

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW  
SPRING 2017**

**Course:** International Human Rights Law Seminar  
LAW 834  
Section 511

**Instructor:** John Bessler  
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Office Hours: To be determined / By appointment

**Days/Time:** Tuesdays – 1:30 p.m. - 4:15 p.m.

**Location:** Check the Law School class schedule for the room assignment.

**Course Description:**

A survey of the developing law of international human rights addressing the history of the concept of human rights, international organizations and judicial fora, including a review of the primary international treaties and customary law principles, domestic and international refugee law and policies, review of the structure and role of regional organizations, the application of international human rights law in U.S. courts, a review of comparative constitutional law with regard to domestic implementation of international human rights norms, and researching public international law issues.

**Course Materials:**

**Required Texts**

Philip Alston & Ryan Goodman, *International Human Rights* (The Successor to *International Human Rights in Context: Law, Politics and Morals*) (Oxford: Oxford University Press, 2013) [hereinafter “*International Human Rights*” or Casebook]

Supplementary materials - Various treaties and other documents pertaining to international human rights law and regional human rights systems – links to these treaties and documents will be provided in the assigned readings (see below) or be posted on the TWEN site in advance of class.

**Student Learning Outcomes:**

By the end of this course, you will: (1) be able to state the facts surrounding the history of the development of international human rights; (2) be able to explain how the

Enlightenment shaped the development of human rights; (3) be able to recite the facts surrounding the codification of international human rights after World War II; (4) be able to express the key features of international human rights conventions involving civil and political rights as well as social, economic and cultural rights; (5) be able to state the difference between *jus cogens* norms, customary international law, and self-executing and non-self-executing treaties; (6) be able to recite the similarities and differences between regional human rights systems, including with respect to Africa, the Americas, and Europe; (7) be able to articulate how U.S. law interfaces with international human rights law and be able to describe the role of, and controversy surrounding, reservations to treaties; (8) be able to describe the function of the United Nations, U.N. treaty bodies, and non-governmental organizations (NGOs) in the international system; (9) be able to articulate arguments pertaining to the tension between cultural relativism and universal human rights; (10) be able to explain domestic and international refugee law and policies; (11) be able to articulate U.S. constitutional law relating to the domestic implementation of international human rights law and how other systems of law (*e.g.*, in Europe and South Africa) deal with international human rights law provisions; (12) be able to describe the current state of international law pertaining to various subjects, including LGBT rights and the death penalty and torture; and (13) have learned how to research public international law issues and to outline, write, edit and revise a scholarly paper that, with dedication and satisfactory effort, will be suitable for publication upon the completion of the course.

### **Grades:**

Grades for the course will be determined on the basis of a final paper. I will be meeting with you over the course of the semester on drafts of papers. A due date for the final paper will be set early in the seminar.

Class participation is expected and demonstrates that you have read and reflected on the issues raised in the reading assignments. Grades may be raised or lowered up to a half letter grade (*e.g.*, A- to B+ or C+ to B-) based on the overall quality of a student's class participation. Class participation will be measured by consistent participation in the weekly seminar and by the quality of the student's in-class presentation (on a paper topic of the student's choice) toward the end of the semester.

### **Course Expectations:**

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

You are expected to complete all reading assignments and to consistently participate in class discussion in order to demonstrate that you have read and reflected on

the issues raised in the reading assignments. It is expected that students will be prepared for class and will have read the assigned pages in the Casebook, as well as any additional assigned readings.

**Attendance:**

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

**Course Web Site:**

This course has a TWEN page that links to this syllabus and the reading assignments for the semester. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information. Other reading assignments will be periodically distributed via TWEN during the semester.

A list of reading assignments for the entire semester is set forth below. Additional reading assignments may also be added, and I may modify the syllabus or reading assignments during the course of the semester. I will announce any such modifications in class or through a posting on TWEN.

**Computers:**

Students may use laptop computers for class-related purposes.

