

**International Human Rights: Law and Politics**  
**Legal Studies 154**  
**Fall 2011**  
**UC Berkeley**  
**TTh 12:30-2:00pm**  
**210 Wheeler (1st class)**  
**219 Dwinelle (permanent classroom)**

**This version: Sept. 27, 2011**  
**(Changes to the original syllabus are noted in red.)**

**Instructor:**

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## **COURSE DESCRIPTION**

This course introduces students to international human rights law as an evolving constellation of issues, doctrines, practices, and actors. It treats human rights as a dynamic field of justice claims that are embedded in history and politics even as they use the language of universality, inalienability and common humanity. Moreover, the course tracks human rights practice across diverse political systems at both the international and national level, and examines the tensions produced by these multiple roots and asymmetrical regimes of judgment and enforcement.

While international human rights law conventionally focused primarily on constraining state power, the past decade has seen doctrinal developments in human rights driven well beyond violations of treaty-based rights by governments within their own borders. Globally, law-based rights claims are now developed and deployed by a proliferating number of conjoined movements: those of human rights and development, environment, business, health, and more. In this class, we will explore not only the content of human rights law, but also the tools for assessing when, where, and how law matters. We will devote attention to how human rights doctrine has evolved in connection to historical movements and post-colonial politics as we study the application of human rights law to such issues as contemporary terrorism, women's rights, gender and sexuality, transitional justice, development, health, minority rights, and humanitarianism. The United States, and its complicated role in contemporary human rights practice and politics will be closely examined through case studies of actions in, on, and by the US throughout the semester.

Readings will include: authoritative texts and interpretations from regional, national, and United Nations human rights law; primary and secondary materials on the intersection of advocacy and doctrinal shifts; and

critical scholarly literature. Students will be encouraged to think critically about rights work, confront the underlying issues of injustice and abuse, and consider the role of human rights in supporting calls for social change and global accountability.

## COURSE REQUIREMENTS

### Grade Determination

- Lecture and Section Participation, Written Assignments, and Activities (40%)
  - **General participation: (Lecture: 2.5%; Section: 2.5%)**
  - On-call reading preparation (Lecture: 10%)
  - Op-ed memo (Section: 5%)
  - Strategic memo (Section: 5%)
  - Three debate activities (Section: 15%)
- Midterm Examination (25%)
- Final Examination (35%)

### Course Materials; Changes in Readings and Topics

The schedule of topics and reading assignments may be revised from time to time as we work around the availability of guest lecturers, etc. **Revisions of the schedule will be communicated at least one class prior to the affected class.**

- *Revision announcements will be made in class, section and via b-Space email; we will get the information to you in a timely manner but you alone are responsible for making sure you have amended your work to meet the revisions.*

**Reading critically and carefully:** It is expected that you will read materials in advance of class. Whenever possible, you will receive guidance on how to read the materials; for example, I may ask you to focus on a reading's content, approach, bias, methodology, etc. We are reading heavily in law but I want us to understand that law is a tool built in historical contexts with very special implications for its use. I will encourage all of us to be critical readers: what voice is the author using? Why? To what effect? We will discuss these questions as well as content in class and section.

### *Required texts:*

Henry J. Steiner, Philip Alston, and Ryan Goodman, INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS, MORALS (3d ed. 2008) ("Steiner, Alston & Goodman")

Carol Anderson, EYES OFF THE PRIZE: THE UNITED NATIONS AND THE AFRICAN AMERICAN STRUGGLE FOR HUMAN RIGHTS 1944-1955 (2003) ("Anderson")

### *Supplemental readings* (available through b-Space):

#### Legal instruments (online or hard copy):

International legal instruments include treaties, declarations, and resolutions. These instruments will be useful as historical texts to interrogate, sources for normative standards on which to base claims, and vehicles for other types of learning in this class.

Three online sources of these documents are:

- The University of Minnesota Human Rights Library: <http://www1.umn.edu/humanrts>
- The American Society of International Law Electronic Information System: <http://www.eisil.org/>
- The Steiner and Alston Documents Supplement (contains excerpts of many of the core instruments):<http://www.oxfordtextbooks.co.uk/orc/ihr3e>

## Class Participation

Students are expected to verbally contribute in many lectures and most of their discussion sections, and to otherwise be actively engaged. The professor will record lecture participation, and the GSI will record section participation.

