Higher School of Economics

National Research University

Faculty of Law
Civil Law and Civil Procedure Department

On-line course program

Children's Human Rights - An Interdisciplinary Introduction (Права детей)

For Educational Program “Jurisprudence”
40.03.01 Bachelor
2nd year

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Approved by Civil Law and Civil Procedure Department
«___»_____ 2017 г.
Head of the department Pishina Svetlana
_____

Approved by the academic council
«___»_____ 2017 г., protocol № _____

Academic superviser
Loshkareva Maria _____

Nizhny Novgorod, 2017

Настоящая программа не может быть использована другими подразделениями университета и другими вузами без разрешения подразделения-разработчика программы.

1. Introduction

This program based on the recommended on-line course https://www.coursera.org/learn/childrens-rights (MOOC). Students will independently study «Children's Human Rights - An Interdisciplinary Introduction». This program is for tutors and students of the educational program 40.03.01. "Jurisprudence".

The program is created in accordance with HSE Educational Standard of 26.12.2014 (40.03.01 "Jurisprudence) and university curriculum of 2017.

2. The aim of the course

Students will gain insight relative to the development of this specific human rights category, as well as to the evolution of the challenges faced by children over time and society's efforts to respond. Successful international strategies and programs promoting children's rights will be highlighted, as well as the role of key actors involved in international organizations working in this field. This open online course provides an overview of the most important features of children's human rights. A central portion of the MOOC will consist of a presentation of the international and regional standards on children's rights and the related international and regional judicial and quasi-judicial bodies designed to ensure their implementation.

3. Competences

As a result of mastering this course a students must:

- gain knowledge of the main aspects of children's human rights and relevant legal regulations
- gain skills of an interdisciplinary research

4.Content of the program

WEEK 1
International standards and monitoring systems

The module begins with the presentation of the background, origins and main content of the UN Convention on the Rights of the Child (CRC), and provides details about the preparatory work and the international political context in which the Convention was drafted. The content of international human rights norms are discussed using the subdivision between civil and political rights on the one hand, and economic, social and cultural rights on the other. Furthermore, the general UN human rights monitoring mechanisms will be introduced, followed by the presentation of the CRC monitoring system. A discussion on the importance of regional human rights monitoring systems for children in Africa, Asia and Latin America will be the subject of a specific round table. Within the monitoring framework a particular attention is dedicated to role of key actors: Independent National Human Rights Institutions (INHRIs) on Children's rights, Non-Governmental organizations (NGOs) and children.

WEEK 2
The history of children's rights in the context of human rights

This module provides an overview of the evolution of children's rights before the adoption of the United Nations Convention on the Rights of the Child. Based on a chronological approach, it is a comprehensive social and cultural history of children's rights, of the way they developed over the course of the last centuries. While not building on a strict history of diplomatic relations, this module provides an international perspective on this evolution. It aims to underline the multiplicity of actors, networks and organizations involved in the defense and promotion of children's rights, over time. Also, it emphasizes crucial moments of this history, such as the adoption of international legal instruments on the rights of the child, the two World Wars, etc. This module will nonetheless challenge common understandings of the history of children's rights. For instance, instead of describing it as a linear success story, it will highlight progress as well as failures. Also, the idea

that the rights of the child are a 20th Century invention will be balanced. By doing so, we aim to provide a complex understanding of the history of children's rights and detailed contexts for the topics they cover (e.g. child labor, juvenile justice, etc.) and that will be studied later in this MOOC.

WEEK 3
Interdisciplinary Children's Rights Studies

The module will provide a general introduction to the field of children's rights studies. It will emphasize the interdisciplinary outlook of the field and will present schools of thought in children's rights. Furthermore, we will show the links between children's rights and the sociology and anthropology of childhood and provide some examples of recent children's rights research and practice.

WEEK 4
Juvenile justice

The field of Juvenile Justice (JJ) or of systems of Justice specialized for children in conflict with the law, is the field of children's rights where the international community has drafted the largest amount of legislation (national, regional and international). It is obviously a very sensitive field where child rights violations are numerous, where violence in institutions must be deplored, and where the response is not always child-friendly, and does not systematically favor individual child development. It is moreover a domain where the State exerts its power in response to child offenses, very often through the deprivation of liberty ; and where the State's interference also represses non-criminal behavior (running away, breaking disciplinary rules, breaking curfews, …), all of these actions would not be legally reprehensible if committed by an adult (status offence). And, alas this field of JJ sometimes accounts for violations of children's rights at the hands of States themselves: in the arrest phase, in administrative detention, in the execution of judiciary sentences, but also in institutional care. The issue of JJ also includes children victims and witnesses.

