a database and network of tactics and actors developing and using different tactics which they can join. Fourth, it introduces students to two relatively new and critically important areas of research and intervention in human rights: it will be

the first that assesses the impact of laws, policies or other developments introduced by governments or private actors and the second that concerns the assessment of human rights interventions.

#### 4. Democracy Theory and Practice (3 Credits)

##### *Learning Outcomes*

- (i) Competency with critical arguments concerning democracy;
- (ii) Familiarity with theories of democratisation;
- (iii) Ability to identify institutions and practices, including electoral processes, that promote or impede democracy;
- (iv) Understanding the factors that marginalise groups from full representation and participation;
- (v) Understanding processes and practices that promote democratic inclusion, including the recognition of citizenship;
- (vi) Recognising the role of different actors, including political parties, civil society, media, the judiciary and the public service in human rights and democracy;
- (vii) Ability to recognise the significance of the rule of law and constitutionalism in human rights and democracy;
- (viii) Understanding the nexus between human rights and democracy;
- (ix) Ability to recognise the influence of social, economic, cultural factors on democratisation; and
- (x) Ability to analyse how human rights and democracy are perceived and implemented in different contexts.

##### *Unit Description*

The course will expose students to different concepts and theories of human rights and democracy/democratisation. This will include issues relating to democracy, equality, justice, citizenship and popular sovereignty. The students will also be exposed to institutions and systems needed to maintain democracies such as the rule of law, constitutionalism, independence of the judiciary, independence of the public service, accountability, impunity, regular free and fair elections - electoral systems, democratic governance and accountability, and the role of civil society. The course will throw light on interdependence of and relationship between human rights and democratisation. It will also deal with human rights and democratisation in different economic, social and cultural contexts, including in times of emergencies as well as at time of armed conflicts.

##### *Key Topics*

- (i) Concepts
  - a. Concepts and Theories of Human Rights and Democratisation in Western and Non-Western Contexts
  - b. Interdependence between Human Rights and Democracy
  - c. Democracy, Equality of Justice and Popular Sovereignty
  - d. Democracy and the Rule of Law
  - e. Dilemmas of Democracy and Civil Society

- (ii) Institutions and Systems
  - a. Constitutionalism and the Rule of Law
  - b. Systems of Constitutional Governance
  - c. Rule of Law and Independence of the Judiciary
  - d. Independence of Public Service
  - e. Role of Civil Society
  - f. Role of the Media
  - g. Electoral System
  - g. Democratic Accountability
    - Political
    - Legal
    - Judicial
- (iii) Contextualisation
  - a. Western and Non-Western Notions of Human Rights and Democracy; the understanding, application and implementation of Human Rights and democracy/democratisation in the Asia-Pacific, i.e. contextualisation of Human Rights and democracy/democratisation to the particular political, socio-economic and cultural environment of the Asia-Pacific region.
  - b. Political Rights to Democracy
  - c. Group Rights/Minority Rights and Democracy
  - d. Human Rights and Democracy during Crises and other Conflict Periods (emergencies not necessarily caused by armed conflict i.e. natural disasters)
  - e. Transitional Democracy/Transition to Democracy

### **Courses Offered During the Second Semester of the Program**

#### **1. Human Rights Norms and Mechanisms (Part II) (3 Credits)**

##### ***Learning Outcomes***

- (i) The substantive content and interpretation of key human rights treaties;
- (ii) A sound knowledge of the basic content of the major regional human rights instruments;
- (iii) Ability to engage with cultural and religious challenges to the universality of human rights and to mount effective arguments concerning the effectiveness of human rights in diverse cultural contexts;
- (iv) An understanding of the relationship between international laws, treaties or agreements, and domestic obligations and practices;
- (v) An understanding of how national institutions can provide effective means for domestic implementation of human rights standards, influencing law and policy as well as national debates on human rights issues;
- (vi) Knowledge of strategies for integrating human rights principles into judicial decision making and mainstream policy processes; and
- (vii) An understanding of new thinking on both the protection and fulfilment of social, economic and cultural rights and the development of policy and oversight mechanisms for ensuring that States fulfil their obligations vis-a-vis this set of rights.

***Unit description***

This unit forms the second part of the year-long unit. The focus here will be on the content of human rights treaties, regional and domestic implementation.