In class, you will periodically be ‘on call’ in five assigned groups of 8-10 students (*beginning Tuesday, August 30<sup>th</sup>*): Whenever you read materials for this class, think about how the writer’s perspective affects how you receive and understand the information presented, and decide what your own position is, if applicable. Organize information from the readings in support of your observations and arguments. When your group is ‘on call,’ read the assigned materials carefully and be ready to articulate what I’ve asked you to consider, as well as any other impressions you may have had. (Refer to the “Reading critically and carefully” section of this syllabus for more guidance.) If you would like to meet as a group, notify the GSI that she may give your email out to your group members. **Each student will receive their group assignment via BSpace email on Friday, August 26<sup>th</sup>, before 10 a.m. Group A will be on call for Tuesday, August 30<sup>th</sup>.**

Occasionally, I will group you in informal teams in class to explore questions in the readings; these group activities will not be graded.

Section activities that will, along with participation, constitute your section grade:

- **Advocates’ memos**
  - **New York Times-style op-ed piece** (due **September 19<sup>th</sup> at 5pm** by email to [amiller@law.berkeley.edu](mailto:amiller@law.berkeley.edu) and [kdpowers.gsi@gmail.com](mailto:kdpowers.gsi@gmail.com)): Using 750 words or less, write an op-ed piece for *The New York Times* regarding a human rights issue chosen by the instructor. For tips on writing an effective op-ed, see the Columbia Earth Institute’s “Writing and Submitting an Opinion Piece: A Guide,” at [http://www.earth.columbia.edu/sitefiles/file/pressroom/media\\_outreach/OpEdGuide.doc](http://www.earth.columbia.edu/sitefiles/file/pressroom/media_outreach/OpEdGuide.doc).
  - **Strategic plan with critical reflection** (topic consultation completed by October 3<sup>rd</sup>; memo due November 3<sup>rd</sup> at the beginning of section): Write a 750-800 word internal (NGO or government) strategic memo on a human rights topic chosen by you in consultation with the GSI and/or instructor in office hours. Argue that your organization should adopt a particular course of action. Reflect on challenges and barriers to the course of action you propose, and suggest ways to overcome these obstacles. Prepare a 90-second verbal summary of your memo to present during section. The instructor will provide further guidance on the strategic memo writing process following submission of the first advocate memo.
- **Three debates** (held **September 29<sup>th</sup>**, **October 20<sup>th</sup>**, and **November 17<sup>th</sup>**)
  - For each class-long debate, you will be assigned one broad question relating to a theme in the evolution and practice of human rights. Probe the previous month’s readings for ways in which actors across the *full spectrum* of perspectives might respond to the question; be wary of framing multi-dimensional debates as binary disputes. Note the supporting evidence actors use to bolster their arguments. Note also any external factors or conflicts of interest potentially influencing each actor’s position.
  - On the day of the debate, the GSI will assign you an actor from whose viewpoint you will answer the question. Cite the supportive evidence you researched that bolsters your actor’s case. Other students, acting from other actors’ viewpoints, will question your arguments, and you will respond to them.

## Midterm Examination

The 80-minute in-class midterm examination will be given on **October 11** and covers the first half of the course. The exam will address core concepts, issues, and principles of contemporary human rights work. The format will require definition of key terms and composition of several short (2-3 page) essays.

## Final Examination

The 8-hour take-home final examination will be due during the final exam period, with additional details forthcoming. Generally speaking, the final will include at least four essay questions: one long fact pattern-based advocacy memo; one long essay question engaging with concepts; and two short topical essays. Students may refer to both course materials and the Internet during the exam. However, the essays will ask course-specific and original questions, and it is unlikely you will find ‘potted answers’ online.

## **POLICIES:**

**Extensions:** In general, I disfavor extensions. Conditions for successful grants of extension include (1) asking in advance (many workload-induced crises can be foreseen; instead, our assessment of how to handle the crunch comes too late....), and (2) having a clear reason.

**Academic Integrity:** Berkeley as an institution and I as a scholar have very serious concerns and principles on integrity. As the University Regulations regarding academic dishonesty state: “Any test, paper or report submitted by you and that bears your name is presumed to be your own original work that has not previously been submitted for credit in another course unless you obtain prior written approval to do so from your instructor. In all of your assignments, including your homework or drafts of papers, you may use words or ideas written by other individuals in publications, web sites, or other sources, but only with proper attribution.”

