COURSE OVERVIEW:

This course provides a comprehensive introduction to the law, theory, institutions, and practice of international human rights. It will provide a solid grounding in the historical development of international human rights law and related institutions, as well as contemporary developments in the field. We will look at the relationship between domestic legal systems and international human rights law, as well as existing and proposed regional and international human rights regimes. The course will also explore several current debates in the field, including judicial and non-judicial responses to mass violence, the responsibility to protect and the use of humanitarian intervention, universal jurisdiction, the impact of non-state actors on human rights, as well as the relationship between human rights and development. There are no prerequisites, though an introductory course in international law would be beneficial.

REQUIRED TEXTS:

INTERNATIONAL HUMAN RIGHTS THE SUCCESSOR TO INTERNATIONAL HUMAN RIGHTS IN CONTEXT (Alston, & Goodman eds., 1st. ed. 2012) noted as (CB).

CAMBRIDGE COMPANION TO HUMAN RIGHTS LAW (Conor Gearty and Costas Douzinas eds., 2012) noted as (COMP).

I will also provide several supplemental materials, which will be posted to our TWEN site and noted as (SUPP). Supplemental readings of statutes/treaties etc… should be skimmed.

COURSE EVALUATION:

The final grade will be based on the following:

15% Class attendance / participation

25% Class presentation, accompanied by a-four page annotated bibliography

60% Final paper
Class presentation + annotated bibliography:

Each student will present on a case study of their choice once during the term. Students may select any class in Part II of the syllabus. Students are to submit their top three choices for case studies by February 5, 2015. Students must have their topics approved. In addition to the 15-minute presentation, each student must prepare a two to four page annotated bibliography on her presentation topic. The annotated bibliography should have a short summary on each reading. The bibliography must be sent to the class 48 hours before the relevant class session.

Final paper proposal and outline:

Students are to email their final paper proposal consisting of no more than 500 words describing their paper topic. Paper proposals are due by February 20, 2015. Students are encouraged to email their paper proposal as soon as they have decided on a topic. Students are to submit a detailed outline by March 20, 2015. The final paper proposal and outline are graded assignments that will be included in your final paper grade.

Final paper:

Final papers should be 20-25 pages double spaced, and may not exceed 25 pages. Final papers will be due by May 6th, 2015. Papers should be in 12 point Times New Roman font, with one inch margins. Page numbers should be printed on each page in the footer. Students are to cite all sources using footnotes. LATE PAPERS WILL NOT BE ACCEPTED.

Senior Writing Requirement:

Students may satisfy the senior writing requirement for this class. If you intend to do so, please notify me at the time you submit your paper proposal. To receive credit for your senior writing requirement you must submit a rough draft of the paper by April 10, 2015. To receive credit for the senior writing requirement papers should be at least 30-35 pages double spaced.

CLASS EXPECTATIONS

Professionalism

In this class you will be treated as an attorney and you will be expected to behave as an attorney. You are expected to treat your colleagues with respect and professionalism. To that end, I expect that you will observe basic professional courtesies such as arriving on time and turning off your cell phone and other electronic devices. Since one of the key goals of the class is learning how to make effective arguments, it is my hope that we can have lively class debates where all students feel comfortable participating and expressing their opinions. Respect for your colleagues is vital to fostering a healthy debate environment. At all times, remain mindful of the diversity of perspectives and experiences in our classroom and be respectful and civil as you articulate your arguments.

Class Preparation

I have high expectations when it comes to class preparation. This class relies on everyone arriving fully prepared to participate in the day’s discussion and exercises. Readings must be completed before the class session to ensure the richest possible discussion. Optional readings are NOT
required and are provided for students who want additional background for paper or presentation purposes.

There may, of course, be entirely unforeseen events that prevent you from being prepared for a given class. In such a circumstance, you should notify me via e-mail BEFORE class starts. I can be quite understanding when I am informed ahead of time . . . not so much when I discover you are unprepared during class discussion.

Please Be Advised: I cold-call on students for a couple of reasons: First, the key to good lawyering is to be thoroughly prepared. I find that cold-calling most effectively motivates the largest number of students to prepare adequately for class. Second, talking in class is good practice for what you’ll have to do in actual practice, whether before a judge, mediator, with a partner or client, or simply when brainstorming a problem with your peers. Third, a lot of studies have found that relying on volunteers alone tends to privilege certain voices and I am always mindful of maintaining a diversity of perspectives and experiences in our classroom.

Lateness and Absences

You are expected to be on time for each and every class. If you fail to sign-in on time twice, you will be marked as absent for the entire class.

If due to circumstances beyond your control, you have to miss a class, please alert me by e-mail BEFORE class. Barring exceptional circumstances you are responsible for the class reading for any missed class. You must submit a reading response within one week of the missed class, which will count towards your class participation grade. Note in particular that excessive absences will result in a failing grade for this course.

Submission of Assignments

You must submit all written assignments electronically to TWEN, and you must maintain a copy. Unless otherwise noted all assignments are due by 11:59 PM on the date indicated.

Late assignments will NOT be accepted. When you are in practice, court clerks and judges will likely not accept any late submissions due to catastrophic computer failures, hungry dogs or otherwise foreseeable events, which can be circumvented by not leaving things till the last minute.

Collaboration

Because this course will at times, seek to replicate situations you will experience in real practice, there will be exercises that require close collaboration and group work. Unless otherwise directed you may NOT collaborate on any graded assignments. You will be required to work as a team on ungraded assignments and to work with partners.

