

# SAMPLE SYLLABUS

**NYU Prague**

**Course Number**

- **Contemporary Issues in Law: Law and Human Rights in Central Europe**

**Spring 22**

**Course Format: ONLINE**

**Time Zone: CET**

## **Spring 22**

You may be taking courses at multiple locations this semester. If you are enrolled in this course 100% **remotely** please make sure that you have completed the online academic orientation via Brightspace so you are aware of site specific support structure, policies and procedures. **Please contact the site Academic Director ([vanda.thorne@nyu.edu](mailto:vanda.thorne@nyu.edu)) if you need more assistance.**

If you are attending **in person**, you will be assigned a seat on the first day and are expected to use that seat for the entire semester due to NYU COVID-19 safety protocol. Please note that you are expected to attend every class meeting in-person; however, this may change at any point during the semester if local COVID-19 regulations require additional physical distancing.

## **Instructor Information**

- TBA

## **Course Information**

- Course Number: SOC-UA 9413 P01
- Course Name: **Contemporary Issues in Law: Law and Human Rights in Central Europe**
- Meeting times: 4:30 – 7:20 PM (CET)
- [NYU Prague Academic Calendar](#)

## **Course Overview and Goals**

This course explores the development of the rule of law and human rights issues in

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post-communist Central Europe and in Europe in general. We will also refer to transitional systems outside the post-communist region. Although dealing with Central European region, we will often talk about American situation as well.

First, we will face a short introduction into the history of the Central European region and its culture of human rights, and its link to current problems in this region. Next, we will examine the historical, national and international context of making constitutionalism and the rule of law in Central Europe. We will try to understand what human rights mean. We will face the debates that occurred when emerging democracies dealt with the legacy of communist regimes. On several case studies, we will explain several basic attitudes towards the former communist regimes, its apparatchiks, its agents, and collaborators (lustration laws and dealing with the communist crimes). We will compare these approaches with those found elsewhere (South Africa, Latin America). Furthermore, we will examine contemporary human rights debates surrounding abortion, free speech, social rights, the relation between religion and the state, the discrimination against minorities, gay rights, gender discrimination, affirmative action etc. We will address the rise of Islamophobia in Europe, the relating issues of freedom of speech and political correctness as well as the decline of liberal democracy and the rise of illiberalism in the region. Finally, we will deal with the current legal challenges relating to COVID-19 pandemic.

## **Upon Completion of this Course, students will be able to:**

- get basic orientation in the problems of human rights in Central Europe and the EU
- get basic information about the legal and constitutional systems in the region and will be able to understand the problems liberal democracies face in Europe
- will become familiar with the region's past and current problems vis-à-vis human rights

## **Course Requirements**

### **Class Participation**

The students should be ready for the classes; are supposed to read the recommended materials and be active during the class debates.

### **Assignment 1**

Midterm oral exam: students will be assigned with a specific human rights case, one team will play plaintiffs, another team defendants. The exam is made as moot court. Each presentation lasts approximately 20 minutes, followed up by debate and rebuttals – up to 3 hours in total.

### **Assignment 2**

In class presentation of the research paper: students will present the current state of their research one month before the end of the term. The students should deliver at least one page summary of their current research in advance and should speak approximately 15 minutes

### **Assignment 3**

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Final research paper (12 pages, Times New Roman, 1.5 paragraph, including footnotes; a list of literature is not included in the page limit). Students should consult the topic with a professor within one month after the beginning of our classes

## Grading of Assignments

The grade for this course will be determined according to the following formula:

<b>Assignments/Activities</b>	<b>% of Final Grade</b>
Class Participation	15
Assignment 1 (Mid-term oral exam):	25
Assignment 2 (In class presentation)	25
Assignment 3 (Final research paper)	35
In total	100

Letter grades for the entire course will be assigned as follows:

<b>Letter Grade</b>	<b>Percent</b>
<b>A</b>	90% and higher
<b>A-</b>	87.5% - 89.99%%
<b>B+</b>	82.5% - 87.49%
<b>B</b>	80% - 82.49%
<b>B-</b>	77.5% - 79.99%
<b>C+</b>	72.5% - 77.49%
<b>C</b>	70% - 72.49%
<b>C-</b>	67.5% - 69.99%
<b>D+</b>	62.5% - 67.49 %
<b>D</b>	60% - 62.49%
<b>D-</b>	57.5% - 59.99%
<b>F</b>	57.49% and lower