- If you are unsure of the form or necessity of attribution (citation), come see me or the GSI. As the technologies of information expand, so do our opportunities to gain access to the ideas and work of others; I understand good citation to be not only an act of professional integrity, but also one of solidarity and generosity of recognition. It is our job to make it visible to others where and how information and ideas we rely on came into being.
- If you are unclear about the expectations for an assignment or examination, be sure to ask me or the GSI: *Sooner is better!*

Moreover, as the University Regulations states: “You should also keep in mind that as a member of the campus community you are expected to demonstrate integrity in all of your academic work and will be evaluated on your own merits. The consequences of cheating and academic misconduct — including a formal discipline file and possible loss of future opportunities — are not worth the risk.”

**Course Materials Note-Taking Policy:** You are encouraged to take notes in lecture and section and to share them among yourselves. However, please do not post them on any websites or disseminate them in any way without prior, written permission of the authoring party (faculty, guest lecturers, GSI, etc.).

**Accommodations for Students with Disabilities:** If you have been issued a letter of accommodation from the Disabled Students Program, please see me or the GSI as soon as possible to work out the necessary arrangements. If you need an accommodation and have not yet seen a Disability Specialist at the Disabled Students Program, please do so as soon as possible.

**International Human Rights: Law and Politics**  
**Legal Studies 154**  
**Fall 2011**  
**UC Berkeley**  
**Topic Syllabus**

This version: Sept. 20, 2011

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**PART ONE: INTRODUCTION TO RIGHTS: ACTORS, SITES, PRACTICES, AND RULES OF THE GAME,  
INCLUDING THE RULES OF HUMAN RIGHTS LAW MAKING AND ITS CRITICS**

Class ONE: Thursday, August 25

*Introductory lecture:*

*Why rights? Why law? What happens as we frame human rights as part of international law? How does the pairing of rights and law affect the genesis, evolution, implementation and ultimately, the imagination of rights? How have new rights standards been built in international and national law?*

Class TWO: Tuesday, August 30

*Nuts and bolts: a first pass at law, how it is made internationally, who makes it and how, what institutions and structures play a role in making and monitoring it, how states 'ratify and reserve', and an opening question of the politics.*

- Alston, Steiner & Goodman: pp 58-61, 78-82, 106-114, 133-138, 679-680, 684-687, 689-690, 1124-1125
- UN Chart (on line and in class)
- Read the UDHR on line at: <http://www1.umn.edu/humanrts/instreet/b1udhr.htm>
  - We will discuss how to read a UN declaration in class.

*On b-Space:*

- Kincaid, Jamaica, "On Seeing England for the First Time" (this essay appeared first in 1991 Harpers Magazine)
- To scan the UN's web page on human rights, go to: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

Group A is on call in lecture.

CLASS THREE: Thursday, September 1

*Case study: exploring the steps and arguments to making a legal punishment into a violation of rights: the death penalty in national and international law*

- Alston, Steiner & Goodman: pp 17-26 (up to Trengrove), 28-33, 35-45
- Orwell, George, "A Hanging" (1931) <http://www.k1.com/Orwell/site/work/essays/hanging.html>

*On b-Space/on line:*

- Pew Forum, 4 Feb. 2002 [transcript: remarks of Justice Scalia] SESSION THREE: RELIGION, POLITICS, AND THE DEATH PENALTY at: <http://features.pewforum.org/death-penalty/resources/transcript3.html> (please read Justice Scalia's remarks)
- Abdullahi An-Na'im. "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman or Degrading Treatment of Punishment" in Human Rights in Cross-Cultural Perspective: A Quest for Consensus (1992), read: pp 19-29, 37-39.

Group B is on call in lecture. Groups C and D are on call in section.

Class FOUR: Tuesday September 6

*Revisiting and deepening an analysis of the power to make law: what is law, and what are its sources? Nations, sovereignty and the power to make and work with international law;*

Sources of international law (custom, treaty etc); how does law change what social movements do?

- Alston, Steiner & Goodman: pp 144-148, 160-171; pp 684-688 (Alvarez cont'd)
- Read UN Charter Articles 1 & 2 at <http://www.un.org/en/documents/charter/chapter1.shtml>

*On bSpace:*

- McCann, Michael. "Law and Social Movements" in THE BLACKWELL COMPANION TO LAW AND SOCIETY (ed. Austin Sarat, 2004)

Listen to:

- NPR Interview with Phyllis Schlafly with Yale Law School Professors Reva Siegel and Robert Post on the meaning of the US Constitution. August 26th, 2006.

