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Professor für Strafrecht

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## International Crime & Comparative Criminal Law

Wintersemester 2015/16 (UZH)/Semester 1, 2016 (UQ)  
8-12 February 2016, Zürich, Switzerland  
UZH: [...] / UQ: LAWS5213 Research Project B

### Course Outline

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Contemporary criminal law and criminal justice are increasingly influenced by international law and law enforcement. Countries differ in their ways in which this body of law is implemented; some fail to live up to international expectations, others hesitate to take on binding obligations in areas that are traditionally matters of national sovereignty. The levels and characteristics of various international crimes also differ greatly between countries.

This course brings together 12 law students from the University of Zurich and 6 from The University of Queensland. It provides a total of 18 students in the two law schools with an opportunity to interact with one-another, engage in research-led learning, engage with experts, relevant organizations and other stakeholders in the field, and gain research and learning experiences in an international environment.

The focus of this course is with the criminology of international crime, the theory and methodology of comparative law, the growing body of international criminal law conventions, and domestic efforts in common law and civil law jurisdictions to accede to and implement this body of law.

The course provides students with the opportunity to undertake directed, comparative research on selected issues on international crime and criminal justice, including domestic and international criminal laws, criminal procedure, law enforcement and judicial measures, and their application in real cases. It involves comparative analysis of international organizations, continental European and common law jurisdictions and their efforts to implement and enforce international obligations domestically (focusing specifically on Australia and Switzerland).

The course is designed to enhance students' abilities to engage with and research foreign and international legal material, critically analyse legislation and policy, and elaborate practical recommendations for the legal development at the international level as well as for the implementation of international obligation relevant to the subject area. Students will be required to submit a research paper and present their research findings to an academic audience.

### Graduate Attributes

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After successfully completing this course students should be able to:

- demonstrate a general understanding of the relevant issues and legal problems relating to international crime
- demonstrate a general understanding of the methods of comparative law in general and its multiple functions in the process of international law and policy-making
- demonstrate comprehensive knowledge of relevant source material, including relevant legislation, case law, government documents, and scholarly writing;
- understand relevant international and supranational activities in this field
- understand relevant government policies in this field
- understand relevant regulatory models in this field
- understand and appreciate the situation, needs, and rights of victims, offenders, witnesses, and those involved in the criminal justice process;
- understand differences between common law and civil law systems and their impact on the implementation and enforcement of international instruments
- conceptualise and independently carry out a research project
- identify and structure relevant issues and present them logically
- independently research, identify, and locate relevant information and literature of the highest quality;
- present and communicate research outcomes to an academic audience
- develop alternative strategies and recommendations for law reform and policy change
- discuss topical issues in an open forum
- communicate clearly and efficiently in a research paper.

## Course Coordinators

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### *Frank Meyer*

Frank Meyer is Professor of Criminal Law and Procedure at the University of Zurich. He is also admitted to the Cologne Bar and practices as criminal defence lawyer and legal consultant in the chambers of Redeker Sellner Dahs. His main research interests lie in the fields of criminal law (with a particular focus on EU criminal matters), procedural criminal law (including international cooperation), the protection of human rights in criminal proceedings and in comparative criminal law. Key focal points of his published research to date have been the emergence of criminal prohibitions in international organizations, new modes of governance in the area criminal justice, and the transnational dimension of fundamental and human rights. He is the author of several monographs, numerous book chapters, journal articles, expert opinions and commentaries. His most recent publications have focused on the conflicts of jurisdiction in criminal matters in the EU, on Article 6 of the *European Convention on Human Rights* as well as on corporate criminal liability in international criminal law.

### *Andreas Schloenhardt*

Andreas Schloenhardt is Professor of Criminal Law in the School of Law at The University of Queensland in Brisbane, Australia and Professorial Research Fellow in the Faculty of Law, Department of Criminal Law and Criminology at the University of Vienna, Austria. He is also a consultant to the United Nations Office on Drugs and Crime (UNODC) in Vienna, Austria, and a visiting professor at the University of Zurich and the University of St Gallen, Switzerland. Prior to his position at The University of Queensland, he was a lecturer at The University of Adelaide Law School. Andreas' principal areas of research include criminal law, organized crime, migrant smuggling, trafficking in persons, narco-trafficking, terrorism, criminology, and immigration and refugee law. He is the author of many books and journal articles and his work is frequently cited by other scholars, in government reports, and judicial decisions, including the High Court of Australia. His recent work focuses on organized crime legislation and international efforts to prevent and suppress migrant smuggling and trafficking in persons. Andreas is a frequent commentator on

national television, radio, and in newspapers. At The University of Queensland, Andreas coordinates the Human Trafficking and Migrant Smuggling Working Groups.

## Prerequisites and Selection Process

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*University of Zurich students:*

Students must be enrolled in the Masters program.

*The University of Queensland students:*

Must be enrolled in a single or dual LLB degree and, at the time of application, must have completed LAWS2113 (Criminal Law & Criminal Procedure) with a grade 5 or higher.

*Application and selection process*

Enrolment in this course by application only. Short-listed applicants will be invited to a short interview and a planning meeting.

## Course Material

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This course does not require the purchase of a textbook.

The following texts may serve as an entry point for the research and reading. Students are expected to consult these sources for their research projects.