## Assessment Expectations

Grades are available to students on-line

## Course Schedule

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## Topics and Assignments

Week/Date	Topic	Reading	Assignment Due
Session 1 Monday, January 31	Overview of the course 1. History of Central Eastern European Region	Wolff, L. <i>Inventing Eastern Europe: The Map of Civilization on the Mind of the Enlightenment</i> , Stanford University Press 1994. Chapter Two, <i>Two Possessing Eastern Europe: Sexuality, Slavery, and Corporal Punishment</i> , pages 50 – 88	
Session 2 <b>MAKE UP DAY</b> <b>Friday,</b> February 4 <b>MONDAY SCHEDULE</b>	2. Communism: Theory and Practice 3. Communist Law and Human Rights in Central Europe	Manifesto of the Communist Party, Preamble & Chapter 1 <a href="https://www.marxists.org/archive/marx/works/1848/communist-manifesto/ch01.htm">https://www.marxists.org/archive/marx/works/1848/communist-manifesto/ch01.htm</a> Yanis Varoufakis: Marx predicted our present crisis – and points the way out <a href="https://www.theguardian.com/news/2018/apr/20/yanis-varoufakis-marx-crisis-communist-manifesto">https://www.theguardian.com/news/2018/apr/20/yanis-varoufakis-marx-crisis-communist-manifesto</a> Inga Markovits, <i>Pursuing One's Rights Under Socialism</i> . 38 <i>Stanford L. Rev.</i> 689 (1986). Excerpts.	
Session 3 Monday, February 7	4. The 1989 Revolutions, Their Constitutional Meaning 5. Drafting New Constitutions after 1989	Václav Havel, <i>The Power of the Powerless</i> (1978), <a href="http://www.vaclavhavel.cz">www.vaclavhavel.cz</a> , excerpts Wojciech Sadurski, <i>Enduring and Empowering: The Bill of Rights in the Third Millennium: Postcommunist Charters of Rights in Europe and the U.S. Bill of Rights</i> , 65 <i>Law &amp; Contemp. Prob.</i> 223 (2002) The US Bill of Rights, the Hungarian and Czech constitutions compared (excerpts) Brodsky, C. <i>Hungary's Dangerous Constitution</i> (2015)	
Session 4 Monday, February 14	6. – 7. The Concept of Human Rights in Central Europe. The Global Problems of the 21st Century	The Czech Bill of Rights (excerpts). The Preamble to the Polish Constitution Pawel Spiewak, <i>The Battle for a Constitution</i> . <i>East European Constitutional Review</i> , Number 2 & 3, 1997 (excerpts)	

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		Roper v. Simmons (US Supreme Court 2005, excerpts) Preamble to the Polish Constitution Ran Hirschl, The Theocratic Challenge to Constitution Drafting in Post-Conflict States, 49 Wm. & Mary L. Rev. 1179 (2008)	
Session 5 Monday, February 21	8. – 9. Transitional Justice. Lustration	Roman Boed, An Evaluation of the Legality and Efficacy of Lustration as a Tool of Transitional Justice. Columbia Journal of Transnational Law. Vol. 37, 1999 Jiří Přibáň, Constitutional justice and retroactivity of laws in postcommunist Central Europe. In: Priban, J. - Roberts, P. and Young, J. (eds.) Systems of Justice in Transition: Central European Experiences Since 1989, Aldershot: Ashgate 2003, pp. 29-49 Streletz, Kessler and others v Germany, European Court of Human Rights 2001	
Session 6 Monday, February 28	10. The Separation of Powers. Presidential vs. Parliamentary Systems. 11. Judiciary under Dictatorship, Transition and Democracy	Lech Garlicki, The Presidency in the New Polish Constitution, East European Constitutional Review, Number 2 & 3, 1997 Ackerman, B. The New Separation of Powers. Harvard Law Review (2000) Zdenek Kühn, The Judiciary in Central and Eastern Europe: Mechanical Jurisprudence in Transformation? Martinus Nijhoff, Brill 2011, chapters 2 and 4 (excerpts)	
Session 7 Monday, March 7	12. – 13. Large corporates and human rights: from supporting coup d'etat to "corporate social responsibility"	Alan Wolfe: The Power Elite Now, The American Prospect no. 44, May-June 1999	
Monday, March 14	<b>SPRING BREAK - NO CLASSES</b>		
Session 8, Monday, March 21	14. - 15. Equality and Discrimination	D.H. and others v. Czech Republic (European Court of Human Rights, 2006 – 2007)	