WEEK 5
Violence against children

Protection is a central pillar in the field of children's rights and a dimension that probably, along with health and education, captures most of society's financial outlays in favour of children. Because of their young age and their physical status, children are much more vulnerable than other social groups and indeed the victimisation of children around the world reaches staggering proportions. In this module, we will examine various forms of age-old and emerging forms of violence against children, the institutional and professional responses to the phenomenon.

WEEK 6
Children's right to participation

Art. 12 to 17 and art. 31 UNCRC are considered to refer to "participation rights". These rights are considered the most "revolutionary" under the provisions of the UNCRC because they challenge traditional and tokenistic conceptions of childhood. The challenge however also lies in the balance to be found, in all settings, between structural adaptations necessary to favour child participation and the evolving capacities of the children themselves, who can only progressively exert their own rights directly. Another aspect is participation of children as individuals or as groups, notably their collective decision-making capacity. It looks like practice has outstripped theory. The difference between the child as a subject of rights and the child's real agency as a social actor needs more theoretical frameworks, as the problem of implementation is also a problem of our own understanding of agency. Among the modes of recognition, rights are only a limited part of the

reality experienced by children mainly in terms of affection and esteem. The challenges of implementing children's participation rights in a series of settings, as recommended by CRC General Comment Nr 12, are therefore conveying an analysis of the terms used (maturity, freely expressed views, etc.) that may include children's own perspectives on these issues. Examples of procedures for the implementation of children's participation rights highlight all these challenges and the difficulties of defining good indicators of child participation. Besides, child participation should also be guaranteed even when children are viewed as "deviant" or "delinquent": the respect for child participation in judicial settings highlights the complex interplay between one's status and one's rights in practice. Eventually, as child participation should be guaranteed in all settings, research itself should be child-friendly and participative and ethical principles for researchers must be specified when dealing with children.

WEEK 7
Children's rights and global health

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity (Preamble to the Constitution of the World Health Organization 22 July 1946). Certain traditional practices committed on children compromise sometimes severely both their physical and moral development and thus affect their health. These practices while explicitly prohibited by the Convention on the Rights of the Child (CRC) at. art. 24.3 CRC are widely committed in quasi total impunity. Even if some traditional harmful practices concern more specific regions of the globe, due to migratory movements, in fine every State is concerned. Global health is a universal concept of human rights and contributes to, the realization of many other children's rights such as the right of non-discrimination (art. 2 CRC), the right to life, survival and development (art.6 CRC), the right to participation (art. 12 CRC) the right to privacy (art. 16 CRC) or the right to access to information (art. 17 CRC). Placing children's rights in the context of traditional harmful practices and global health, adopting a child's rights based approach, contributes to a better understanding of the problem and thus to a better care of the victims.

Федеральное государственное автономное образовательное учреждение высшего образования "Национальный исследовательский университет "Высшая школа экономики"

Факультет права
Кафедра гражданского права и гражданского процесса

Рабочая программа онлайн дисциплины

Children's Human Rights - An Interdisciplinary Introduction (Права детей)

для образовательной программы Юриспруденция
направления подготовки 40.03.01 Юриспруденция
уровень бакалавр
2 курс

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Одобрена на заседании кафедры гражданского права
и гражданского процесса
«___»_____ 2017 г.
Зав. кафедрой С.Г. Пишина
_____

Утверждена Академическим советом образовательной программы
«___»_____ 2017 г., № протокола_____

Академический руководитель образовательной программы
М.Е. Лошкарева _____

Нижний Новгород, 2017

Настоящая программа не может быть использована другими подразделениями университета и другими вузами без разрешения подразделения-разработчика программы.

1.Область применения и нормативные ссылки

Настоящая программа учебной дисциплины составлена на основе курса онлайн-специализации https://www.coursera.org/learn/childrens-rights из рекомендованного списка (MOOCs). В рамках этой дисциплины студенты самостоятельно проходят онлайн-курс «Children's Human Rights - An Interdisciplinary Introduction». Программа устанавливает требования к результатам обучения студента и определяет содержание и виды учебных занятий и отчетности.

Программа предназначена для преподавателей, курирующих прохождение данной дисциплины, учебных ассистентов и студентов направления подготовки 40.03.01 Юриспруденция (степень «бакалавр»), обучающихся по образовательной программе «Юриспруденция».

Программа учебной дисциплины разработана в соответствии с:

- образовательным стандартом федерального государственного автономного образовательного учреждения высшего образования «Национальный исследовательский университет «Высшая школа экономики» по направлению подготовки 40.03.01 Юриспруденция (квалификация «бакалавр»), утвержденным 26.12.2014 г.;
- образовательной программой по направлению подготовки 40.03.01 Юриспруденция;
- объединенным учебным планом университета по образовательной программе «Юриспруденция», утвержденным в 2016 г.