Academic dishonesty is prohibited. Please read UB Law’s Honor Code here: https://law.ubalt.edu/academics/pdfs/Honor%20Code%20Text%20Fall%202012.pdf

Laptops and Technology

You absolutely cannot be on the internet during class. You are required to turn off your wireless internet on any electronic device before the start of class. Recording of class sessions is NOT permitted. If you would like a recording of a particular class, please contact me.
COURSE TOPICS AND READING ASSIGNMENTS

PART I: FOUNDATIONS OF INTERNATIONAL HUMAN RIGHTS

WEEK 1:
Introduction to International Law & Human Rights Law Course Overview, Requirements and Grading (1/14)
- CB: 60-61; 72-80; 81-89; 99-101; 113-118; 135-139
- SUPP: Jack Donnelly, Universal Human Rights in Theory and Practice, 7-23 (2013)

Optional

WEEK 2:
The Universal Declaration of Human Rights & Economic, Social & Cultural Rights (1/21)
- CB: 139-149; 277-308; 320-333; 353-378
- SUPP: The Universal Declaration of Human Rights
- SUPP: ICESCR

Optional
- COMP: 17-35

WEEK 3:
Civil & Political Rights (1/28)
- CB: 157-165; 238-276; 1087-1105; 394-403
- SUPP: ICCPR
- SUPP: CAT

Optional
- COMP: 307-328

WEEK 4:
Rights v. Duties & Universalism v. Relativism (2/4)
- CB – 489-515; 531-544; 558-581
- SUPP: Alison Dundes Renteln, The Significance of Cultural Differences for Human Rights,
in *HUMAN RIGHTS: THE HARD QUESTIONS*, 79-99 (Cindy Holder and David Reidy eds., 2013)

**Optional**

**DEADLINE FOR PRESENTATION SELECTIONS 2/5** (submit via TWEN)

**WEEK 5**

**Emerging Norms of Human Rights: Development & Climate Change – In Class Simulation (2/11)**
- CB: 1516-1546
- SUPP: Declaration on the Right to Development

**Optional**

**WEEK 6: 2/18 NO CLASS!!!**

**DEADLINE FOR PAPER PROPOSALS 2/20** (submit via TWEN)

**WEEK 7: 2/25 NO CLASS!!!!**

**PART II: ENFORCEMENT OF HUMAN RIGHTS**

**WEEK 8:**

**Overview U.N. Human Rights System (3/4)**
- CB: 685-712; 731-732; 737-761; 838-843; 1118-1122
- COMP: 134-149
- SUPP: U.N. Charter

**Optional**
- SUPP: UNSC Res. 780, 929, and 1483
WEEK 9:

International Mechanisms: Case Study of Ad Hoc Tribunals Nuremberg, ICTY & ICTR (3/11)

- CB: 120-135; 1282-1329
- COMP: 114-133
- SUPP: Statute of the ICTY (Arts. 1-10, 21-29)
- SUPP: Statute of the ICTR (Arts. 1-9, 20-28)

Optional

Week 10:

International Criminal Court (3/18)

- CB: 1330-1358
- SUPP: Rome Statute (arts. 1-21)

Optional:
- Benjamin N. Schiff, The ICC and R2P: Problems of Individual Culpability and State Responsibility, in TRIALS AND TRIBULATIONS OF INTERNATIONAL PROSECUTION, 149-161 (Henry F. Carey and Stacey M. Mitchell, eds., 2013)

DEADLINE FOR PAPER OUTLINES 3/20 (submit via TWEN)

Week 11:

- CB: 889-892; 895-907; 920-971
- SUPP: ECHR (Arts. 1-18, 32-36, 39-41), Protocol I (Arts. 1-3); Protocol IV (Arts. 1-4); Protocol VII (Arts. 1-5); Protocol XII (Art. 1); Protocol XIII (Arts. 1-2)
- SUPP: EU Charter of Fundamental Rights
Optional

- Molly K. Land, *Justice as Legitimacy in the European Court of Human Rights*, (draft paper)

**Week 12:**

**Regional Mechanisms: Inter-American Human Rights System (4/1)**

- CB: 978-1024
- COMP: 173-190
- SUPP: ACHR
- SUPP: American Declaration on the Rights and Duties of Man

Optional


**Week 13:**


- CB: 517-525; 1025-1044
- SUPP: ACHPR
- SUPP: Protocol on ACHPR
- SUPP: Draft Protocol on Amendments to the Protocol on the ACHPR
- SUPP: Matiangai Sirleaf, *Regime Complexes, Regionalism, & Legitimacy in Africa: International Criminal Justice and Africa which way forward?* (draft)

**Week 14:**

**States as Enforcers: Universal Jurisdiction & U.S. Civil Litigation (4/15)**

- CB: 1122 -1194

Optional

- SUPP: Princeton Principles on Universal Jurisdiction 28-55

**Week 15:**

**Non-State Actors as Enforcers (or Not): Armed Opposition Groups, Terrorists & Human Rights (4/22)**

- CB: 383-393; 404-414; 1497-1503; 415-431; 466-479
Optional
  o SUPP: Geneva Conventions III & IV

Week 16:
**Non-State Actors as Enforcers (or Not): Transnational Corporations, International NGOs & Human Rights (4/28)**

- CB: 1461-1497; 1503-1514
- SUPP: INGO Accountability Charter

Optional:

**Part III: Evaluating Human Rights**


- CB: 1225-1278
- COMP: 249-268

Optional:

**DEADLINE FOR FINAL PAPERS MAY 5TH!!!**

(submit via TWEN)