Boister, Neil & Robert J Curie (eds), *Routledge Handbook of Transnational Criminal Law*, Abingdon: Routledge, 2015

Gallagher, Anne T & Fiona David, *The International Law of Migrant Smuggling*, Cambridge University Press, 2014

Gallagher, Anne T, *The International Law of Human Trafficking*, Cambridge University Press, 2010

Klip, Andre, *European Criminal Law: An Integrative Approach (Ius Communitatis)*, Intersentia, 2<sup>nd</sup> edition 2012

McClellan, David, *Transnational Organized Crime: A Commentary on the UN Conventions and its Protocols*, Oxford University Press, 2007

Mitsilegas, Valsamis, *EU Criminal Law*, Hart 2009

Reimann, Mathias & Zimmermann, Reinhard (eds.), *The Oxford Handbook of Comparative Law*, Oxford University Press, 2008

Schloenhardt, Andreas & Jarrod M Jolly, *Trafficking in Persons in Australia: Myths and Realities*, LexisNexis 2013

Zinkernagel, Gretta Fenner & Monteith, Charles & Pereira, Pedro Gomes (eds.), *Emerging Trends in Asset Recovery*, International Center for Asset Recovery (ICAR), 2013

## Schedule and Timetable

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*Planning meeting: Introduction and allocation of topics.*

|                          |                   |         |
|--------------------------|-------------------|---------|
| University of Queensland | 24 September 2015 | 1:00pm  |
| University of Zurich     | 29 October 2015   | 12:15pm |

*MAIN TEACHING DAYS*

8–11 February 2016; 9:00am–3:00pm  
Teaching room t.b.a.

*Monday, 8 February 2016*

9:00am Welcome and Introduction

10:00am Presentation #1:  
[...]

11:00pm Presentation #2:  
[...]

12:00pm Lunch Break

1:00pm Presentation #3:  
[...]

2:00pm Presentation #4:  
[...]

7:00pm Welcome reception/course dinner

*Tuesday, 9 February 2016*

9:00am Presentation #5:  
[...]

10:00am Presentation #6:  
[...]

11:00pm Presentation #7:  
[...]

12:00pm Lunch Break

1:00pm Presentation #8:  
[...]

2:00pm Presentation #9:  
[...]

*Wednesday, 10 February 2016*

9:00am Presentation #10:  
[...]

10:00am Presentation #11:  
[...]

1:00pm Presentation #12:  
[...]

12:00pm Lunch Break

1:00pm Presentation #13:  
[...]

2:00pm Presentation #14:  
[...]

*Thursday, 11 February 2016*

9:00am Presentation #15:  
[...]

10:00am Presentation #16:  
[...]

11:00pm Presentation #17:  
[...]

12:00pm Lunch Break

1:00pm Presentation #18:  
 [...]  
 2:00pm Evaluation of the course  
 Closing

### *Submission of research papers*

|                                    |              |                         |
|------------------------------------|--------------|-------------------------|
| University of Queensland students: | 2 March 2016 | 12:00pm (Brisbane time) |
| University of Zurich students:     | 2 April 2016 | 12:00pm (Zurich time)   |

## Assessment

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### *Presentation 40% of final grade*

All students must work on a designated research topic and present their research findings in class. Students can choose their research topic from a set list that will be available prior to the planning meeting and introduction to the course in September/October 2015. Each topic will be assigned a specific presentation date and time; these are not negotiable.

Additional information about the projects and modes of presentation (PowerPoint, handouts) will be supplied prior to the beginning of the course. Students will be presenting their projects between 8 and 11 February 2016 in a 25-minute presentation, followed by 20 minutes of discussion with feedback.

#### Grading criteria:

- Outline, introduce, explain the research topic;
- Critically analyse and explore relevant issues;
- Structure and weight relevant issues;
- Develop alternative strategies and recommendation for reform;
- Visualise and communicate research outcomes clearly;
- Discuss topical issues in an open forum; and
- Conduct in-depth research using information and literature of highest quality.

Presentations will be held in English only.

### *Research paper 60% of final grade*

Each student must submit an individual, written summary of his/her research topic (fully footnoted and referenced according to the Law School Citation). The research paper accounts for 60% of the final grade (and is not redeemable). All papers must have an introduction, conclusion and a bibliography. The word limit for the papers is 7,000 words. The assessment is, however, based on quality, not quantity.

#### Grading Criteria:

- Identify, scope, introduce, and state the significance of the research project;
- Critically analyse and explore relevant issues;
- Structure and weight relevant issues;
- Develop alternative strategies and recommendation for reform;
- Communicate clearly and efficiently in a written paper; and
- Conduct in-depth research using information and literature of highest quality.

Students have a choice to write their paper either in English (preferred) or in German.

Due date:        2 March 2016, 12:00pm        for UQ students  
                      2 April 2016, 12:00pm for University of Zurich students

Instructions about how to submit your paper will be communicated by the course-coordinators closer to the respective due dates.

### *Discussant*

Each student will also act as the discussant of another student's research project. The role of the discussant is to offer support and feedback and provide some peer review of draft research papers. The discussant will provide oral feedback on the presentation of the research project and provide written feedback on a draft of the research paper. Discussants will be assigned after the planning meetings.