<http://www.publicbroadcasting.net/wnpr/arts.artsmain?action=viewArticle&id=961214&pid=173&sid=15>

Group C is on call in lecture.

### Class FIVE: Thursday, September 8

\*\*\*\*\*OP ED ASSIGNED\*\*\*\*\*

*A historical snapshot on the US and global human rights: central player or sideline spoiler; judge and/or judged?*

- Anderson: Introduction pp 1-7; Chap 1, "Beyond Civil Rights," pp 8-11, 15-21. 25-31, 35-49, 53-57.
- Alston, Steiner & Goodman pp 1130-1134

*On b-Space:*

- Natalie H. Kaufman and David Whiteman, "Opposition to Human Rights Treaties in the United States Senate: The Legacy of the Bricker Amendment" 10 Human Rights Quarterly 3 (1988) pp 309-311, 314-316, 318-319, 330-332 and 334-335.
- Wall Street Journal, "Human Rights Kowtow: The Obama Administration makes itself an accomplice to U.N. corruption" (8-24-10;) The Heritage Foundation on line at:
  - <http://blog.heritage.org/2010/08/24/this-just-in-white-house-disappointed-with-america%E2%80%A6again/>

Group D is on call in lecture.

### Class SIX: Tuesday, September 13

*Making wrongs into rights: narratives and representation, documentation, organizing and protesting*

- Anderson, Chapter 2, "The Struggle for Human Rights", pp 58-61, 72-75, 79-82, 89, 93-96, 101-106, 108-112.
- Steiner, Alston & Goodman, pp 746-752, 1420-1427

*On b-Space and on line:*

- HURIDOCS, "What is Monitoring?" pp 1-13
- HUMAN RIGHTS VIOLATIONS AGAINST THE TRANSGENDER COMMUNITY: A STUDY OF KOTHI AND HIJRA SEX WORKERS IN BANGALORE, INDIA. PUCL-K: 2003. <http://www.pucl.org/Topics/Gender/2004/transgender.htm> -- Skim the summary of the report
- "The Puppy Principle" (Cartoon). Slowpoke. Jen Sorensen 2007
- Kleinman, Arthur and Joan Kleinman. The Appeal of Experience; The Dismay of Images: Cultural Appropriations of Suffering in Our Times. Daedalus 125 (1): 1-23 (read pp. 1-12)
- Spend some time on the web sites below considering: what makes a human rights report?
  - <http://www.hrw.org/en/publications>
  - <http://www.fian.org/resources/documents>

Group E is on call in lecture.

**PART TWO: NORMATIVE FOUNDATIONS, SCOPE OF STATE OBLIGATIONS AND THE RULES OF INTERPRETATION FOR INTERNATIONAL NORMS**

Class SEVEN: Thursday, September 15

*Scope of state obligations under international law generally and human rights treaties (territorial and extra-territorial reach of obligations, obligations of conduct and result, RPF and non-discrimination)*

- Alston, Steiner & Goodman, pp 151-157, 185-191 (UDHR to ICCPR); pp 213-216 (Velasquez Rodriguez IACHR); pp 269-273, 275-278, 314-317, 333-339, 855-869 pp 862-869, 910-912.
- Please take a look at the range of human rights treaties in the UN at: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>-- we will discuss this range of treaties in class.

*On b-Space and on line:*

- HRW, "Stop Making Excuses: Accountability for Maternal Health Care in South Africa." Skim the Summary at pp 1- 7 and Read the section entitled: "International Human Rights and South African Legal Framework" at: <http://www.hrw.org/node/100756/section/7>
- Treaty obligations: Please read the first part of these two treaties: we will walk through how to read a treaty in class:
  - ICCPR Art 1-12: <http://www1.umn.edu/humanrts/instree/b3ccpr.htm>
  - ICESCR Art 1-12: <http://www1.umn.edu/humanrts/instree/b2esc.htm>

Group F is on call in lecture.

\*\*\*\*\*OP ED DUE 19 September by 5 pm \*\*\*\*\*

Class EIGHT: Tuesday, September 20: Proposed joint class with Prof. T. Laqueur's History 187: The History and Practice of Human Rights in 145 Dwinelle.

