

NEW YORK UNIVERSITY
School of Continuing Education and Professional Studies
M.S. in Global Affairs
INTERNATIONAL HUMAN RIGHTS: LAW, MECHANISMS, PRACTICE
GLOB1-GC 2240.001 (20937)
Fall 2016
Wednesdays, 12:30pm to 3:10pm (Room TBA)

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I. COURSE DESCRIPTION, OBJECTIVES, OUTCOMES:

If the sheer number of references to human rights in media headlines or government statements is of any guidance, human rights concerns now appear virtually at the centre of the framework of the norms, principles and obligations that shape relations within the international community both among and within states. That political journey began, perhaps, on December 10, 1948 when the General Assembly of the United Nations embraced and proclaimed the Universal Declaration of Human Rights (UDHR). The UDHR itself is not a binding treaty and makes no provisions for enforcement but it has acquired a status roughly equivalent to customary international law and has spawned over 250 multilateral human rights and humanitarian conventions and treaties. And these legally binding international instruments are monitored by a multiplicity of global and regional actors, notably “special rapporteurs” and “expert” bodies, judicial institutions and vigilant non-governmental organizations which rarely shy away from loudly denouncing and mobilizing public opinion against violations of human rights.

The progressive expansion and development of this imposing normative framework and the proliferation of actors in the second half of the twentieth century has, if not eroded, certainly transformed traditional notions of sovereignty.. The long standing notion that government authorities are beyond the reach of justice for acts performed in their official state capacity was breached by the Nuremberg and Tokyo trials of the mid-forties and has since been further eroded in the wake of the creation of ad-hoc criminal tribunals by the UN Security Council and, more importantly, the establishment in 2002 of a permanent tribunal, the International Criminal Court. It is not uncommon now for states, government, local officials and military commanders to find themselves in docks of the accused and to be sentenced to prison terms for human rights abuses. Meanwhile, individuals have been granted access to the enforcement mechanisms set by international human rights conventions.

There is a less cheery side to the story though. An American political scientist calculated that, in the 20th century, 262 million had been killed by their own governments, victims of what he called *democide*. Myanmar, the killing fields of Kampuchea, Srebreniska, Rwanda, Goma, Kosovo, Chechenya, Darfur, Niger, SyriaThese names resonate as lurid illustrations of recent gross violations of human rights. Civilian casualties amounted to about 25% of all casualties during the First World War. That ratio rose to around 65 per cent in the Second World War and often exceeds 90 per cent of casualties today. Traditional forms of slavery and the slave trade are no longer legally acceptable, but such slave-like practices as the trafficking of women and children, the use of children in armed conflicts, exploitative labor conditions, debt bondage and the sale of human organs still persist.: between 10 and 20 million people are subjected to debt bondage today and it is believed that some 100,000 children are involved in armed conflicts in Africa. There are up to 25 million internally displaced persons around the world who have been

forced to leave their homes because of war and human rights abuses. Indigenous peoples which number 300 to 350 million people spread over over 70 countries face widespread and deeply entrenched discrimination and racism.

Against this background, the purpose of this course is to explore the practice of international human rights. "Practice" here means examining the norms, institutions that make up the "architecture" of the global human rights regime and the processes and procedures through which such norms are "enforced".

Upon completion of the semester, successful students will be able to

- ▶ understand the key historical, political, legal and moral influences that have shaped the idea of "human rights"; with particular attention to the debates about the universality, indivisibility and inalienability of human rights; .

- ▶ Explain the concept of human rights in detail and recognize important distinctions among types of rights;

- ▶ Identify the major international declarations, treaties, and covenants governing human rights as well as contemporary institutions for monitoring and enforcing human rights standards with particular attention to the political and sociological factors that shape and constrain their operation and functioning;

- ▶ Understand and critically discuss major controversial issues within contemporary human rights theory and practice

- ▶ Understand the role of state and non-state actors in human rights processes in the practice of human rights based on in depth examinations of the monitoring, implementing and enforcement of distinct substantive rights.

- ▶ Identify the tasks, actions and steps involved in engaging, applying, exercising, realizing human rights standards and norms in their political context by debating opposing sides of important human rights issues;

- ▶ Engage in substantive research and develop effective legal and policy arguments using international human rights norms and law.

- ▶ Identify ways to become involved in the global struggle to protect human rights.

II. STUDENTS RESPONSIBILITIES AND EXPECTATIONS:

1. Required "core" readings

- ▶ Philip Alston and Ryan Goodman. *International Human Right. The Successor to International Human Rights in Contex*. New York: Oxford University Press, 2013 (Amazon price: \$53.96)

- ▶ Forsythe, David. *Human Rights in International Relations*. Third edition. New York: Cambridge UP, 2012. (Amazon price: \$20.12)

The texts will be supplemented with additional readings to be obtained either online or from handouts.

Although most of the original documents to be discussed in class may be downloaded from internet sites, students may find it useful to purchase a bound collection of such material as Lillich et al. *International Human Rights Documentary Supplement* . (2006) or Ian Brownlie,

Basic Documents on Human Rights (Oxford, 6th edition, 2010). **It is essential that you bring printed copies of documents to class as we will discuss them in detail.**

All students are also expected to become thoroughly familiar with the websites of international organizations such as the United Nations (www.un.org) and the UN High Commissioner for Human Rights (<http://www.unhcr.ch/>). the Organization of American States (www.oas.org), ; the African Union (<http://www.africaunion.org/>), the European Court of Human Rights (http://www.echr.coe.int/echr/Homepage_En), the *ad hoc* criminal tribunals for the former Yugoslavia and for Rwanda (<http://www.un.org/icty/> and <http://www.icttr.org/>) and the permanent International Criminal Court: <http://www.un.org/law/icc/>; to name a few

Students are also strongly advised to read the news on a regular basis, such as the New York Times online www.nytimes.com, or on the BBC online: www.bbc.co.uk

► **Recommended:**

- Falk, Richard. *Achieving Human Rights*. New York: Routledge, 2009.
- Goodhart, Michael *Human Rights. Politics and Practice*. New York: Oxford University Press, 2009.
- Hurst Hannum, ed., *Guide to International Human Rights Practice* (Transnational, 4th ed. 2004) ["Guide"]
- Kalin, Walter and Jorg Kunzli. *The Law of International Human Rights Protection*. New York: 2009.
- Lillich, Richard B. Hurst Hannum, S. James Anaya and Dinah Shelton, *International Human Rights: Problems of Law, Policy and Practice* (Aspen, 4th ed. 2006)
- Smith, Rhona K. *Textbook on International Human Rights*. 5th edition. New York: Oxford University Press, 2012.