2.Цели освоения дисциплины

Целями освоения дисциплины являются:

1) формирование у студентов знаний о правах детей, эволюции связанных с этой категорией прав проблем (связанных с ювенальной юстицией, насилием, социализацией и др.) и путях их решений;

2) формирование умений анализировать международные и региональные стандарты по правам ребенка и документы соответствующих международных и региональных судебных и иных органов, призванных обеспечить их реализацию;

3) овладение навыками междисциплинарных исследований.

3.Компетенции обучающегося, формируемые в результате освоения дисциплины

В результате освоения дисциплины студент должен:

- знать права детей, регламентирующие их стандарты разного уровня;
- уметь применять эти первичные знания в получении вторичных знаний о проблемах обеспечения прав детей через проведение прикладных исследований, обеспечивающих получение объективной, достоверной, научно обоснованной информации;
- иметь навыки (приобрести опыт) проведения междисциплинарного исследования.

Уровни формирования компетенций:

РБ — ресурсная база, в основном теоретические и предметные основы (знания, умения);

СД – способы деятельности, составляющие практическое ядро данной компетенции;

МЦ – мотивационно-ценностная составляющая, отражает степень осознания ценности компетенции человеком и готовность ее использовать

В результате освоения дисциплины студент осваивает компетенции:

Компетенция	Код по ОС НИУ	Уровень формирования компетенции	Дескрипторы – основные признаки освоения (показатели достижения результата)	Формы и методы обучения, способствующие формированию и развитию компетенции	Форма контроля уровня сформированности компетенции
Способен учиться, приобретать новые знания, умения, в том числе в области, отличной от профессиональной	УК-1	РБ МЦ	Владеет навыками обучения, представляет межпредметные связи	Практическая работа, самостоятельная работа	Онлайн-тест, экзамен
Способен работать с информацией: находить, оценивать и использовать информацию из различных источников, необходимую для решения научных и профессиональных задач (в том числе на основе системного подхода)	УК-5	РБ, МЦ	Использует поиск информации, оценивает информацию из разных источников	Практическая работа, самостоятельная работа, проведение прикладного исследования	Онлайн-тест, экзамен
Способен работать в команде	УК-7	РБ, СД, МЦ	Демонстрирует навыки работы в команде, применяет навыки командной работы, оценивает результаты	Практическая работа, самостоятельная работа, проведение прикладного исследования	Онлайн-тест, экзамен
Способен грамотно строить коммуникацию, исходя из целей и ситуации общения	УК-8	РБ, СД, МЦ	Демонстрирует навыки общения, применяет навыки общения, оценивает результаты	Практическая работа, самостоятельная работа	Онлайн-тест, экзамен
Способен квалифицировать юридические факты и применять к ним действующие нормы права	ПК-1	РБ, СД, МЦ	Распознает юридические факты, применяет правовые нормы, оценивает результаты	Практическая работа, самостоятельная работа	Онлайн-тест, экзамен

Способен искать, анализировать и обрабатывать юридически значимую информацию посредством использования формально-юридического, сравнительно-правового и иных специальных методов познания	ПК-2	РБ, СД, МЦ	Использует методы научного познания, владеет специальными методами познания, применяет на практике	Практическая работа, самостоятельная работа, проведение прикладного исследования	Онлайн-тест, экзамен
Способен составлять правовые заключения, заявления, иски, отзывы на иски, жалобы, обращения, договоры и другие правореализационные акты в соответствии с правилами юридической техники, нормативными правовыми и локальными актами, обычаями делового оборота	ПК-4	РБ, СД, МЦ	Распознает заявления, иски, жалобы, договоры и другие акты, владеет навыками разработки, оценивает результаты	Практическая работа, самостоятельная работа	Онлайн-тест, экзамен
Способен осуществлять правовую экспертизу документов	ПК-5	РБ, СД, МЦ	Дает определение правовой экспертизы документов, владеет навыками осуществления правовой экспертизы документов, оценивает результаты	Практическая работа, самостоятельная работа	Онлайн-тест, экзамен
Способен разрабатывать нормативные правовые акты и акты локального правотворчества	ПК-11	РБ, СД, МЦ	Распознает нормативные правовые акты и акты локального правотворчества, владеет навыками разработки актов, оценивает результаты	Практическая работа, самостоятельная работа	Онлайн-тест, экзамен

4.Место дисциплины в структуре образовательной программы

Настоящая дисциплина относится к дисциплинам по выбору из рекомендованного списка (MOOCs). Изучается на 2 курсе самостоятельно.

