

**International Human Rights
Legal Studies 154**

Fall 2012

Lecture: Tuesday and Thursday, 2-3:30 (Goldman School of Public Policy 150) 4 units
Sections: Tuesday 12-1 (115 Kroeber), Wednesday 11-12 (20 Wheeler),
Thursday 12-1 (243 Dwinelle), Thursday 4-5 (87 Dwinelle)

Professor Jamie O'Connell
444 Boalt Hall (School of Law) (Directions
to Professor O'Connell's office are in the
"Resources" folder on bspace.)
joconnell@law.berkeley.edu

Regular office hours, starting September 4:
Wednesdays and Thursdays 3:45-4:45 or by
appointment if you have a conflicting
obligation. (Feel free to drop by office hours
unannounced, but there is some chance I
will not be able to see you if they are full.
You may, if you wish, reserve a slot during
regular office hours by signing up on the
sheet linked from the "Resources" folder on
the course website.)

Assistant: Wanda Castillo
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Unit offices)
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Graduate Student Instructors:

Mr. Andrew Brighten
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COURSE REQUIREMENTS

Grading

You are responsible for all material covered in assigned readings, lectures, and discussion sessions. Your grade for the course will be determined as follows:

Lecture: attendance and occasional participation	10%
Discussion section	20%
Short written assignments (due Tuesday, September 18 and Tuesday, October 23)	10%
Midterm exam (Tuesday, October 9, in class)	20%
Final exam (Tuesday, December 11, 8-11 a.m.)	<u>40%</u>
	100%

Readings

You are responsible for reading all assigned readings *before* the class for which they are listed.

The course reader is available from Copy Central on Bancroft Way. In order to minimize the cost of the reader, all readings that are available to you free, either through the UC Berkeley libraries or as a member of the public, are posted on or linked to the course website.

The ASUC Bookstore has copies for purchase of Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (3d ed., 2011), which is required. The book also is on reserve at Moffitt Library. If you purchase it through another vendor, such as Amazon, be sure to get the third edition, published 2011.

The easiest way for you to figure out what to read for each class is to check the “Resources” section of the course website on bSpace. All readings for each session are listed in a folder for that session. (Readings for the first few weeks of the semester are posted already; we will post the rest well in advance of the week for which they are assigned.) Readings in *The Evolution of International Human Rights* or the reader will be flagged (as “[IN BOOK]” OR “[IN READER]”), and the rest can be accessed electronically from the site. Reading assignments may occasionally be modified from what is listed below, and any such modifications will be reflected on the course website.

Attendance and participation in lecture

We will take attendance at lectures. You may miss up to three lectures without penalty. For each additional absence, your lecture attendance and participation grade (10% of your course grade) will be reduced by one percentage point.

Those penalties will be waived only (1) pursuant to campus policies on accommodation of religious and extracurricular obligations *if you have followed the policies below* or (2) under circumstances that are both exceptional and unavoidable, such as severe illness or injury, and that can be documented. Many important conflicts – such as ordinary illness (like colds), job interviews, and travel for friends’ weddings – are not “exceptional and unavoidable.” The three free absences are intended to cover things like those. (An illness that required you to miss more than three lectures *would* be “exceptional and unavoidable.”)

There will be some opportunities for participation during lecture sessions – e.g., collective discussion, question and answer time, participatory exercises. One or two points – depending on how many opportunities arise – of your final grade (out of the 10% for lecture attendance and participation) will be determined by how much and how thoughtfully you engage these opportunities.

Discussion section

Detail on requirements will be distributed in section.

Short written assignments

Short essays will be due on Tuesday, September 18 and Tuesday, October 23. For each one, a specific topic will be assigned one week in advance. The assignments will combine synthesis and analysis of particular facts, arguments, or problems addressed in the readings and lectures.

Midterm and final exams

The midterm exam will be given in class on Tuesday, October 9. Lecture on Thursday, October 4 will be devoted to an informal, optional review session.

There will be an additional, optional review session for the midterm on Monday, October 8, from 6 to 7 p.m. (room to be announced).

The final exam will be held Tuesday, December 11, from 8 to 11 a.m. We will schedule a review session during RRR week.

The midterm and final exams will assess your knowledge of and ability to analyze facts, dilemmas, arguments, and interpretations covered in the course. They may employ multiple-choice, fill-in-the-blank, short essay, or other formats; the final exam may include one or more longer essays. The final exam will cover material from the entire term, but will emphasize material from the weeks after the midterm.