2. Other sources of information

a. Useful web sites:

A great number of resources are available online, particularly through the website of the American Society of International Law, www.asil.org.

► The Think Tanks and Civil Societies Program, a non-profit program at the [University of Pennsylvania](http://www.thinktanks.org/) in [Philadelphia, PA](http://www.thinktanks.org/). was established at the [Foreign Policy Research Institute](http://www.thinktanks.org/) in 1989. It researches, catalogues, and maintains a comprehensive database of approximately 6,300 think tanks from 206 countries and territories.

The search engines sites of (<http://www1.umn.edu/humanrts/>), Duke University Libraries's NGO Research Guide http://library.duke.edu/research/subject/guides/ngo_guide/ngo_database.html and the World Association of Non-Governmental Organizations (WANGO) <http://www.wango.org/resources.aspx?section=ngodir> together provide a comprehensive source of information on non-governmental world side.

For more pointed thematic investigations, the following (in alphabetical order) may be useful. The list is by no means exhaustive.

▶ The Advancing Science, Servicing Society's Science and Human Rights Program maintains a database of information on human rights.

▶ **AfricaFiles:** www.africafiles.org/humanrights.asp

AfricaFiles is a network of volunteers from different fields committed to promoting African perspectives and alternative analyses for human rights in Africa. On the website they publish articles available for download.

▶ **African Human Rights Resource Center:** www1.umn.edu/humanrts/africa/
Part of the Human Rights Library of the Human Rights Center at the University of Minnesota, this resource center assembles a collection of international human rights materials with a particular focus on Africa.

▶ **Amnesty International Online** (<http://www.amnesty.org/>), the official Internet site for AI which features annual country reports and links to other sites.

▶ **Annual Review of Population Law** (http://www.hsph.harvard.edu/population/annual_review.htm).

Database of summaries and excerpts of legislation, constitutions, court decisions, and other official government documents from every country in the world relating to population policies, reproductive health, women's rights, and HIV AIDS.

▶ **Association for Women's Rights in Development:** www.awid.org/Issues-and-Analysis/By-Region

News, issues and analyses and tools regarding women's human rights issues, sorted by world regions.

▶ **Asylumlaw.org** (<http://www.asylumlaw.org>). founded on March 1, 1999 with the purpose of using the Internet to help lawyers and other accredited representatives worldwide prepare asylum cases.

▶ **Avon Global center for Women and Justice** (Cornell Law School) (<http://www.lawschool.cornell.edu/womenandjustice/legalresources/index.cfm>).

Provides access to treaties and agreements, statutes and cases related to gender-based violence.

▶ **Business and Human Rights Resource Center:** www.business-humanrights.org/Categories/RegionsCountries/Africa

Global independent non-profit information clearinghouse for news and links to information about corporate responsibility and human rights issues

▶ **Center for Gender and Refugee Studies** (<http://cgrs.uchastings.edu/>). Offers [links to a list of recommended resources for country conditions in gender asylum cases](#), and [a selection of links to relevant related organizations and web resources](#)

▶ **Centre for Human Rights at the University of Pretoria:** www.chr.up.ac.za ; www.chr.up.ac.za/centre_publications/ahrlj/ahrlj_contents.html

The Centre is one of the most active human rights organisation in Africa. It publishes some of the leading reference works on African human rights law like the African Human Rights Law Journal which is available for free download on the website. Website features important human rights documents sorted by country and thematic issue.

▶ **Child Rights Information Network:** www.crin.org/reg/index.asp
Offers detailed information regarding children's rights.

▶ **Coalition for an International Criminal Court** (<http://www.iccnw.org/>) provides access to documents, reports, and current information regarding the ICC.

▶ International Network for Economic and Social Rights **ESCR-Net Caselaw Database** (<http://www.escr-net.org/caselaw/>). Caselaw database on ESCR-related pleadings, commentary and decisions.

► **Derechos -- Human Rights** (<http://www.derechos.org/>). Features reports reports on human rights violations and actions organized by country and by issue with a focus on Latin America.

► **Department of State annual human rights reports:**

www.state.gov/www/global/human_rights/index.html

► **European Country of Origin Information Network** (<http://www.ecoi.net/>), provides up-to-date and publicly available country of origin information with a special focus on the needs of asylum lawyers, refugee counsels and persons deciding on claims for asylum and other forms of international protection.

► **Freedom House:** www.freedomhouse.org

► **Global Rights:** www.globalrights.org/site/PageServer

The website includes summaries of activities and downloadable reports on some African countries.

► **Human Right/Constitutional Rights** at Columbia University. www.hrcr.org/

► **Human Rights Dialogue**, Carnegie Council on Ethics and International Affairs:

www.carnegiecouncil.org

► **Human Rights Watch's** country reports by issue or country (<http://www.hrw.org/en/publications/reports>). See also **Digest of the Case Law** (<http://www.hrw.org/en/reports/2010/01/12/genocide-war-crimes-and-crimes-against-humanity>) and **World Reports** (<http://www.hrw.org/world-report-2010>). Earlier **World Reports** are also available (<http://www.hrw.org/en/node/79288>).