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		<p>Ronald Dworkin, <i>The Court and the University</i>, NY Rev Books, May 15, 2003</p> <p>Grutter v. Bollinger (US Supreme Court, 2003)</p> <p>Belinda, C. 'We Have No Martin Luther King.' <i>Eastern Europe's Roma Minority</i>. <i>World Policy Journal</i> Winter 2001/2002, Vol. 18, Issue 4</p>	
<p>Session 9 Monday, March 28</p>	<p>16. Gay, Lesbian and LGBT Rights in Europe 17. Legal Transformation of Social Rights and the Social Welfare State</p>	<p>William N. Eskridge, Jr., <i>Comparative Law and the Same-Sex Marriage Debate: A Step-by-Step Approach Toward State Recognition</i>, <i>31 McGeorge L. Rev.</i> 641 (2000)</p> <p>John M. Finnis, <i>Law, Morality, and "Sexual Orientation"</i> <i>69 Notre Dame L. Rev.</i> 1049 (1994)</p> <p>Wojciech Sadurski, <i>Enduring and Empowering: The Bill of Rights in the Third Millennium: Postcommunist Charters of Rights in Europe and the U.S. Bill of Rights</i>, <i>65 Law &amp; Contemp. Prob.</i> 223 (2002) (excerpts)</p> <p>Czech Bill of Rights</p> <p>Bruce Ackerman, <i>The New Separation Of Powers</i>. <i>Harvard Law Review</i>, January, 2000, vol. 113, 633 ff. (excerpts)</p> <p>Albie Sachs, <i>The Judicial Enforcement of Socio-Economic Rights. The Grootboom Case</i></p>	
<p>Session 10 Monday, April 4</p>	<p>Assignment 1 (Mid-term oral exam)</p>		
<p>Session 11 Monday, April 11</p>	<p>18. – 19. The Separation of State and Religion. American and European Islamophobia</p>	<p>Overview of the case law of the European Court of Human Rights (ECHR) case law on religious freedom: <a href="https://www.echr.coe.int/Documents/FS_Religious_Symbols_ENG.pdf">https://www.echr.coe.int/Documents/FS_Religious_Symbols_ENG.pdf</a></p> <p>Case <i>Eweida v. United Kingdom</i>: <a href="https://www.coe.int/en/web/impact-convention-human-rights/-/airline-worker-wins-fight-for-religious-freedom">https://www.coe.int/en/web/impact-convention-human-rights/-/airline-worker-wins-fight-for-religious-freedom</a></p> <p><i>S.A.S. v. France</i> (European Court of Human Rights, 2014)</p>	

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		The Burkini case of the French Council of State: <a href="http://english.conseil-etat.fr/Activites/Press-releases/The-Council-of-State-orders-a-decision-banning-clot-hes-demonstrating-an-obvious-religious-affiliation-to-be-suspended">http://english.conseil-etat.fr/Activites/Press-releases/The-Council-of-State-orders-a-decision-banning-clot-hes-demonstrating-an-obvious-religious-affiliation-to-be-suspended</a>	
Monday, April 18	<b>EASTER HOLIDAY - NO CLASSES</b>		
Session 12 Monday, April 25	20. – 21. The rise of illiberalism in Eastern Europe I.	TBA	
Session 13 Monday, May 2	<b>Assignment 2</b> (In class presentation of the research paper)		
Session 14 Monday, May 9	22. The rise of illiberalism in Eastern Europe II. 23. Summing up the current problems of human rights in Eastern Europe	N/A	
<b>Reading Day</b> Tuesday, May 10	<b>NO CLASSES</b>		
Session 15 Monday, May 16	<b>FINAL EXAMS</b>		Final research paper due by Monday May 16, midnight