POLICIES

Accommodations: disability and religion

In accordance with University policy, the Americans with Disabilities Act (ADA), the California Education Code, and the inclusive social vision underlying them, the requirements of this course will be adapted to meet the particular needs of the students in it. Practically speaking, this means two things:

- We will provide the accommodations specified by the Disabled Students Program (DSP) on an individual-by-individual basis. *If you need accommodation, please provide a copy of your DSP letter to your GSI, if at all possible during the first two weeks of the semester.*
- If any student's religious beliefs forbid him or her to take an examination on the scheduled date, then we will permit him or her to take the examination on an alternative date, provided that would not impose an undue hardship that could not reasonably be avoided. *If your religious beliefs forbid you to take either the mid-term or final exam on the scheduled date, please notify Professor O'Connell and your GSI, if at all possible during the first two weeks of the semester.*

Conflicts with extracurricular activities (including athletics)

If you participate in any extracurricular activity that may interfere with your ability to fulfill the requirements of this course – such as ones involving travel – you should review this syllabus promptly and carefully. Under University policy, you are responsible for notifying Professor O'Connell and your GSI in writing of any potential conflicts and recommending a solution *by the second week of the semester*. Please note that an earlier deadline or date of examination may be the most practicable solution. It will be your responsibility to inform yourself about material you miss because of any absence.

Academic integrity

Nearly all of you always work to the highest standards of academic integrity. Only a few students cheat or commit plagiarism, but on a large campus, many incidents occur every year. Misrepresenting others' work as one's own undermines one's own education and development,

corrodes trust within the UC Berkeley community, risks reducing the value of a UC Berkeley degree, and dishonors a great institution of which we all can be proud to be part. Both UC Berkeley generally and the instructors of this course are very tough on these offenses.

Violations of principles of academic integrity can be caused by ignorance or bad faith. While inadvertent violations may be less wrong in a moral sense, it can be very difficult to distinguish them from ones caused by bad faith. Prudence, as well as principle, should motivate you to know the applicable standards and to observe them scrupulously.

The UC Berkeley Center for Student Conduct and Community Standards provides the following examples of cheating and plagiarism, but notes that they are “not exhaustive.” (See <http://campuslife.berkeley.edu/conduct/integrity/definition>.)

Cheating

Cheating is defined as fraud, deceit, or dishonesty in an academic assignment, or using or attempting to use materials, or assisting others in using materials that are prohibited or inappropriate in the context of the academic assignment in question, such as:

- Copying or attempting to copy from others during an exam or on an assignment.
- Communicating answers with another person during an exam.
- Preprogramming a calculator to contain answers or other unauthorized information for exams.
- Using unauthorized materials, prepared answers, written notes, or concealed information during an exam.
- Allowing others to do an assignment or portion of an assignment for you, including the use of a commercial term-paper service.
- Submission of the same assignment for more than one course without prior approval of all the instructors involved.
- Collaborating on an exam or assignment with any other person without prior approval from the instructor.
- Taking an exam for another person or having someone take an exam for you.

Plagiarism

Plagiarism is defined as use of intellectual material produced by another person without acknowledging its source, for example:

- Wholesale copying of passages from works of others into your homework, essay, term paper, or dissertation without acknowledgment.
- Use of the views, opinions, or insights of another without acknowledgment.
- Paraphrasing of another person’s characteristic or original phraseology, metaphor, or other literary device without acknowledgment.

Any time you use others’ words or ideas in your work for this course, you must properly attribute them. That means fully identifying the original source and the extent of your use of words or ideas from it, usually using a footnote. *The format of the source does not affect this requirement* – it applies to material taken from books, academic journal articles, popular magazines, campus publications, websites, emails, blog posts, even tweets and text messages.

Do not be shy if you feel uncertain about what the instructors feel academic honesty requires, generally or in a specific case: the smart thing to do is ask.

Electronic device use

You may use a laptop or other electronic device to take notes during lecture, but you must *turn off all wireless communication* from the device – wifi, cellular data, etc. (Essentially, this is “airplane mode.”)

Your lecture attendance and participation grade may be reduced if you use electronic devices for other purposes during lecture. This is easier to detect than you probably realize.

While accessing online resources or communicating electronically with others during class may feel like it increases your efficiency, it is distracting to your colleagues. Furthermore, in the experience of all three instructors, the benefits of connecting during class or meetings – saving time by multitasking, clarifying a lecturer’s point by instant messaging, gratifying one’s wandering mind by reading Perez Hilton or ESPN, making social arrangements via text message – are much smaller than they seem in the moment, and the costs – missing particular points, losing the thread of a complex argument, being put on the spot when called on – are much greater. Finally, jumping from one task to another and back both undermines deep thinking and is hugely inefficient.