► **Human Rights Working Papers:** www.du.edu/humanrights/workingpapers

► **Institute for Human Rights and Development in Africa:** www.africaninstitute.org

Documents past and ongoing cases and decisions of the African Commission for Human and Peoples' Rights – with whom it has an observer status. Also publishes and distributes general information on the African human rights system.

► **Inter-American Commission on Human Rights, Country Reports** (<http://www.cidh.org/publi.eng.htm>).

► **Inter-American Human Rights Database, Selected Country Reports** (<http://www.wcl.american.edu/pub/humright/digest/inter-american/index.html>).

► **Interafrican Union for Human Rights:** www.iuhr.org/spip.php
Publishes news and country reports (most of it only in French).

► **International Centre for the Legal Protection of Human Rights:** www.interights.org/africa-programme/index.htm

Up-to-date news and interpretations of recent decisions of tribunals applying international human rights law and a database.

► **International Council on Human Rights:** <http://www.ichrp.org/en/themes>

► **International Crisis Group** (<http://www.crisisgroup.org/home/index.cfm>). And in particular its *CrisisWatch Data Base*, (<http://www.crisisgroup.org/home/index.cfm?id=2937&l=1>), a monthly bulletin providing succinct regular updates on the state of play in all the most significant situations of conflict or potential conflict around the world.

► **International Network for Economic, Social & Cultural Rights:** www.escr-net.org

► **ICRC Country Reports** (http://www.icrc.org/eng/operations_country).

► **Legislationline.org** (<http://www.legislationline.org/>), a free online service that compiles international documents and domestic legislation (for OSCE countries) on citizenship, fair trial, migration, independent judiciary, human trafficking.

► **Minority Rights Information System** (<http://dev.eurac.edu:8085/mugs2/index.jsp?TopBarItem=Home>).

Features a database providing access to domestic legislation, international documents, case law, country information, reports, and treaties on minority rights related issues.

► **Netherlands Institute of Human Rights** provides access to databases containing the case law of international supervisory organs (<http://sim.law.uu.nl/SIM/Dochome.nsf?Open>)

- ▶ **NGO Watch:** <http://www.ngowatch.org/>
 - ▶ **Physicians for Human Rights:** www.phrusa.org
 - ▶ **Protection Project** (<http://www.protectionproject.org>). Information on trafficking in persons, especially women and children, with a focus on national and international laws and case law.
 - ▶ **Religious freedom:** <http://www.forum18.org/>
 - ▶ The **U.N. High Commissioner for Refugees** maintains a comprehensive [database](#) of information on human rights in countries around the world.
 - ▶ Universal Declaration of Human Rights website compiled by Peter Danchin for the Columbia CSHR: <http://www.cnmtl.columbia.edu/projects/mmt/udhr/>
 - ▶ **Violence Against Women Database** (<http://webapps01.un.org/vawdatabase/home.action>). Recently set up UN database provides information "on the extent, nature and consequences of all forms of violence against women, and on the impact and effectiveness of policies and programmes for, including best practices in, combating such violence."
 - ▶ **Women's Human Rights Resources** (<http://www.law-lib.utoronto.ca/Diana/>). Probably one of the best resources on women's human rights
 - ▶ **World Bank Countries and Regions** (<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/0,,menuPK:3030988~pagePK:180619~piPK:3001866~theSitePK:136917,00.html>).
 - ▶ **WorldLII, Human Rights Links** (<http://www.worldlii.org/catalog/303.html>). Provides links to many human rights web sites around the world arranged by category.
 - ▶ **War Crimes Research Office, Basic Documents and Jurisprudence of Internationalized Criminal Courts and Tribunals** (https://www.wcl.american.edu/warcrimes/wcro_docs/index.cfm). Data base on the jurisprudence of international criminal courts and tribunals.
 - ▶ **The site of the UN Office of the High Commissioner for Human Rights** is a good starting point to explore the interface of transnational corporations with states regarding human rights . See <http://www.ohchr.org/EN/Issues/Business/Pages/BusinessIndex.aspx>
- Other sources of information on TNCs include Amnesty International which offers country specific information about the impact of globalization and TNC on human rights. See <http://www.amnesty.org/en/business-and-human-rights>
- Human Rights Watch business and corporation websites offers excellent updates on similar topics. See <http://www.hrw.org/category/topic/business/corporations>.

Global Compact Critics is an informal network of organizations and people gathering and sharing information about the Global Compact, partnerships between the United Nations and companies, and corporate accountability. At <http://globalcompactcritics.blogspot.com/2010/01/on-its-website-un-global-compact-office.html>

b. Useful periodicals

<i>African Human Rights Law Journal</i>	<i>The International Journal of Human Rights</i> (London)
<i>American Journal of International Law</i>	<i>International Journal on Minority and Group Rights</i>
<i>Asia-Pacific Journal of Human Rights</i>	<i>International Journal of Refugee Law</i> (Oxford, UK)
<i>Australian Journal of Human Rights</i>	<i>International Journal on Minority and Group Rights</i>
<i>Canadian Human Rights Yearbook</i> (Toronto, Canada)	<i>International Journal of Transitional Justice</i>
<i>China Rights Forum Journal</i>	<i>International Migration</i>
<i>Clearing House Review</i> (International Institute for Democracy)	<i>International Review of Contemporary Law</i>
<i>Columbia Human Rights Law Review</i> (New York)	<i>International Review of the Red Cross</i>
<i>Columbia Journal of Transnational Law</i>	<i>JEMIE- Journal on Ethnopolitics and Minority</i>
<i>Duke Journal of Comparative & International Journal</i>	