Изучение дисциплины базируется на следующих дисциплинах:

- философия
- теория государства и права
- история государства и права зарубежных стран
- судебная власть и правоохранительные органы

- социология

Для освоения дисциплины, студенты должны владеть основными знаниями и компетенциями, сформированными в процессе освоения дисциплин общего и базовой части профессионального циклов.

Основные положения дисциплины должны быть использованы в дальнейшем в процессе научно-исследовательской работы студентов, при выполнении курсовых работ и выпускной квалификационной работы, написании научных работ и статей, а также в профессиональной деятельности.

5.Тематический план дисциплины

Количество зачетных единиц по дисциплине – 3 з.е. Общее количество часов 114 – самостоятельная работа[1].

План взят с сайта онлайн-специализации https://www.coursera.org/learn/childrens-rights.

Курс состоит из семи тематических модулей.

WEEK 1
International standards and monitoring systems

WEEK 2
The history of children's rights in the context of human rights

WEEK 3
Interdisciplinary Children's Rights Studies

WEEK 4
Juvenile justice

WEEK 5
Violence against children

WEEK 6
Children's right to participation

WEEK 7
Children's rights and global health

6.Формы контроля знаний студентов

Тип контроля	Форма контроля	1 год				Параметры
		1	2			
Итоговый	Экзамен (тесты)		*			Итоговые on-line тесты после каждой пройденной темы

6.1.Критерии оценки знаний, навыков

Оценка выставляется в онлайн-курсе по итогам прохождения тестов и экзамена.

[1] См.: Рабочий учебный план. Направление 40.03.01. Юриспруденция, образовательная программа "Юриспруденция". 2 курс, 2016/2017 учебный год.

Для получения 10 баллов в качестве итоговой оценки требуется дать не менее 90% правильных ответов, для получения 8-9 баллов – более 80% правильных ответов, 7 баллов – не менее 70% правильных ответов, 6 баллов – не менее 60% правильных ответов, 5 баллов – не менее 50% правильных ответов. Менее 50% правильных ответов – оценка ниже 5 баллов.

7.Содержание дисциплины

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International standards and monitoring systems

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11 видео, 1 материал для самостоятельного изучения Syllabus.

WEEK 2

The history of children's rights in the context of human rights

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7 видео

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Interdisciplinary Children's Rights Studies

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6 видео

WEEK 4

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9 видео

WEEK 5

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8 видео

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10 видео

WEEK 7

Children's rights and global health

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity (Preamble to the Constitution of the World Health Organization 22 July 1946). Certain traditional practices committed on children compromise sometimes severely both their physical and moral development and thus affect their health. These practices while explicitly prohibited by the Convention on the Rights of the Child (CRC) at. art. 24.3 CRC are widely committed in quasi total impunity. Even if some traditional harmful practices concern more specific regions of the globe, due to migratory movements, in fine every State is concerned. Global health is a universal concept of human rights and contributes to, the realization of many other children's rights such as the right of non-discrimination (art. 2 CRC), the right to life, survival and development (art.6 CRC), the right to participation (art. 12 CRC) the right to privacy (art. 16 CRC) or the right to access to information (art. 17 CRC). Placing children's rights in the context of traditional harmful practices and global health, adopting a child's rights based approach, contributes to a better understanding of the problem and thus to a better care of the victims.

8 видео

Курс представляет собой интерактивный учебник, который содержит видеоматериалы, тесты и проекты.

8.Образовательные технологии

Преподавателю, курирующему данный курс, необходимо познакомиться с ним на сайте https://www.coursera.org/learn/childrens-rights.

8.1.Методические указания студентам

Самостоятельная работа студентов призвана закрепить теоретические знания и практические навыки, полученные студентами.

Самостоятельная работа студентов проводится с целью:

- систематизации и закрепления полученных теоретических знаний и практических умений студентов;
- углубления и расширения теоретических знаний;
- формирования умений использовать справочную документацию и специальную литературу;
- развития познавательных способностей и активности студентов: творческой инициативы, самостоятельности, ответственности и организованности;
- формированию самостоятельности мышления, способностей к саморазвитию, самосовершенствованию и самореализации;
- развития исследовательских умений.

9.Оценочные средства для текущего контроля и аттестации студента

9.1.Тематика заданий текущего контроля

https://www.coursera.org/learn/childrens-rights.

9.2.Примеры заданий промежуточного/итогового контроля

https://www.coursera.org/learn/childrens-rights.

10.Учебно-методическое и информационное обеспечение дисциплины

Интерактивный учебник https://www.coursera.org/learn/childrens-rights.

11.Материально-техническое обеспечение дисциплины

Студентам необходим доступ в Интернет для прохождения курса.

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