READINGS

I. FOUNDATIONS

1. Thu., Aug. 23: Course Introduction

Watch: “Kony 2012” (the video itself), at <http://www.kony2012.com/watch-the-movie/> [online].

Kate Cronin-Furman & Amanda Taub, *Solving War Crimes with Wristbands: The Arrogance of “Kony 2012”*, THE ATLANTIC (online), Mar. 8, 2012. [online]

Xeni Jardin (compiler), *African Voices Respond to Hyper-Popular Kony 2012 Viral Campaign*, BOINGBOING.NET, updated Mar. 10, 2012. Read the summaries on this page itself – while you are (of course) welcome to click through to the full posts that this page summarizes, those are not assigned.[online]

Ethan Zuckerman, *Unpacking Kony 2012*, ETHANZUCKERMAN.COM (blog), Mar. 8, 2012. [online]

Nicholas D. Kristof, *Viral Video, Vicious Warlord*, N.Y. TIMES, Mar. 14, 2012. [online]
Group behind anti-Kony video rebuts criticism, urges public pressure, CNN (online), Mar. 11, 2012. [online]

Jeffrey Gettleman, *In Vast Jungle, U.S. Troops Aid in Search for Kony*, N.Y. TIMES, Apr. 29, 2012. [online]

Steven Fake, *Stop Kony*, ZSPACE (online), Mar. 11, 2012. [online]

2. Tue., Aug. 28: Concepts and Origins of Rights

PAUL GORDON LAUREN, *THE EVOLUTION OF INTERNATIONAL HUMAN RIGHTS: VISIONS SEEN* (3d ed. 2011). Recommended: 5-11. Required: 11-24. [book]

Burns H. Weston, *Human Rights*, 6 HUM. RTS. Q. 257 (1984). Read: 262-269. [online]

JACK DONNELLY, *INTERNATIONAL HUMAN RIGHTS* (3d ed. 2007). Read: 21-28. [reader]

3. Thu., Aug. 30: Limitations and Critiques of Rights

Jeremy Bentham, *Anarchical Fallacies* (excerpt), in *THE PHILOSOPHY OF HUMAN RIGHTS* (Patrick Hayden ed., 2001). Read: 118-119, 121-125. [reader]

Karl Marx, *On the Jewish Question* (excerpt), in *THE PHILOSOPHY OF HUMAN RIGHTS* (Patrick Hayden ed., 2001). Read: 126-127, 130-35. [reader]

Morton J. Horwitz, *Rights*, 23 HARV. C.R.-C.L. L. REV. 393 (1988). Read: 393-399, 399-400, 402-406. [online]

Citizens United v. Federal Election Commission, 130 S. Ct. 876, 929-31 (excerpt) (2010) (Stephens, J., dissenting). [online]

Wendy Brown, “*The Most We Can Hope For . . .*”: *Human Rights and the Politics of Fatalism*, 103 S. ATLANTIC Q. 451 (2004). Read: 453-461. [online]

4. Tue., Sep. 4: Law and Behavior: Individuals and States

Harold Hongju Koh, *How Is International Human Rights Law Enforced?*, 74 IND. L.J. 1397 (1998-99). Read: 1399-1408. [online]

John R. Bolton, *Is There Really "Law" in International Affairs?*, 10 TRANSNAT'L L. & CONTEMP. PROBS. 1 (2000). Read: 2-6. [online]

JOSHUA DRESSLER, UNDERSTANDING CRIMINAL LAW (5th ed. 2009). Read: 14-15, including footnote 14. [reader]

5. Thu., Sep. 6: Law and Behavior: Individuals and States (cont'd); International Law Concepts

SEAN D. MURPHY, PRINCIPLES OF INTERNATIONAL LAW (2d ed. 2012). Read: 3-6, 7-9. [reader]

CHRISTIAN TOMUSCHAT, HUMAN RIGHTS: BETWEEN IDEALISM AND REALISM (2003). Read: 6-7, 13-22. [reader]

Hilary Charlesworth, *Law-Making and Sources*, in THE CAMBRIDGE COMPANION TO INTERNATIONAL LAW 187 (James Crawford & Marti Koskonniemi eds., 2012). [reader]

6. Tue., Sep. 11: International Law Concepts (cont'd)

Review Charlesworth reading from last session.