<p><i>East African Journal of Peace & Human Rights</i> <i>European Human Rights Law Review</i> <i>European Journal of Migration and Law</i> <i>Forced Migration Review</i> <i>Harvard Civil Rights –Civil Liberties Law Review</i> <i>Harvard Human Rights Journal</i> <i>Health and Human Rights</i> <i>Helsinki Monitor</i> <i>Housing and ESC Rights Law Quarterly</i> <i>Human Rights</i> <i>Human Rights Case Digest</i> <i>Human Rights Dialogue</i> <i>Human Rights Information Bulletin (Council of Europe)</i> <i>Human Rights Law Journal</i> <i>Human Rights Law Review</i> <i>Human Rights Law Journal (Arlington, Virginia, USA)</i> <i>Human Right Review</i> <i>Human Rights Quarterly Baltimore (Maryland, USA)</i> <i>Human Rights Tribune</i> <i>ICJE-Bulletin on Counter Terrorism and Human Rights</i> <i>ICTR Bulletin (International Criminal Tribunal for Rwanda)</i> <i>IDS Bulletin ((Institute of Development Studies) Indigenous Affairs</i> <i>ILSA Journal of International and Comparative Law</i> <i>Indiana Journal o Global Legal Studies</i> <i>International Affairs</i> <i>International and Comparative Law Quarterly</i> <i>International and Comparative Law Quarterly</i> <i>International Children’s Rights Monitor</i> <i>International Criminal Law Review</i> <i>International Committee for Human Rights – Newsletter</i> <i>International Human Rights Reports</i> <i>International Journal of Children’s Rights</i> <i>International Journal of Discrimination and the Law</i></p>	<p><i>Issues in Europe</i> <i>Journal of Genocide Research</i> <i>Journal of Human Rights</i> <i>Journal of Human Rights and the Environment</i> <i>Journal of Human Rights Practice</i> <i>Journal of Humanitarian Assistance</i> <i>Journal of International Criminal Justice</i> <i>Journal of International Economic Law</i> <i>Journal of International Law and Practice</i> <i>Journal of International Migration and Integration</i> <i>Journal of Refugee Studies</i> <i>Journal of the History of International Law</i> <i>Law and Practice of International Courts and Tribunals</i> <i>Leiden Journal of International Law</i> <i>Muslim World Journal of Human Rights</i> <i>Netherlands Quarterly of Human Rights (Utrecht, Netherlands)</i> <i>Newsletter of the Inter-American Institute of Human Rights</i> <i>New York Law School Journal of Human Rights</i> <i>Non-state Actors and International Law</i> <i>Objective : Justice</i> <i>Pugwash Newsletter</i> <i>Refugee Survey Quarterly (Geneva, Switzerland)</i> <i>Religion and Human Rights</i> <i>Review (Interntional Commission of Jurists)</i> <i>Revue trimestrielle des Droits de l’Homme</i> <i>Revue Universelle des Droits de l’Homme</i> <i>Roma Rights Quarterly</i> <i>S.O.S. Torture</i> <i>Security and Human Rights</i> <i>South African Journal on Human Rights (Braamfontein, South Africa)</i> <i>Stategatch</i> <i>Women’s rights law reporter (full text via WestLaw)</i> <i>WUS Human Rights Bulletin</i> <i>Yale Human Rights & Development Law Journal</i></p>
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3. Class assignments

a. Class discussions and “analytical bullet points”.

Active participation and class attendance are important elements of the course which will be conducted as a quasi-seminar rather than a lecture course. Assigned material should be read prior to each class. Class preparation and participation will count for 20% of the final grade.

The **required** readings for each class session are listed in the syllabus. They are designed to give you a better understanding of the issues discussed and are **essential** for proper participation in the class. The assigned readings for each class should be downloaded and completed **before each class**.

Students are thus expected to come to class well prepared with analytical summaries not exceeding one page of at least two of the required readings under each topic of the syllabus. You may select those cases/problems you wish to address. The summaries (*in the form of bullet points*) should highlight the main points of the reading and *offer a critique/commentary* on their strengths and weaknesses. They are due at the start of the class on the day the materials are discussed. Late summaries will not be accepted. *Each student is responsible for the submission of SIX of these one page bullet points over the course of the semester.* Please bear in mind that these summaries are designed to serve as a springboard for the seminar's discussions.

b. Memorandums and term paper

In lieu of a mid term, students will write two memorandums related to any of the "questions for discussion" listed in the syllabus. Samples of such writings which should not exceed 4-5 typewritten pages will be distributed for guidance about format, and substantive and procedural aspects. The first memo is due not later than October 19, the second on 30 November.

Students are asked to write a 15-20 page long paper on a mutually agreed subject. A rough outline and preliminary bibliography are due by October 5 and a three page detailed outline by November 30.

4.Important dates

October 5: Paper rough outline due
October 19: First memorandum due
November 9: Paper detailed outline due
November 30: Second memorandum due

5. Grading policy

The final grade will be calculated according to the following scale:
Class preparation and participation: 20%
Two memoranda: 40%
Research paper: 40%

Evaluation Criteria

- **Research Paper:** Clear evidence of wide and relevant research and critical thinking about the data and sources; a strong thesis or problem to address; effective analysis that leads to a compelling conclusion; good, accurate and persuasive writing.
- **Memoranda:** Clear evidence of wide and relevant research and critical thinking about the data and sources; a strong thesis or problem to address; effective analysis that leads to a compelling conclusion; good, accurate and persuasive writing.
- **"Bullet points"** Mastery and clear understanding of reading material. Raising questions showing insight into the implications of the analysis..
- **Class Participation:** Active, respectful and collegial engagement in class discussion; evidence of reading and preparation.