**Office Hours:**

I have an open-door policy, so please feel free to stop by my office on the 11th floor of the law school. Otherwise, feel free to make an appointment (either by phone or e-mail) to see me. You are welcome to contact me via e-mail, and my e-mail address is

listed above. My regular office hours will be determined at the beginning of the semester.

### **Class Cancellation:**

If the instructor must cancel a class, notices will be sent to students via e-mail and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

### **Academic Integrity:**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. [Reference to School of Law Honor Code: [https://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/index.cfm](https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm)]

### **Title IX Sexual Harassment and Sexual Misconduct Policy:**

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

### **Disability Policy:**

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services at 410-837-5623 or via email at [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

### **International Law Resources:**

There are numerous resources available for researching international human rights issues. One very helpful resource is the University of Minnesota Human Rights Library, an online resource (currently containing more than 65,000 documents) that is available at

<http://hrlibrary.umn.edu>. Additional sources for human rights research can be found through the website for the Office of the High Commissioner for the United Nations: <http://www.ohchr.org/EN/Library/Pages/HRGuide.aspx>.

## **Reading Assignments:**

### **WEEK ONE**

*Tuesday, January 10, 2017*

Topics: Course Overview; Introduction to International Human Rights Law; Nuremberg Trial and Judgment; Charter of the United Nations; Statute of the International Court of Justice; Universal Declaration of Human Rights; Universality of Human Rights

Required Reading: *International Human Rights*, pp. 3-17, 113-18, 120-29, 135-50; Charter of the United Nations and Statute of the International Court of Justice (1945), available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>; Universal Declaration of Human Rights (1948), available at <http://www.un.org/en/universal-declaration-human-rights/>

### **WEEK TWO**

*Tuesday, January 17, 2017*

Topics: The Enlightenment; Natural Law; International Humanitarian Law and the Early Origins of International Human Rights Law; Customary Law; Treaties; The Covenant of the League of Nations

Required Reading: *International Human Rights*, pp. 58-81, 113-19; The Covenant of the League of Nations, [http://avalon.law.yale.edu/20th\\_century/leagcov.asp](http://avalon.law.yale.edu/20th_century/leagcov.asp); Summary of Geneva Conventions of 1949 and their Additional Protocols, available at International Committee of the Red Cross, <https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols>

### **WEEK THREE**

*Tuesday, January 24, 2017*

Topics: Human Rights Treaties; Civil and Political Rights; Women's Rights

Required Reading: *International Human Rights*, pp. 157-70, 179-98, 205-216; International Covenant on Civil and Political Rights (“ICCPR”) (1966; entered into force Mar. 23, 1976), *available at* <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”) (1979; entered into force Sept. 3, 1981), *available at* <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

## **WEEK FOUR**

*Tuesday, January 31, 2017*

Topics: Economic, Social and Cultural Rights

Required Reading: *International Human Rights*, pp. 277-301, 310-28, 353-69; International Covenant on Economic, Social and Cultural Rights (“ICESCR”) (1966; entered into force Jan. 3, 1976), *available at* <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

## **WEEK FIVE**

*Tuesday, February 7, 2017*

Topics: Racial Discrimination; Treaty Bodies, Individual Communications, and General Comments

Required Reading: *International Human Rights*, pp. 762-71, 785-87, 791-98, 808-12, 832-41; International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”) (1965; entered into force Jan. 4, 1969), *available at* <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

## **WEEK SIX**

*Tuesday, February 14, 2017*

Topics: Inter-American Human Rights System

Required Reading: *International Human Rights*, pp. 978-1009, 1018-25; American Declaration of the Rights and Duties of Man (1948), *available at* <http://www.cidh.org/basicos/english/Basic2.American%20Declaration.htm>; American

Convention on Human Rights (1969), *available at* <http://www.cidh.org/basicos/english/Basic3.American%20Convention.htm>