Human Rights Committee, General Comment No. 31 (May 25, 2004). Read: Paragraphs 3, 6, 16-18. [online]

Vienna Convention on the Law of Treaties arts. 19, 21, May 23, 1969, 1155 U.N.T.S. 331. Read: Arts. 31-32. [online]

THOMAS BUERGENTHAL & SEAN D. MURPHY, PUBLIC INTERNATIONAL LAW IN A NUTSHELL (4th ed. 2007). Read: 106-117. [reader]

Jamie O'Connell, *Common Interests, Closer Allies: How Democracy in Arab States Can Benefit the West*, 89 STAN. J. INT'L L. 341 (2012). Read: 351-355, including footnote 56, for text of Kuwait's reservation. (You can skip the other footnotes.) [online]

Required research tasks (I will ask you for the results in class):

- Start at <http://treaties.un.org/pages/Treaties.aspx?id=4&subid=A&lang=en>, the section of the United Nations Treaty Series collection that contains human rights treaties. Determine whether the following states are parties to the International Covenant on Civil and Political Rights (ICCPR) and, if so, when they became parties: Burundi, North Korea, Saudi Arabia, United States.
- Find the reservations filed by Iceland to the ICCPR. Note the second one, regarding separation of juveniles, and read it carefully.
- Find the authoritative text of the ICCPR in the UN Treaty Series – see the section marked “Text:” at the top of the ICCPR ratifications page.
- Answer the following: On what page of the treaty is the provision to which Iceland's reservation applies? What does this provision require? If Iceland's reservation is valid, then how does the reservation change Iceland's international legal obligations under the ICCPR?

II. THE CLASSICAL HUMAN RIGHTS MOVEMENT

7. Thu., Sep. 13: Norm Articulation Phase: World War II and the Dawn of the Modern Human Rights Regime

PAUL GORDON LAUREN, *THE EVOLUTION OF INTERNATIONAL HUMAN RIGHTS: VISIONS SEEN* (3d ed. 2011). Read: 136-151, 154-156, 159-166, 172-173, 175-189, 207-226. [book]

8. Tue., Sep. 18: The Impact of Human Rights Violations and Humanity of Survivors: Excerpt from the documentary “Calling the Ghosts: A Story about Rape, War, and Women” (on survivors of the Omarska concentration camp in the former Yugoslavia) and discussion.

GlobalSecurity.org, History of Yugoslavia: [all online]
Read first paragraph only: “The Yugoslav Wars of Dissolution,” at http://www.globalsecurity.org/military/world/war/yugoslavia_ethnicities.htm.
Skim: “Tito's Yugoslavia,” at <http://www.globalsecurity.org/military/world/war/yugo-hist2.htm>.
Read: “The Road to Disintegration,” at <http://www.globalsecurity.org/military/world/war/yugo-hist3.htm>;
“War and Ethnic Cleansing in Yugoslavia,” at <http://www.globalsecurity.org/military/world/war/yugo-hist4.htm>; and
“Aftermath and Legacy,” at <http://www.globalsecurity.org/military/world/war/yugo-hist5.htm>.

9. Thu., Sep. 20: Norm Articulation Phase: Norm Contents

PAUL GORDON LAUREN, *THE EVOLUTION OF INTERNATIONAL HUMAN RIGHTS: VISIONS SEEN* (3d ed. 2011). Read: 227-242. [book]

DAVID P. FORSYTHE, *HUMAN RIGHTS IN INTERNATIONAL RELATIONS* (3d ed. 2012). Read: 46-50. [reader]

Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948). [online or in Lauren, *Evolution of International Human Rights*, pp. 317-22]

JACK DONNELLY, *INTERNATIONAL HUMAN RIGHTS 7* (3d ed. 2007) (Table 1.1: “Internationally Recognized Human Rights”). [reader]

International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171. Read: articles (arts.) 2-5 only. [online]

International Covenant on Economic, Social, and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3. Read: arts. 2-5. [online] *Note: Compare the ICCPR and ICESCR – what is similar and different in their articles 2 through 5? What might the sources and meaning of the differences be?*

ANDREW CLAPHAM, *HUMAN RIGHTS: A VERY SHORT INTRODUCTION* (2007). Read: 49-51. [reader]

(assignment continued on next page)

Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277. Read: arts. 2, 6, 7. [online].

Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13. Read: arts. 1, 2, 5. [online].

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85. Read: arts. 1, 2(2) (i.e., paragraph 2 of article 2), 3(1), 7(1). [online].