*Evolutions in the scope of state obligations in rights: state and non-state actors as violators*

Case study: gendering rights and changing the reach of state obligation vis-à-vis violence, privacy and non-discrimination (VAW):

In class excerpts from film: Vienna Tribunal on Violence against Women

- Alston, Steiner & Goodman pp 175-185, 217-221

*On b-Space and on line:*

- Bunch, Charlotte. "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights", 12 HUM. RTS. Q. 486 – 498 (1990) read pp 486-492; 497-498.
- Sullivan, Donna. The Public/Private Distinction in International Human Rights Law. In J. Peters and A. Wolper (eds.), WOMEN'S RIGHTS, HUMAN RIGHTS. New York: Routledge, 1995, pp. 126-134;
- Kapur, Ratna. "The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-Colonial Feminist Legal Politics", HARVARD HUMAN RIGHTS JOURNAL 15: 301-315, Spring 2002. Available at: <http://www.law.harvard.edu/students/orgs/hri/jiss15/kapur.shtml> Please read pp 1-7, 13-21, 36-37 (as delineated on the on-line version).

For future reference:

- CEDAW: General Recommendation 19 at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

Group A is on call in lecture.

Class NINE: Thursday, September 22

*Evolutions in the scope of state obligations in rights: taking economic and social rights seriously with civil and political rights in a globalized world*

Case study: the right to water in Haiti

- Alston, Steiner & Goodman pp 305-309, 358-362

**On b-Space:**

- Center for Human Rights and Global Justice (CHRGJ), Partners In Health (PIH), the Robert F. Kennedy Memorial Center (RFK Center), and Zanmi Lasante. "Wòch nan Soley: The Denial of the Right to Water in Haiti" (2008). Please read: pp iii-iv, 1-4, 5-9, 27-30,34-35, 40-53.

Group B is on call in lecture.

**Class TEN: Tuesday, September 27**

*How does international human rights evolve: rules of treaty interpretation: intent of the drafters, general comments and the power struggle over the authority to speak: case study of reservations and the changing scope of 'racial discrimination'*

- Alston, Steiner & Goodman, pp 873-878, 886-890, 1143-1147.

**On b-Space:**

- Schwelb, Egon. "The International Convention on the Elimination of All Forms of Racial Discrimination." 15 Int'l & Comp L. Q. 996 (1966) EXCERPTS: pp 996-1003, 1003-1009
- Concluding observations of the Committee on the Elimination of Racial Discrimination: India 17/09/96 (CERD/C/304/Add.13). Please read § D "Subjects of Concern" and § E "Suggestions and Recommendations")
- Crenshaw, Kimberle and Balakrishnan, Radhika. "Background Paper for the Expert Meeting on the Gender-Related Aspects of Race Discrimination" (Nov. 2000). Read pp 1-7, 16-19.

Group C is on call in lecture.

**Class ELEVEN: Thursday, September 29**

*Formal limits to rights, increased rules on states: States of emergency/derogations/national security and justified interference with rights, the growing intersection between human rights and humanitarian law*

- Alston, Steiner & Goodman, pp 385-404

**On b-Space and on line:**

- Human Rights Committee, General Comment 29, States of Emergency (article 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001) at: <http://www1.umn.edu/humanrts/gencomm/hrc29.html>
- Kahn, Paul "The Paradox of Riskless Warfare" pp 2-8 and Luban, David. "The War on Terrorism and the End of Human Rights" 9- 14 in The Institute for Philosophy and Public Policy (Summer 2002).

Group D is on call in lecture.

**Class TWELVE: Tuesday, October 4**

*Emergency, conflict and the 'war against terror': Case study: Detention policies in the 'war against terror' (US, UK and other national examples)*

- Alston, Steiner & Goodman pp 404-432. 787-791

**On b-Space and on line:**

- July 2011: Obama's GITMO Breakthrough] at: <http://www.thedailybeast.com/articles/2011/07/06/ahmed-abdulkadir-warsame-s-trial-a-step-toward-closing-gitmo.html>
- Fletcher, Laurel and Stover, Eric, "Guantánamo and Its Aftermath: U.S. detention and interrogation practices and their impact on former detainees" (November 2008) Please skim pp 1-17, Read pp 39-42, 61-75



- Washington Post, "African Commission Asked to Take Case Challenging US Rendition Program" at: <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/28/AR2011022803848.html>

Group E is on call in lecture.