SCPS Grading Scale

Grade	Meaning	GPA Conversion
A	Exceptional; superior effort	4.0
A-	Excellent	3.7
B+	Very good	3.3
B	Good; meets program standards	3.0
B-	Meets program standards in most respects	2.7
C+	Requires moderate improvement	2.3
C	Requires significant improvement	2.0
C-	Requires extensive improvement	1.7
F	Fail – Did not meet minimal course requirements	0

Academic Integrity: All students are required to become familiar with the School's code of student conduct and scholastic misconduct. The definition of plagiarism that has been adopted by the School of Continuing and Professional Studies is as follows:

Plagiarism is presenting someone else's work as though it were one's own. More specifically, plagiarism is to present as one's own a sequence of words quoted without quotation marks from another writer; a para-phrased passage from another writer's work; creative images, artwork, or design; or facts or ideas gathered, organized, and reported by someone else, orally and/or in writing and not providing proper attribution. Since plagiarism is a matter of fact, not of the student's intention, it is crucial that acknowledgement of the sources be accurate and complete. Even where there is no conscious intention to deceive, the failure to make appropriate acknowledgment constitutes plagiarism. Penalties for plagiarism range from failure for a paper or course to dismissal from the University.

Other University Policies:

- o Attendance and Lateness policy: All students must attend class regularly. Your contribution to classroom learning is essential to the success of the course. Any more than two (2) absences (other than for verifiable medical or similar reasons) during the Fall and Spring and one (1) absence during the summer will likely lead to a need to withdraw from the course or a failing grade.
- o Incomplete policy: Incompletes are only granted in extreme cases such as illness or other family emergency and only where almost all work for the semester has been successfully completed and the basis for the Incomplete can be verified. A student's procrastination in completing his/her paper is not a basis for an Incomplete.
- o Submission of work: All written work must be submitted via the Assignment Tool on NYU Classes; student work will be scanned by Turnitin plagiarism-detection software.

COURSE OUTLINE

Part one: Human Rights: Normative and Theoretical Foundations

1. September 7.

Introduction. What are human rights?

Required readings:

- ▶ Alston, pp. 3-57; Forsythe, introduction
- ▶ "Human Suffering, moral blankness and the ties of sentiment," Speech delivered by the UN High Commissioner for Human Rights to the Carnegie Council for Ethics in International Affairs. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16058&LangID=E>
- ▶ "Islamic Court for Pakistan Rejects Ruling in Rape Case," *New York Times*, 12 March 2005 <http://www.nytimes.com/2005/03/12/world/asia/islamic-court-for-pakistan-rejects-ruling-in-rape-case.html>
- ▶ Ruslan Pukhov, "Why Russia is backing Syria," *New York Times*, 7 July 2012. <http://www.nytimes.com/2012/07/07/opinion/why-russia-supports-syria.html>
- ▶ "British soldiers protected under human rights law, supreme court told.," *The Guardian* <http://www.theguardian.com/law/2013/feb/18/british-soldiers-human-rights-court>
- ▶ "Democracy in Egypt Can Wait," by Charles Kupchan, *New York Times*, August 13, 2013. http://www.nytimes.com/2013/08/17/opinion/democracy-in-egypt-can-wait.html?_r=0
- ▶ "Human Rights Watch Finds ISIS Execution Site," <http://www.rte.ie/news/2014/0627/626845-iraq/>
- ▶ "Western Sahara Caught in Human Rights Nightmare," *Green Left Weekly* <https://www.greenleft.org.au/node/58507>
- ▶ "Are Human Rights Activists Today's Warmongers?" by Stephen Kinzer. *The Boston Globe* (May 25, 2014) <http://www.bostonglobe.com/opinion/2014/05/24/are-human-rights-activists-today-warmongers/gef04rpPvgEdCEdx4DQ87J/story.html>
- ▶ "Spanish Judge Indicts 20 Salvadoran Soldiers in 1989 Murders," *Catholic News Service* (June 30, 2012). <http://ncronline.org/news/court-indicts-ex-salvadoran-soldiers-jesuit-murders>
- ▶ Samuel Moyn, "Human Rights, Not so Pure Anymore," *The New York Times*, May 12, 2012 http://www.nytimes.com/2012/05/13/opinion/sunday/human-rights-not-so-pure-anymore.html?_r=0
- ▶ David Pilling, "Kagame is both Solomon and Saddam," *The Financial Times*, 26 May, 2016 <https://next.ft.com/content/52acff80-226c-11e6-aa98-db1e01fab0c>
- ▶ "Israeli Defense Minister: Europe Must Place Security Needs over Human Rights," *Haaretz* November 16, 2015 <http://www.haaretz.com/israel-news/1.686229>

Questions for discussion:

- ▶ Why and in what sense are human rights political?
- ▶ How do we recognize a human rights problem? What are the defining characteristics, and what are the boundaries?
- ▶ How do we measure respect for/observance of or non-respect for/violations of human rights?.

Optional background readings:

- ▶ Amnesty International, "Introduction," AI Annual Report 2016, <https://www.amnesty.org/en/documents/pol10/2552/2016/en/>
- ▶ Beitz, Charles R. *The Idea of Human Rights*. New York: Oxford University Press, 2009.
- ▶ Callaway, Rhonda L. and Julie Harrelson-Stephens (ed.). *Exploring International Human Rights: Essential Readings*. Boulder, CO: Lynne Rienner, 2007. .
- ▶ Edmundson, William A. *An Introduction to Rights*. Cambridge: Cambridge University Press, 2012.
- ▶ Henkin, Louis. *The Age of Rights*. New York: Columbia University Press, 1990.
- ▶ Human Rights Watch, "Introduction," World Report 2016, <https://www.hrw.org/world-report/2016>
- ▶ Lauren, Paul Gordon. *The Evolution of International Human Rights: Visions Seen*. Philadelphia, PA: 2nd ed., 2004.
- ▶ Posner, Eric. *The Twilight of Human Rights*. New York: Oxford University Press, 2015
- ▶ Vincent, Andrew. *The Politics of Human Rights*. New York: Oxford University Press, 2010.