Review from Class 6: Human Rights Committee, General Comment No. 31 (May 25, 2004). Read: ¶¶3, 6, 16-18. [online]

10. Tue., Sep. 25: Human Rights Violations in Eastern Europe and Latin America: Who, What, and Why

Human rights violations in Eastern Europe

Constitutional Rights Foundation, “Life Under Communism in Eastern Europe.”
Read: “Human Rights” section, skim rest of article. [online]

TINA ROSENBERG, *THE HAUNTED LAND: FACING EUROPE’S GHOSTS AFTER COMMUNISM* (1995) (Vintage Books ed., 1996). Read: 10-13. [reader]

JANINE WEDEL, *THE PRIVATE POLAND* (1986). Read: 86-89, 149-52. [reader]

TIMOTHY GARTON ASH, *THE USES OF ADVERSITY: ESSAYS ON THE FATE OF CENTRAL EUROPE* (1989). Read: 61-65. [reader]

Václav Havel, “An Open Letter to Dr. Gustáv Husák, General Secretary of the Czechoslovak Communist Party,” 1975. Read: Excerpt. [online]

Jack Anderson, *The Torture of Soviet Dissidents*, WASH. POST, Jul. 10, 1978. [online]

Human rights violations in Latin America and United States human rights policy

THOMAS C. WRIGHT, *STATE TERRORISM IN LATIN AMERICA: CHILE, ARGENTINA, AND INTERNATIONAL HUMAN RIGHTS* (2007). Read: 95-116. (Optional: notes on 127-34). [reader]

JACK DONNELLY, *INTERNATIONAL HUMAN RIGHTS* (3d ed. 2007). Read: 118-121, 123-128. [reader]

NATIONAL COMMISSION ON THE DISAPPEARED, *NUNCA MÁS: THE REPORT OF THE ARGENTINE NATIONAL COMMISSION ON THE DISAPPEARED* 1986). Read: 39-43.

Note: You may wish to skip this reading, which consists of vivid accounts of torture that surely will upset you. Please consider how you personally respond to accounts of horror and whether knowing some of the worst of what the dictatorship inflicted is likely to deepen your understanding of this case. [reader]

Recommended (on the psychological impact of torture and other traumatic human rights violations on victims):

Jamie O’Connell, *Gambling with the Psyche: Does Prosecuting Human Rights Violators Console Their Victims?*, 46 HARV. INT’L L.J. 295 (2005).

Recommended: Part II (306-316). [online]

11. Thu., Sep. 27: The Emergence of International Human Rights NGOs

Ann Marie Clark, Anthony Tirado Chase & Michael Galchinsky, *Nongovernmental Organizations*, in *ENCYCLOPEDIA OF HUMAN RIGHTS* (David P. Forsythe ed., 2009). Read: Beginning to end of “What do Human Rights NGOs Do?” section (i.e., stop before “NGOs in the International System” section). [online]

ARYEH NEIER, *TAKING LIBERTIES: FOUR DECADES IN THE STRUGGLE FOR RIGHTS* (2003). Read: 149-153, 156-161, 185-186, 187-189, 190-194, 200-210, 216-221. [reader]

Claude E. Welch Jr., *Human Rights Watch*, in *ENCYCLOPEDIA OF HUMAN RIGHTS* (David P. Forsythe ed., 2009). Read: Beginning of “Organization” section through end of article. [online]

Stanley Cohen, *Government Responses to Human Rights Reports: Claims, Denials, and Counterclaims*, 18 *HUM. RTS. Q.* 517 (1996). Read: Part II (The Original Report). [online]

JONATHAN POWER, *LIKE WATER ON STONE: THE STORY OF AMNESTY INTERNATIONAL* (2002). Read: 119-126, 132-147. [reader]

Anne Travers, *Human Rights First*, in *ENCYCLOPEDIA OF HUMAN RIGHTS* (David P. Forsythe ed., 2009). Read: Beginning to end of “Origins” section (i.e., stop before “New Directions” section). [online]

12. Tue., Oct. 2: Classical Human Rights Advocacy: Latin America and Eastern Europe

DAVID P. FORSYTHE, *HUMAN RIGHTS IN INTERNATIONAL RELATIONS* (3d ed. 2012). Read: 197-205. [reader]

MARGARET E. KECK & KATHRYN SIKKINK, *ACTIVISTS BEYOND BORDERS: ADVOCACY NETWORKS IN INTERNATIONAL POLITICS* (1998). Read: 80-81, 84-85, 88-97, 102-110. [reader]

Daniel C. Thomas, *The Helsinki Accords and Political Change in Eastern Europe*, in *THE POWER OF HUMAN RIGHTS: INTERNATIONAL NORMS AND DOMESTIC CHANGE* 205 (Thomas Risse, Stephan C. Ropp & Kathryn Sikkink eds., 1999). [reader]

JACK DONNELLY, *INTERNATIONAL HUMAN RIGHTS* (3d ed. 2007). Read: 140-141. [reader]

REVIEW AND MIDTERM (no new readings)

13. Thu., Oct. 4: Review

14. Tue., Oct. 9: Midterm (in class)

III. ADVOCACY IN THE CONTEMPORARY INSTITUTIONAL LANDSCAPE

15. Thu., Oct. 11: Inter-American Regional System – GUEST LECTURER: Roxanna Altholz, Associate Director, International Human Rights Law Clinic, and Assistant Clinical Professor of Law, UC Berkeley School of Law

Readings to be announced.