Class THIRTEEN: Thursday, October 6

*Human rights violations as crimes: the intersection of criminal law, human rights law and humanitarian law*

- Alston, Steiner & Goodman pp 115-128, 1244-1249, 1331-1341

*On bSpace:*

- • Theodor Meron, "Rape as a Crime Under International Humanitarian Law" 87 AJIL 3: 424-428 ( 1993) [Please read whole short commentary]

Group F is on call in lecture.

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[Mid term review class TBD]

Class FOURTEEN: Tuesday, October 11: In-class exam

\*\*\*\*\*MIDTERM\*\*\*\*\*

**PART THREE: RIGHTS IN PRACTICE—ENFORCEMENT AND IMPLEMENTATION SCHEMES**

Class FIFTEEN: Thursday, October 13

*The International system for human rights monitoring (UN Charter bodies and Treaty bodies): how is the system used?*

- Alston, Steiner & Goodman pp 725-732, 735-742, 749-753, 759-769, 782-786, 791-799, 803-804, 811-823; 824-30
- UN Human rights treaty bodies: pp 844-867

Group A is on call in lecture.

Class SIXTEEN: Tuesday, October 18

*The International system*

Case study: sexual rights using politics and law at the UN

- Alston, Steiner & Goodman review pp 910-913

*On b-Space:*

- Girard, Françoise. "Negotiating Sexual Rights and Sexual Orientation at the UN." In *Sex/Politics: Reports from the Front Lines*, edited by R. Parker, R. Petchesky, and R. Sember (E-publication: Sexuality Policy Watch), 2005. Read pp 311-313, 317 (at bottom) -328, 332-352, 356-358.
- Naz Foundation, Petitioner versus Government of NCT, In the High Court of Delhi at New Delhi, WP(C) No.7455/2001, 2nd July, 2009. Please focus on:
  - ¶ 1-3, ¶ 21, 29-32, ¶ 42-45, ¶ 50 , ¶ 100.
    - FYI: Constitution of India. <http://indiacode.nic.in/coiweb/coifiles/part.htm>

Group B is on call in lecture.

Class SEVENTEEN: Thursday, October 20

*Regional Systems and the challenges of diversity in universal rights*

Case study: reproductive health, especially abortion and human rights –privacy, morality, health, life and discrimination joined as questions of human rights (Council of Europe, African Union, OAS, Arab League and ASEAN)

- Alston, Steiner & Goodman, pp 925-931; pp 933-940, 965-970. (ECHR); pp 1020-1023, 1026 -(at bottom)- 1030 (IACHR); pp 1062-1065, 1070-1074 (AU)

*On b-Space:*

- Zampas, Christina and Gher, Jaime M. "Abortion as a Human Right: International and Regional Standards" in 8 Human Rights Law Review 2: 249-294 (2008) Read pp 249-255, 261-269, 275-280, 283-286, 292-294
- Catholic Family and Human Rights Institute/Center for Legal Studies and Alliance, "Comments for the Day of General Discussion on the formulation of a general comment on 'The right to sexual and reproductive health'" (Nov. 2010): Skim discussion of human rights treaties, and then read carefully IV to end.
  - To reference the regional laws see:
    - AU: Protocol on the Rights of Women in Africa at: <http://www1.umn.edu/humanrts/africa/protocol-women2003.html>
    - Arab Charter on Human Rights: <http://www1.umn.edu/humanrts/instreet/loas2005.html>

Group C is on call in lecture.

Class EIGHTEEN: Tuesday, October 25

*National systems for rights protection: US in a comparative context*

*US legal framework: the US Constitution and human rights (legislation, litigation)*

US political responses

*Please review CLASS FIVE readings and read:*

- Alston, Steiner & Goodman pp 700-707, 1088-1095, 1096-1102, 1106-1111, 1119-1122, 1134-1143