2. September 14

The historical origins of human rights.

Required readings:

- ▶ Alston, 58-154; . Forsythe, pp. 3-70
- ▶ Universal Declaration of Human Rights
<http://www.unhchr.ch/udhr/lang/eng.htm>
- ▶ American Declaration of Independence
<http://www.law.indiana.edu/uslawdocs/declaration.html>
- ▶ French Declaration of the Rights of man and of the Citizen
http://avalon.law.yale.edu/18th_century/rightsof.asp

Questions for discussion:

- ▶ Why is the history of the human rights idea important?
- ▶ Is there an essential and inherent meaning to the term human rights, or does it lend itself to interpretation?
- ▶ Is human rights a uniquely Western concept? To what extent do religion and philosophy inform our ideas of human rights?
- ▶ What is the source of human rights? Are some “rights” more important than others?

Optional background readings:

- ▶ Alfredson, G. and A. Eide (eds.). *The Universal Declaration of Human Rights. A Common Standard of Achievement*. The Hague: Martinus Nijhoff, 1999.
- ▶ Gill, G. *The League of Nations from 1920 to 1946*. New York: Avery, 1997.
- ▶ Ishay, Micheline R. *The History of Human Rights. From Ancient Times to the Globalization Era*. Berkeley: University of California Press, 2008.
- ▶ Morsink, Johannes. *The Universal Declaration of Human Rights: Origins, Drafting, and*

Intent. Philadelphia, PA.: University of Pennsylvania Press, 2000.

▶ Stearns, Peter N.. *Human Rights in World History*. New York: Routledge, 2012.

▶ Schabas, William A., *The Universal Declaration of Human Rights*, (a 3-volume set), 2013, Cambridge, UK: Cambridge University Press.

3. September 21

Universal? Indivisible? Inalienable? Western imperialism? The End of History?

Required readings:

▶ Alston, pp. 489-681;. Forsythe, pp. 3-70

▶ Isobel Coleman, "Women, Islam, and the New Iraq," *Foreign Affairs*, January/February 2006. To be retrieved from <http://www.foreignaffairs.org/20060101faessay85104/isobel-coleman/women-islam-and-the-new-iraq.html?mode=print>

▶ *Vienna Declaration and Programme of Action*, available at <http://www.ohchr.org/english/law/vienna.htm>

▶ *Cairo Declaration on Human Rights in Islam*.

<http://www1.umn.edu/humanrts/instreet/cairodeclaration.html>

▶ Blackburn, Roger Lloret. *Cultural Relativism in the Universal Periodic Review of the Human Rights Council*. Institut Català Internacional per la Pau. Barcelona, September 2011

Questions for discussion:

▶ Are human rights universal, or culturally specific? Should attention to cultural distinctiveness lead us to qualify our understanding of human rights?

▶ Is FGM practice a violation of human rights? Which ones? By whom?.

▶ Do punishments such as lashing and stoning as practiced in some Muslim countries violate international human rights law?

▶ A 2004 French law banned from public schools the wearing of religious clothing and symbols. Is that law consistent with human rights norms and standards?.

Optional background readings:

▶ Chase, Anthony. *Human Rights, Revolution and Reform in the Muslim World*. Boulder, CO: Lynne Rienner, 2012.

▶ Gregg, Benjamin. *Human Rights as Social Construction*. New York: Cambridge University Press, 2011.

▶ Kao, Grace Y. *Grounding Human Rights in a Pluralist World*. Washington DC: Georgetown University Press, 2011.

▶ McGoldrick, Dominic. *Human Rights and Religion. The Islamic Headscarf Debate in Europe*. Portland, OR: Hart Publishing, 2006.

▶ Meijer, Martha (Ed.). *Dealing with Human Rights. Asian and Western Views on the Value of Human Rights*. Bloomfield, CT.: Kumarian Press, 2001.

▶ Otto, Dianne (ed.). *Gender Issues and Human Rights*. Northampton, MA: Edward Elgar Publishing, , 2013.

▶ Saeed, Abdullah (ed.). *Islam and Human Rights*. Northampton, MA: Edward Elgar Publishing, 2012.

- ▶ Talbott, William J. *Which Rights Should Be Universal?* New York: Oxford University Press, 2005.
- ▶ Wilson, Richard A. and Jon P. Mitchell. (eds.). *Human Rights in Global Perspective: Anthropological Studies of Rights, Claims and Entitlements*. New York: Routledge, 2003.

Part two: Actors

4. September 28

States, sovereignty and national interests: Victimizers and/or Guardians?

Required readings:

Alston , pp. 1047-1278; Forsythe, pp. 3-70 and Ch. 6

Questions for discussion:

- ▶ How do international norms emerge? When do they become “international law”? What is the relationship between customary and treaty law with regard to human rights? What is the difference between humanitarian law and human rights law?
- ▶ What is meant by “hard” and “soft” law, and what is the relative importance of each? To what extent can reservations modify treaty provisions? What does it mean for a treaty to be self-executing?
- ▶ How do domestic and international politics interact to shape human rights outcomes?
- ▶ Relatively speaking, how important are human rights considerations in the foreign policy of any state? Why do states include human rights in their foreign policy doctrines?