16. Tue., Oct. 16: European Regional Mechanisms

RHONDA K.M. SMITH, TEXTBOOK ON INTERNATIONAL HUMAN RIGHTS (5th ed. 2012).
Read: 86-90, but skip 89. [reader]

DAVID P. FORSYTHE, HUMAN RIGHTS IN INTERNATIONAL RELATIONS (3d ed. 2012). Read:
155-167. [reader]

SKIM: European Convention on Human Rights and Fundamental Freedoms arts. 2-14.
[online]

RHONDA K.M. SMITH, TEXTBOOK ON INTERNATIONAL HUMAN RIGHTS (5th ed. 2012).
Read: 105-107. [reader]

European Court of Human Rights, The Life of an Application (n.d.). [online]

European Court of Human Rights, European Court of Human Rights: Questions and
Answers (n.d.). [online]

Georg Ress, *The Effect of Decisions and Judgments of the European Court of Human
Rights on the Domestic Legal Order*, 40 TEX. INT'L L.J. 359 (2004-2005). Read: 371-379.
[online]

EUROPEAN COURT OF HUMAN RIGHTS, 2011 ANNUAL REPORT (2012). Read: 13-15.
[online]

SKIM: MICHAEL HAAS, INTERNATIONAL HUMAN RIGHTS: A COMPREHENSIVE
INTRODUCTION (2008). Read: 281-286. [reader]

17. Thu., Oct. 18: United Nations Mechanisms

Alice Miller, Chart of UN Bodies and Structure Relevant to Human Rights (2011).
[online]

JULIE A. MERTUS, UNITED NATIONS AND HUMAN RIGHTS (2d ed. 2009). Read: 1-6, 37-63.
[reader]

RHONA K.M. SMITH, TEXTBOOK ON INTERNATIONAL HUMAN RIGHTS (5th ed. 2012).
Read: 67-72. [reader]

Stephanie Fariior, *International Reporting Procedures*, in GUIDE TO INTERNATIONAL
HUMAN RIGHTS PRACTICE 189 (Hurst Hannum ed., 4th ed. 2004). Read: 211-214.
[reader]

Read quickly as an example of the work of a treaty body, including the content and tone
of its interaction with the state under scrutiny – not for the details of the United States'
human rights performance: HENRY J. STEINER, PHILIP ALSTON & RYAN GOODMAN,
INTERNATIONAL HUMAN RIGHTS LAW IN CONTEXT: LAW, POLITICS, MORALS (3d ed.
2008). Read: 855-67. [reader]

18. Tue., Oct. 23: Criminal Prosecution

DAVID P. FORSYTHE, HUMAN RIGHTS IN INTERNATIONAL RELATIONS (3d ed. 2012). Read:
117-145. [reader]

Regina Waugh, *What Can Internationally Supported Courts Achieve?*, in
INTERNATIONAL COURT MONITORING HANDBOOK (draft 2009). [online]

Optional: Jamie O'Connell, *Gambling with the Psyche: Does Prosecuting Human Rights
Violators Console Their Victims?*, 46 HARV. INT'L L.J. 295 (2005). [online]

19. Thu., Oct. 25: Advocacy Methods: Application

Focus and readings to be announced.

20. Tue., Oct. 30: Advocacy Methods: Putting Them All Together

International Center for Transitional Justice, *Criminal Prosecutions for Human Rights Violations in Argentina*, ICTJ BRIEFING, Nov. 2009. [online]

Kathryn Sikkink & Carrie Booth Walling, *Argentina's Contribution to Global Trends in Transitional Justice*, in TRANSITIONAL JUSTICE IN THE TWENTY-FIRST CENTURY: BEYOND TRUTH VERSUS JUSTICE (Naomi Roht-Arriaza & Javier Mariezcurrena eds., 2006). Read: 313-324. [reader]

Harold Hongju Koh, *How Is International Human Rights Law Enforced?*, 74 IND. L.J. 1397 (1998-99). Read: 1408-1411. [online]

Recommended

Review accounts of human rights violations and human rights advocacy in Argentina in Wright, in reader for class 10, and Keck and Sikkink, in reader for class 12.