## Course Materials

### Required Textbooks & Materials:

#### Resources:

- **Access your course materials:** [Brightspace](#)
- **Databases, journal articles, and more:** [Bobst Library](#) (library.nyu.edu)
- **Assistance with strengthening your writing:** [NYU Writing Center](#) (nyu.mywconline.com)
- **Obtain 24/7 technology assistance:** [IT Help Desk](#) (nyu.edu/it/servicedesk)
- **NYU Prague library:** [Tritius Catalog](https://nyu.tritius.cz/?lang=EN) (https://nyu.tritius.cz/?lang=EN)

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## Course Policies

### Attendance and Tardiness

Studying at Global Academic Centers is an academically intensive and immersive experience, in which students from a wide range of backgrounds exchange ideas in discussion-based seminars. Learning in such an environment depends on the active participation of all students. And since classes typically meet once or twice a week, even a single absence can cause a student to miss a significant portion of a course. To ensure the integrity of this academic experience, class attendance at the centers, or online through NYU Brightspaces if the course is remote synchronous/blended, is expected promptly when class begins. Attendance will be checked at each class meeting. If you have scheduled a remote course immediately preceding/following an in-person class, you may want to write to Academic Director Vanda Thorne ([vt21@nyu.edu](mailto:vt21@nyu.edu)) to see if you can take your remote class at the Academic Center.

As soon as it becomes clear that you cannot attend a class, you must inform your professor and/or the Academic Director Vanda Thorne ([vt21@nyu.edu](mailto:vt21@nyu.edu)) by email immediately (i.e. before the start of your class). **Absences are only excused if they are due to illness, Moses Center accommodations, religious observance or emergencies.** Your professor or site staff may ask you to present a doctor's note or an exceptional permission from an NYU Staff member as proof. Emergencies or other exceptional circumstances that you wish to be treated confidentially must be presented to staff. Doctor's notes must be submitted in person or by e-mail to the Academic Director, who will inform your professors.

Unexcused absences may be penalized with a two percent deduction from the student's final course grade for every week's worth of classes missed, and may negatively affect your class participation grade. Four unexcused absences in one course may lead to a Fail in that course. Being more than 15 minutes late counts as an unexcused absence. Furthermore, your professor is entitled to deduct points for frequently joining the class late.

Exams, tests and quizzes, deadlines, and oral presentations that are missed due to illness always require a doctor's note as documentation. It is the student's responsibility to produce this doctor's note and submit it to site staff; until this doctor's note is produced the missed assessment is graded with an F and no make-up assessment is scheduled. In content classes, an F in one assignment may lead to failure of the entire class.

Regardless of whether an absence is excused or not, it is the student's responsibility to catch up with the work that was missed.

### Late Submission of Work

1. Work submitted late receives a penalty of 2 points on the 100 point scale for each day it is late (including weekends and public holidays), unless an extension has been approved (with a doctor's note or by approval of NYU SITE Staff), in which case the 2 points per day deductions start counting from the day the extended deadline has passed.

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2. Without an approved extension, written work submitted more than 5 days (including weekends and public holidays) following the submission date receives an F.
3. Assignments due during finals week that are submitted more than 3 days late (including weekends and public holidays) without previously arranged extensions will not be accepted and will receive a zero. Any exceptions or extensions for work during finals week must be discussed with the Site Director.
4. Students who are late for a written exam have no automatic right to take extra time or to write the exam on another day.
5. Please remember that university computers do not keep your essays - you must save them elsewhere. Having lost parts of your essay on the university computer is no excuse for a late submission.

## Final Exams

Final exams must be taken at their designated times. Should there be a conflict between final exams, please bring it to the attention of the site Academic Director as soon as this is known to facilitate alternate arrangements. Final exams may not be taken early, and students should not plan to leave the site before the end of the finals period.

## Academic Honesty/Plagiarism

According to the Liberal Studies Program Student Handbook, plagiarism is defined as follows:

**Plagiarism is presenting someone else's work as though it were one's own. More specifically plagiarism is to present as one's own a sequence of words quoted without quotation marks from another writer, a paraphrased passage from another writer's work; facts or ideas gathered, organized and reported by someone else, orally and/or in writing. Since plagiarism is a matter of fact, not of the student's intention, it is crucial that acknowledgment of the sources be accurate and complete. Even where there is no conscious intention to deceive, the failure to make appropriate acknowledgment constitutes plagiarism.**

The College of Arts and Science's Academic Handbook defines plagiarism similarly and also specifies the following:

**“presenting an oral report drawn without attribution from other sources (oral or written), writing a paragraph which, despite being in different words, expresses someone else's idea without a reference to the source of the idea, or submitting essentially the same paper in two different courses (unless both teachers have given their permission in advance).**

**Receiving help on a take-home examination or quiz is also cheating – and so is giving that help – unless expressly permitted by the teacher (as in collaborative projects). While all this looks like a lot to remember, all you need to do is give credit where it is due, take credit only for original ideas, and ask your teacher or advisor when in doubt.”**

**“Penalties for plagiarism range from failure for a paper, failure for the course or dismissal from the university.” (Liberal Studies Program Student Handbook)**

## Classroom Etiquette

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- Please be mindful of your microphone and video display during synchronous class meetings. Ambient noise and some visual images may disrupt class time for you and your peers.
- If you are not using your cell phone to follow the lesson, cell phones should be turned off or in silent mode during class time.
- Make sure to let your classmates finish speaking before you do.
- Please do not eat during class and minimize any other distracting noises (e.g. rustling of papers and leaving the classroom before the break, unless absolutely necessary)
- If deemed necessary by the study away site (ie COVID related need), synchronous class sessions may be recorded and archived for other students to view. This will be announced at the beginning of class time.
- Students should be respectful and courteous at all times to all participants in class. In online classes, consider using the chat function or “raise hand” function in order to add your voice to class discussions.

## **Inclusivity Policies and Priorities**

NYU’s Office of Global Programs and NYU’s global sites are committed to equity, diversity, and inclusion. In order to nurture a more inclusive global university, NYU affirms the value of sharing differing perspectives and encourages open dialogue through a variety of pedagogical approaches. Our goal is to make all students feel included and welcome in all aspects of academic life, including our syllabi, classrooms, and educational activities/spaces.

## **Attendance Rules on Religious Holidays**

Members of any religious group may, without penalty, excuse themselves from classes when required in compliance with their religious obligations. Students who anticipate being absent due to religious observance should notify their lecturer AND NYU SITE’s Academics Office in writing via email one week in advance. If examinations or assignment deadlines are scheduled on the day the student will be absent, the Academics Office will schedule a make-up examination or extend the deadline for assignments. Please note that an absence is only excused for the holiday but not for any days of travel that may come before and/or after the holiday. See also [University Calendar Policy on Religious Holidays](#)

## **Pronouns and Name Pronunciation (Albert and Zoom)**

Students, staff, and faculty have the opportunity to add their pronouns, as well as the pronunciation of their names, into Albert. Students can have this information displayed to faculty, advisors, and administrators in Albert, Brightspace, the NYU Home internal directory, as well as other NYU systems. Students can also opt out of having their pronouns viewed by their instructors, in case they feel more comfortable sharing their pronouns outside of the classroom. For more information on how to change this information for your Albert account, please see the [Pronouns and Name Pronunciation website](#).

Students, staff, and faculty are also encouraged, though not required, to list their pronouns, and update their names in the name display for Zoom. For more information on how to make this change, please see the [Personalizing Zoom Display Names website](#).

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## **Moses Accommodations Statement**

Academic accommodations are available for students with documented and registered disabilities. Please contact the Moses Center for Student Accessibility (+1 212-998-4980 or [mosescsd@nyu.edu](mailto:mosescsd@nyu.edu)) for further information. Students who are requesting academic accommodations are advised to reach out to the Moses Center as early as possible in the semester for assistance. Accommodations for this course are managed through NYU Prague.

## **Bias Response**

The New York University Bias Response Line provides a mechanism through which members of our community can share or report experiences and concerns of bias, discrimination, or harassing behavior that may occur within our community.

Experienced administrators in the Office of Equal Opportunity (OEO) receive and assess reports, and then help facilitate responses, which may include referral to another University school or unit, or investigation if warranted according to the University's existing Non-Discrimination and Anti-Harassment Policy.

The Bias Response Line is designed to enable the University to provide an open forum that helps to ensure that our community is equitable and inclusive.

To report an incident, you may do so in one of three ways:

- Online using the [Web Form \(link\)](#)
- Email: [bias.response@nyu.edu](mailto:bias.response@nyu.edu)
- Phone: 212-998-2277