Optional background readings:

- ▶ Badescu, Cristina Gabriela. *Humanitarian Intervention and the Responsibility to Protect. Security and Human Rights*. New York: Routledge, 2012.
- ▶ Blau, Judith, David L. Brunsma, Alberto Moncada, Catherine Zimmer (eds.). *The Leading Rogue State. The U.S. and Human Rights*. Boulder, CO: Paradigm Publishers, 2008.
- ▶ Cardenas, S. *Conflict and Compliance: State responses to International Human Rights Pressures*. Philadelphia, PA: University of Pennsylvania Press, 2007.
- ▶ Heins, Christof and Frans Viljoen, “The Impact of the United Nations Human Rights Treaties on the Domestic Level,” 23 *Human Rights Quarterly* 483 (2001).
- ▶ Jayawickrama, Nihal. *The Judicial Application of Human Rights Law. National, Regional and International Jurisprudence*. New York: Cambridge University Press, 2003.
- ▶ Jen Keller, Helen (ed.). *The Reception of the ECHR in the Member States*. New York: Oxford University Press, 2008.
- ▶ Kingsbury, Damien. *Sri Lanka and the Responsibility to Protect*. New York: Routledge, 2013.
- ▶ Landman, T. *Protecting Human Rights: A Comparative Study*. Washington DC: Georgetown University Press, 2005.
- ▶ Power, Samantha , ‘*A Problem from Hell*’. *America and the Age of Genocide*. New York: Perennial, 2003
- ▶ Risse, T, S. Ropp and K. Sikkink. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press, 1999.

► Shany, Yuval. *Regulating Jurisdictional Relations Between National and International Courts*. New York: Oxford University Press, 2009.

► Thimm, Johannes. *The United States and Multilateral Treaties. A Policy Puzzle*. Boulder, CO: Lynne Rienner, 2016.

5. October 5

Non-State Actors: non-governmental organizations, armed groups, media and transnational corporations. Are they obligated to protect human rights?:

Required readings:

Alston , pp. 1461-1515; Forsythe, ch. 7-8

Questions for discussion:

► Should civil society groups be given a larger role in the deliberations of an intergovernmental body such as the UN Human Rights Council? If so, on what basis?.

► Can transnational corporations be held legally responsible for human rights violations in countries where they do business in a substantial way?

Optional background readings:

► Alston, Philip (Ed.). *Non-State Actors and Human Rights*. New York: Oxford University Press, 2005.

► Casey, John. *The Nonprofit World: Civil Society and the Rise of the Nonprofit Sector*. Boulder, CO: Lynne Rienner, 2016.

► Clapham, Andrew (ed.). *Human Rights and Non-State Actors*. Northampton, MA: Edward Elgar Publishing, 2012.

► Fujita, Sanae. *The World Bank, Asian Development Bank and Human Rights*. Northampton, MA: Edward Elgar Publishing, , 2013.

► Hodson, Loveday. *NGOs and the Struggle for Human Rights in Europe*. Oxford: Hart Publishing, 2011.

► Keck, Margaret and Kathryn Sikkink (eds.). *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press, 1998.

► Kinley, David (ed.). *Human Rights and Corporations*. Burlington, VT: Ashgate, 2009.

► Peters, Anne, Lucy Koechlin,, Till Förster, and Gretta Fenner Zinkernagel (eds.). *Non-State Actors as Standard Setters*. New York: Cambridge University Press, 2009.

► Ruggie, John. *Just Business: Multinationals and Human Rights*. New York: Norton, 2013.

► Sikkink, Kathryn. *The Justice Cascade. How Human Rights Prosecutions are Changing World Politics*. New York: Norton, 2011.

Part three: International institutions and law

6. October 12:

The United Nations system: The Human Rights Council; Security Council; ICJ;

OHHR; specialized agencies; treaty bodies

Required readings:

Alston, pp. 685-844; Forsythe, Ch. 3

Questions for discussion:

- ▶ How does the UN Charter provide support for human rights? Does it also undermine human rights?
- ▶ What are the powers of the UN treaty bodies? How can they contribute to the protection of human rights, and what factors limit their effectiveness? How would you evaluate their overall impact?
- ▶ On balance, how effective has the UN Human Rights Council be in the promotion and protection of human rights?

Optional background readings:

- ▶ Alston, Philip and Frederic Megret (Eds.). *The United Nations and Human Rights: A Critical Appraisal* (2nd edition). Oxford: Oxford University Press, 2011.
- ▶ Alston, Philip and James Crawford (eds.). *The Future of the UN Human Rights Treaty Monitoring*. New York: Cambridge University Press, 2000.
- ▶ Conte, Alex. *Defining Civil and Political Rights. The Jurisprudence of the United Nations Human Rights Committee*. Burlington, VT: Ashgate, 2009.
- ▶ Freedman, Rosa. *The United Nations Human Rights Council. A Critique and Early Assessment*. New York: Routledge, 2013.
- ▶ Genser, Jared and Bruno Stagno Ugarte (eds), *The United Nations Security Council in the Age of Human Rights*, 2014, Cambridge, UK: Cambridge University Press.
- ▶ Hugues, Steve, Nigel Hawarth. *International Labour Organization: Coming in from the Cold*. New York: Routledge, 2010.
- ▶ Keller, Helen and Geir Ulfstein (eds.). *UN Human Rights Treaty Bodies: Law and Legitimacy*. Cambridge, UK: Cambridge University Press, 2012.
- ▶ Mertus, Julie. *United Nations and Human Rights*. New York: Routledge, 2005.
- ▶ Norman, Roger and Sarah Zaidi. *Human Rights at the UN. The Political History of Universal Justice*. Bloomington, IND: Indiana University Press, 2008.
- ▶ Ramcharan, Bertrand. *The UN Human Rights Council*. New York: Routledge, 2011.
- ▶ Sen, Purna (ed.). *Universal Periodic Review of Human Rights. Towards Best Practice*. London: Commonwealth Secretariat, 2009.
- ▶ Simeon, James (ed.). *The UNHCR and the Supervision of International Refugee Law*. Cambridge, UK: Cambridge University Press, 2013.