IV. CRITIQUES AND EXTENSIONS

21. Thu., Nov. 1: Universality vs. Cultural Variation

Bilahari Kausikan, *Asia's Different Standard*, FOR. POL., Autumn 1993, at 24. Read: 24-26, 31-33, 34-38. [online]

Jack Donnelly, *The Relative Universality of Human Rights*, 29 HUM. RTS. Q. 281 (2007). Read: 281-288, 291-292, 293-296 (Parts 1-4, 7, 9). Note: You can ignore the footnotes in this reading. [online]

Human Rights Watch, "France: Headscarf Ban Violates Religious Freedom: By Disproportionately Affecting Muslim Girls, Proposed Law Is Discriminatory," Feb. 27, 2004. [online]

Karima Bennoune, *The Law of the Republic Versus the "Law of the Brothers": A Story of France's Law Banning Religious Symbols in Public Schools*, in HUMAN RIGHTS ADVOCACY STORIES 155 (Meg Satterthwaite & Deena Hurwitz eds., 2009). Read: Excerpt (c. 30 pages). [reader]

Geoffrey W.G. Leane, *Rights of Ethnic Minorities in Liberal Democracies: Has France Gone Too Far in Banning Muslim Women from Wearing the Burka?*, 33 HUM. RTS. Q. 1032 (2011). Read: 1041-1045. [online]

Recommended

Robert D. Sloane, *Outrelativizing Relativism: A Liberal Defense of the Universality of International Human Rights*, 34 VAND. J. TRANSNAT'L L. 527 (2001). Read: 530-538, 593-595 (Introduction and Conclusion). [online]

22. Tue., Nov. 6: Race and the Role-Essentialist Critique

Makau Mutua, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, 42 HARV. INT'L L.J. 201 (2001). Read: 201-209, 212-215, 215-216, 218-235. [online]

Read quickly as example of the human rights report form, not for its content: HUMAN RIGHTS WATCH, *DARFUR DESTROYED: ETHNIC CLEANSING BY GOVERNMENT AND MILITIA FORCES IN WESTERN SUDAN* (2004). Read: table of contents, 3-12, 28-30. [online]

23. Thu., Nov. 8: Human Rights Concerns as Diversion and Cover

Political, human rights, military, and diplomatic developments in Syria since 2011

Syria, NEW YORK TIMES (online), updated Aug. 10, 2012. [online]

United Nations, Map of Middle East (aka "Western Asia"). [online]

Regan Doherty & Amena Bakr, *Secret Turkish Nerve Center Leads Aid to Syria Rebels*, REUTERS, Jul. 27, 2012. [online]

U.S. foreign policy establishment discourse on U.S. motivations in Syria

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Charles Krauthammer, *While Syria Burns*, WASH. POST, Apr. 26, 2012. [online]

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KENNETH KATZMAN, *IRAN: U.S. CONCERNS AND FOREIGN POLICY RESPONSES* (May 24, 2012). Read: ¶¶1-3, 44-45. [online]

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Dmitry Gorenburg, *Why Russia Supports Repressive Regimes in Syria and the Middle East*, PONARS Eurasia Policy Memo No. 198, June 2012. [online].

Emile Hokayem, *The Gulf States and Syria*, U.S. INSTITUTE OF PEACE PEACEBRIEF, Sept. 30, 2011. Read: "Summary" (on p. 1) and "The Interests of the Gulf States in Syria: Diverse and Rarely in Sync" (on pp. 2-3). [online]

Seumas Milne, *In Syria, Foreign Intervention Will Only Shed More Blood*, GUARDIAN, June 5, 2012. [online]

General critiques

David Rieff, "Human Rights and Imperialism," Interview with Conversations with History, Institute for International Studies, UC Berkeley, Mar. 11, 2003. Read: Paragraph 5 to end. [online]

Uwe-Jens Heuer & Gregor Schirmer, *Human Rights Imperialism*, MONTHLY REV., Mar. 1, 1998. Read: Editors' introduction, Parts I-II and V-VII. [online]

Stephen R. Shalom, *Understanding U.S. Foreign Policy* (online tutorial), June 1998. Read: Introduction and first three sections of Part I: The Driving Forces of U.S. Foreign Policy, evaluating morality, democracy, and capitalism as explanations of U.S. foreign policy behavior. (Last two sections of Part I, on racism and sexism, are optional.) This consists of sixteen screens. You may find it easiest to navigate using the line of clickable grey little boxes at the top of the screen – if you start at “Start Here,” then skip to the next box, “Introduction to Part 1: The Driving Forces Of U.S. Foreign Policy,” read that, then continue through the next fifteen boxes/screens, finishing with “Narco-Trafficking.” [online]