***Key topics***

- (i) The relationship between international and domestic law and policy making (practical difficulties involved in translation from international commitment to domestic implementation)
- (ii) Key areas and rights covered in the major international treaties (ICCPR - free speech, freedom of religion; ICESCR - justiciability, indivisibility issues, education, health, food, water, housing; CEDAW; CRC)
- (iii) How states can be held to account for social and economic rights (obligations to fulfil)
- (iv) Regional systems, treaties and processes (Europe, the Americas, Africa and Asia);
- (v) The UN system (country specific mechanisms, region specific study on Universal Periodic Review, Special Procedures, UN Human Rights Councils)
- (vi) National decision-making (fundamental guarantees under the constitutions, courts, National Human Rights Institutions, policing)
- (vii) Non-state protection mechanisms and Non-governmental Organisations
- (viii) International Humanitarian Law (Geneva Conventions; International Criminal Law)

**2. Critical and Emerging Issues in the Asia Pacific (3 Credits)*****Learning Outcomes***

- (i) Understanding of the normative (religious and cultural) frameworks in the region that can either underpin or undermine human rights principles;
- (ii) Familiarity with debates about and challenges of working in culturally diverse contexts;
- (iii) Understanding of the impact of colonialism, decolonisation and nation building processes on human rights;
- (iv) Ability to analyse the relationship between deficits in democracy, processes of democratisation and human rights;
- (v) A strong understanding of the critical importance of socio-economic rights in the region and the challenges of advocating for this body of rights;
- (vi) An understanding of the link between human rights and development discourses and approaches in the region;
- (vii) The ability to think about the relationship between environmental protection, sustainability and human rights; and
- (viii) Familiarity with a selection of key issues of concern in the Asia Pacific region including labour migration, trafficking, media freedom, the rights of indigenous peoples and the impact of multi-national corporations and international investment on human rights.

### ***Unit Description***

This unit will be a team-taught module style unit that will expose students to some of the most critical issues of concern in the region. In particular, it will cover issues of development, human rights and the environment, the rights of indigenous peoples, cultural difference and the challenges of promoting human rights in societies where the rule of law, freedom of the press and civil society may not be strongly developed. This unit will ensure that broad debates about human rights are firmly grounded in the historical, political and cultural realities of the Asia Pacific region, paying particular attention to the legacies of colonisation and nation-building processes that have taken place in the region. Students will engage with new and emerging issues and the contestation of human rights that is taking place in their own region. The unit will also allow for students to explore the different meaning of human rights principles or the differing priorities within the body of human rights norms in this region and how this might require different types of approaches to those developed in the global north.

### ***Key Topics***

- (i) Cultural and religious contexts in the Asia Pacific and local normative backgrounds to conflicts with human rights
- (ii) Human rights discourses in the context of post-colonialism and the challenges of nation-building
- (iii) Democratisation and the relationship between democracy and human rights in the Asia Pacific context
- (iv) Economic development, globalisation and human rights
- (v) Human rights based approaches to development
- (vi) The role of IFIs and MNCs in human rights in the Asia Pacific
- (vii) Environmental protection, development and human rights
- (viii) Labour rights
- (ix) Displacement, migration and trafficking
- (x) Rights relating to sexuality

### **Dissertation or Internship Placement (12 Credits)**

#### **Dissertation**

Students opting for the Dissertation will be required to submit a Dissertation Proposal and a Final Dissertation.

The Dissertation Proposal will be developed under the supervisor of the student's research supervisor during the second semester of the Master's Degree Programme. The Dissertation Proposal will be prepared according to the form prescribed from time to time by the Academic Committee of the Centre for the Study of Human Rights, and ratified by the Senate on the recommendation of the Faculty Board.

Once a student's research supervisor approves his/her Dissertation Proposal, he/she may conduct research as appropriate and write the Final Dissertation under the supervision of the research supervisor.

A Final Dissertation will be no less than 15,000 words and no more than 18,000 words. The Final Dissertation will be according to the form prescribed from time to time by the Academic Committee of the Centre for the Study of Human Rights, and ratified by the Senate on the recommendation of the Faculty Board.

### **Internship**

Students opting for the Internship will be required to complete an Internship Placement at a host institution working in the fields of human rights and/or democratisation, an Organisational Output and an Internship Research Report.

Students opting for the Internship will be provided with an academic supervisor appointed by the Senate on the recommendation of the Faculty Board, and an internship supervisor from the host institution.

An Internship Placement at the host institution should be completed under the supervision of the internship supervisor. Students will be required to complete no less than 180 hours of work at the host institution.

Students will be required to complete two tasks during the Internship Placement, which will be collectively referred to as the Organisational Output. First, students will be required to produce a Contribution to the Organisation. A Contribution will be something of value to the organisation, such as *inter alia* a research report, a media strategy, a workshop, a set of recommendations for the organisation, an evaluation of the organisation's work or some other product that is negotiated at the initial meeting between the student and the internship supervisor. As the product may not be written, but may be an action or a multi-media product, the size of the product should be 'equivalent' to a 6,000-8,000-word paper, indicating that it should be the result of approximately the same amount of work as negotiated by the student and internship supervisor at the initial meeting. Second, students are required to submit a Reflection. This is a 3,000-word essay on the student's work in the organisation and how his/her experience related to the scholarly dimensions of his/her degree.

Students will also be required to submit an Internship Research Report, which is written under the supervision of the academic supervisor. This Report will be no less than 6,000 words and no more than 8,000 words. The Internship Research Report should take some aspect of the work that the student undertook or that was done by the organisation in which he/she interned and examine it from a scholarly perspective.

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