## **WEEK SEVEN**

*Tuesday, February 21, 2017*

Topics: European Human Rights System; Refugees

Required Reading: *International Human Rights*, pp. 891-904, 906-12, 921-30, 949-52, 956-70; European Convention on Human Rights and select protocols thereto, *available at* [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf); Convention and Protocol Relating to the Status of Refugees, *available at* <http://www.unhcr.org/en-us/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>

**\*\*\*\*FIRST DRAFTS OF PAPERS DUE ON FEBRUARY 21, 2017\*\*\*\***

## **WEEK EIGHT**

*Tuesday, February 28, 2017*

Topics: Human Rights in Africa, Asia and the Middle East; Refugees (cont.)

Required Reading: *International Human Rights*, pp. 1025-44; African Charter on Human and Peoples' Rights ("Banjul Charter"), *available at* <http://www.achpr.org/instruments/achpr/>; Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights, *available at* <http://www.achpr.org/instruments/court-establishment/>; Arab Charter on Human Rights (2004; entered into force Mar. 15, 2008), *available at* <http://hrlibrary.umn.edu/instree/loas2005.html>; Summary of U.S. law pertaining to refugees, *available at* <https://www.uscis.gov/humanitarian/refugees-asylum/refugees>

## **WEEK NINE**

*Tuesday, March 7, 2017*

Topics: Sexual Orientation Discrimination; LGBT Rights

Required Reading: *International Human Rights*, pp. 220-38, 655-58, 816-18; U.S. Supreme Court decision in *Obergefell v. Hodges* (2015), *available at* [https://www.supremecourt.gov/opinions/14pdf/14-556\\_3204.pdf](https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf)

## **WEEK TEN**

*Tuesday, March 14, 2017*

Topics: Post-9/11 Developments; Death Penalty & Torture

Required Reading: *International Human Rights*, pp. 18-42, 240-53, 257-76, 388-92, 415-31; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984; entered into force June 26, 1987), *available at* <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>; Protocol No. 6 to the European Convention on Human Rights concerning the abolition of the death penalty, *available at* <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007952b>; Protocol No. 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances, *available at* [http://www.echr.coe.int/Documents/Library\\_Collection\\_P13\\_ETSI187E\\_ENG.pdf](http://www.echr.coe.int/Documents/Library_Collection_P13_ETSI187E_ENG.pdf)

## **SPRING BREAK**

*Tuesday, March 21, 2017 – NO CLASS*

## **WEEK ELEVEN**

*Tuesday, March 28, 2017*

Topics: In-Class Student Presentations; U.N. Human Rights Machinery

Required Reading: *International Human Rights*, pp. 685-99, 704-708, 731-32, 737-48; Website of the Office of the High Commissioner, *available at* <http://www.ohchr.org/EN/Pages/Home.aspx> (browse)

## **WEEK TWELVE**

*Tuesday, April 4, 2017*

Topics: In-Class Student Presentations; NGOs; International Human Rights Fact-Finding

Required Reading: *International Human Rights*, pp. 845-72, 883-88, 1503-14; Website of Human Rights Watch (<https://www.hrw.org>) (browse); Website of Amnesty International (<http://www.amnestyusa.org>) (browse)

## **WEEK THIRTEEN**

*Tuesday, April 11, 2017*

Topics: In-Class Student Presentations; Domestic Internationalization of International Law; Reservations

Required Reading: *International Human Rights*, pp. 1047-56, 1071-77, 1080-82, 1090-95, 1099-1104; Guide to Practice on Reservations to Treaties, Report of the International Law Commission, Sixty-third session (Apr. 26-June 3 & July 4-Aug. 12, 2011), available at <http://legal.un.org/ilc/reports/2011/english/addendum.pdf> (browse table of contents and skim first 44 pages)

## **WEEK FOURTEEN**

*Tuesday, April 18, 2017*

Topic: In-Class Student Presentations; Evaluating Human Rights Performance

Required Reading: *International Human Rights*, pp. 1225-53, 1267-77