*On b-Space and on-line:*

- <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/USIndex.aspx>
- Argument preview: Medellin v. Texas <http://www.scotusblog.com/?p=104116> (read background)
- Oklahoma and bill to ban judicial use of Sharia and International law:
  - <http://abcnews.go.com/US/Media/oklahoma-pass-laws-prohibiting-islamic-sharia-laws-apply/story?id=10908521> and
  - Steenland, Sally, Interview with Intisar Rabb. "Setting the Record Straight on Sharia" at [http://www.americanprogress.org/issues/2011/03/rabb\\_interview.html](http://www.americanprogress.org/issues/2011/03/rabb_interview.html)
    - For additional reading on the bill in Oklahoma, see: Davis, Martha F and Kalb, Johanna. "Oklahoma State Initiative 755 An Analysis of Anti-International Law Measures" at: [http://www.acslaw.org/files/Davis%20and%20Kalb\\_Anti-International%20Law.pdf](http://www.acslaw.org/files/Davis%20and%20Kalb_Anti-International%20Law.pdf)
- City and County of San Francisco: legal incorporation of CEDAW see: <http://www.sfgov3.org/index.aspx?page=2969>
- WILD for Human Rights, *Respect Protect, Fulfill: Raising the Bar for Women's Human Rights* (2009) Read pp 1-3, 9-11

Group D is on call in lecture.

Class NINETEEN: Thursday, October 27

*National systems: US domestic human rights advocacy- what NGOs do (and don't do) with international human rights law in the US*

- Alston, Steiner & Goodman pp 210-211, (see also above, pp 1124-1125)

(Guest speaker: TBD)

*On b-Space and on line:*

- Engle Merry, Sally, Levitt, Peggy, et al. "Law from Below: Women's Human Rights and Social Movements in New York City" in the Law and Society Review 2010. Please read pp 101-104, 108-118
- US- UPR Review: <http://www.ushrnetwork.org/content/pressrelease/leading-human-rights-groups-respond-upr-review-us>
- Graham v Florida (2010) see: <http://www.nytimes.com/2010/05/18/us/politics/18court.html>
- de la Vega, C., Leighton, M and Popovic, N. U.S. Supreme Court, amicus brief in support of petitioners in *Graham v. Florida* and *Sullivan v. Florida*. (July 2009) Read pp 2-13, 38.

Group E is on call in lecture.

Class TWENTY: Tuesday, November 1

*Transnational enforcement of human rights—criminal law and tort law (Universal Jurisdiction, the US Alien Tort Statute and other national court actions with effects in other nations)*

- Alston, Steiner & Goodman pp 1156-1157, 1161-1169; pp 1177-1195

*On b-Space:*

- Kissinger, Henry. "The Pitfalls of Universal Jurisdiction" Foreign Affairs pp 86-96 (July/August 2001)
- Roth, Kenneth. "The Case for Universal Jurisdiction." Foreign Affairs pp 150-154 (Sept/Oct 2001)
  - Additional fun reading: Excerpts of interview with Paul Hoffman, ATS litigator in the US

Group F is on call in lecture.

Class TWENTY-ONE: Thursday, November 3

*The International Criminal Court: justice or power simulating justice?*

- Alston, Steiner & Goodman pp 1291-1309

*On b-Space and on line:*

- Rome Statute see: [http://www.icc-cpi.int/library/about/officialjournal/Rome\\_Statute\\_English.pdf](http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_English.pdf) [please look at: Articles 1-33]
- Mamdani, Mahmoud "The New Humanitarian Order" in The Nation (September 2008)
- De Plessis "The ICC and its Work in Africa: Confronting the Myths" Institute for Policy Studies (2008) Read pp 1-6, 10-11, and 17-19.

Group A is on call in lecture.

***PART FOUR: ISSUES AT PLAY – NEW CLAIMS, HYBRID PRINCIPLES, EMERGING COUNTER TRENDS, CONTINUING INJUSTICES***

Class TWENTY-TWO: Tuesday, November 8

*Corporations and human rights*

Group B is on call in lecture.

Class TWENTY-THREE Thursday, November 10

*Religion, secularity, culture and rights*

Group C is on call in lecture.

Class TWENTY-FOUR: Tuesday, November 15  
*New media and representing injustice*

Group D is on call in lecture.

Class TWENTY-FIVE: Thursday, November 17  
*Displaced persons and rights: refugees, migration, and other forms of movement*

Group E is on call in lecture.

Class TWENTY-SIX: Tuesday, November 22  
*When moral panics make law, do they also make rights?*

Case study: modern regimes against human trafficking: what is the problem and what law, if any, is the solution?

Group F is on call in lecture.

Class TWENTY-SEVEN: Tuesday, November 29  
*The right to health: HIV and three eras in rights, law and activism*  
or  
*Climate change, indigenous people and human rights*

Every group is on call in lecture. :)

Class TWENTY-EIGHT: Thursday, December 1  
*Review, revise, re-frame: is justice done through human rights?*