24. Tue., Nov. 13: Human Rights and Women: Critiques and Responses

Feminist critiques

Charlotte Bunch, *Women’s Rights as Human Rights: Toward a Re-Vision of Human Rights*, 12 HUMAN RIGHTS Q. 486 (1990). Read: 487-492. [online]

Hilary Charlesworth, *What Are “Women’s International Human Rights”?*, in HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES 58 (Rebecca J. Cook ed., 1994). Read: 58-60, 68-75. [reader]

Susan Moller Okin, *Recognizing Women’s Rights as Human Rights*, 97 APA NEWSLETTERS (1998). [online]

Transformative law

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Dec. 18, 1979, 1249 U.N.T.S. 13., arts. 1, 2, 5. [online]

Transcending the public/private distinction in practice: Asylum in the United States for domestic violence abroad

HEARTLAND ALLIANCE NATIONAL IMMIGRANT JUSTICE CENTER, BASIC PROCEDURE MANUAL FOR ASYLUM REPRESENTATION AFFIRMATIVELY AND IN REMOVAL PROCEEDINGS (2009). Read: 8-11, 11-13. Note: You can skim sections 1-4 on p. 12 (on race, religion, nationality, and political opinion as protected grounds/types of groups) but read the rest of the assigned excerpt quite carefully and try to understand the law it is describing. [online]

Julia Preston, *Asylum Granted to Mexican Woman in Case Setting Standard on Domestic Abuse*, N.Y. TIMES, Aug. 12, 2010. [online]

Karen Musalo, *Toward Full Recognition of Domestic Violence as a Basis for Asylum*, AMERICAN CONSTITUTION SOCIETY BLOG, Aug. 20, 2010. [online]

U.S. Dept. of Homeland Security, Supplemental Brief in Matter of [redacted], Apr. 2009. Read: 11-21. [online]

25. Thu., Nov. 15: Human Rights and Women: The Complexity of Action

Alice M. Miller, *Sexuality, Violence Against Women, and Human Rights: Women Make Demands and Ladies Get Protection*, 7 HEALTH & HUMAN RIGHTS 17 (2004). [online]

26. Tue., Nov. 20: Economic, Social, and Cultural Rights: Concepts and Debates

ICESCR. Read *carefully*: Art. 2. Skim: Arts. 3-15. [online]

HENRY J. STEINER, PHILIP ALSTON & RYAN GOODMAN, *INTERNATIONAL HUMAN RIGHTS LAW IN CONTEXT: LAW, POLITICS, MORALS* (3d ed. 2008). Read: 263-68, 280-282, 283-287, 319-320. [reader]

JACK DONNELLY, *UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE* (2d ed. 2003). Read: 27-33. [reader]

ANDREW CLAPHAM, *HUMAN RIGHTS: A VERY SHORT INTRODUCTION* (2007). Read: 120-123. [reader]

Rhoda Howard, *The Full-Belly Thesis: Should Economic Rights Take Priority Over Civil and Political Rights? Evidence from Sub-Saharan Africa*, 5 *HUM. RTS. Q.* 467 (1983). Read: Excerpt (c. 6 pages). [online]

Kenneth Roth, *Defending Economic, Social, and Cultural Rights: Practical Issues Faced by an International Human Rights Organization*, 26 *HUM. RTS. Q.* 63 (2004). Read: Excerpt (c. 8 pages). [online]

27. Tue., Nov. 27: Economic, Social, and Cultural Rights: Activism

Leonard S. Rubenstein, *How International Human Rights Organizations Can Advance Economic, Social, and Cultural Rights*, 26 *HUM. RTS. Q.* 845 (2004). Read: Abstract, 849-852, 853-856. [online]

AMNESTY INTERNATIONAL, *HUMAN RIGHTS FOR HUMAN DIGNITY: A PRIMER ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS* (2005). Read: 39-43. [online]

Amy Kapczynski & Jonathan M. Berger, *The Story of the TAC Case: The Potential and Limits of Socio-Economic Rights Litigation in South Africa*, in *HUMAN RIGHTS ADVOCACY STORIES* 44 (Meg Satterthwaite & Deena Hurwitz eds., 2009). Read: Excerpt (c. 31 pages). Note: You are not required to read the footnotes, but you may find them illuminating and useful. [reader]

V. COURSE CONCLUSION

28. Thu., Nov. 29

Readings to be announced.