7. October 19

Regional systems: Europe, Latin America and Africa

Required readings:

▶ Alston, pp. 889-1044;. Forsythe, Ch. 5

Questions for reflection:

- ▶ What do you see as the strongest arguments for and against the transformation of the ECtHR into a truly European Constitutional Court?.
- ▶ How would you explain the fact the the Inter-American Commission receives less than 1,500 cases per year, in contrast to the tens of thousands received by the ECtHR?
- ▶ Should regional organizations provide an opening for cultural relativism?.

Optional background readings:

- ▶ Bösl, A & Diescho, J., *Human Rights in Africa. Legal Perspectives on their Protection and Promotion*, with a foreword by Desmond Tutu, Macmillan 2009.
- ▶ Burgorgne-Larsen, Laurence, Amaya Ubeda de Torres and Translated by Rosalind Greenstein. *The Inter-American Court of Human Rights*. New York: Oxford University Press, 2011.
- ▶ Carey, Henry F. (ed.). *European Institutions, Democratization, and Human Rights Protection in the European Periphery*. Lanham MD.: Lexington Books, 2015
- ▶ Christoffersen, Jonas and Mikael Rask Madsen. . *The European Court of Human Rights between Law and Politics*. New York: Oxford University Press, 2011.
- ▶ Evans, Malcolm (ed.). *The African Charter on Human and Peoples' Rights. The System in Practice 1986-2006*. 2nd edition. New York: Cambridge University Press, 2008.
- ▶ Krishnamurthy B. and Geetha Ganapathy-Dore (eds.). *European Convention on Human Rights. Sixty Years and Beyond*. New Century Publications, 2012.
- ▶ Pasqualucci, Jo M. *The Practice and Procedure of the Inter-American Court of Human Rights*. Cambridge: Cambridge University Press, 2003.
- ▶ Shelton, Dinah. *Regional Protection of Human Rights*. New York: Oxford University Press, 2008.
- ▶ Sweeney, James A. *The European Court of Human Rights in the Post-Cold War Era*. New York: Routledge, 2012.
- ▶ Tan, Hsien-Li. *The Asean Intergovernmental Commission on Human Rights in Southeast Asia*. New York: Cambridge University Press, 2011.

8. October 26

Transitional Justice at home and abroad : From Versailles to Nuremberg to the ICC.

Required readings:

- ▶ Alston, pp.1281-1460; Forsythe, Ch. 4
- ▶ Prosecutor v. Tadic, Case No. IT-94-1-AR72
- ▶ Prosecutor v.. Blastic, Case No. IT-95-14
- ▶ Prosecutor v. Musema, Case No. ICTR-96-13-A

- ▶ Prosecutor v. Kambanda , Case No. ICTR-97-23-DP
- ▶ Prosecutor v. Barayagwiza, Case No. ICTR-97-19-1
- ▶ Special Court for Sierra Leone. Taylor judgment (pp. 1-10 and passim)
<http://www.sc-sl.org/LinkClick.aspx?fileticket=k%2b03KREEPCQ%3d&tabid=107>
- ▶ The Prosecutor v. Thomas Lubanga
<http://www.icc-cpi.int/iccdocs/PIDS/publications/LubangaENG.pdf>
- ▶ The Prosecutor v. Jean-Pierre Bemba Gombo
<https://www.icc-cpi.int/car/bemba/Documents/BembaEng.pdf>

Questions for discussion:

- ▶ Is transitional justice really ‘just’?
- ▶ Should states or international tribunals in all circumstances have an absolute duty to prosecute the commission of extreme human rights violations?
- ▶ Should the USA ratify the ICC statute?

Optional background readings: ▶

- ▶ Elster, Jon (ed.). *Retribution and Reparation in the Transition to Democracy*. New York: Cambridge university Press, 2006.
- ▶ Goldstone, Richard J. and Adam M. Smith. *International Judicial Institutions. The Architecture of International Justice at Home and Abroad*. New York: 2009.
- ▶ Lincoln, Jessica. *Transitional Justice, Peace and Accountability. Outreach and the Role of International Courts after Conflict*. New York: Routledge, 2011.
- ▶ Olsen, Tricia D., Leigh A. Payne, and Andrew G. Reiter. *Transitional Justice in Balance. Comparing Processes, Weighing Efficacy*. Washington DC.: United States Institute of Peace press, 2010.
- ▶ Perry, John and T. Debey Sayndee. *African Truth Commissions and Transitional Justice*. Lanham MD.: Lexington Books, 2015
- ▶ Shapiro, Michael J. *War Crimes, Atrocity, and Justice*. Malden, MA: Polity, 2014.
- ▶ Wiebelhaus-Brahm, Eric. *Truth Commissions and Transitional Justice. The Impact of Human Rights and Democracy*. New York: Routledge, 2009.
- ▶ Yuval Shany. *Assessing the Effectiveness of International Courts*. Oxford: Oxford University Press, 2014.

Part four: Practice

9. November 2

Fact-Finding; monitoring; enforcing: overview

Required readings:

- ▶ Alston, pp. 845-888
- ▶ Kohl Harold H. “How is Human Rights law Enforced?”, Indiana Law Journal Vol. 74 Issue 4 (1999)
<http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=2279&context=ilj>

- ▶ Donoho, Douglas L. “Human Rights Enforcement in the 21st Century,” Bepress Legal Service 1282 (2006)0 <http://law.bepress.com/cgi/viewcontent.cgi?article=6113&context=expresso>
- ▶ Security Council Resolution 1564 and press release SC/8191, <http://www.un.org/News/Press/docs/2004/sc8191.doc.htm> (skim)
- ▶ Security Council Resolution 1593 and press release SC/8351, <http://www.un.org/News/Press/docs/2005/sc8351.doc.htm> (skim)
- ▶ SC Resolution 1973 (2011) on Libya intervention: <http://www.cfr.org/libya/un-security-council-resolution-1973-libya/p24426>
- ▶ John Bolton on Libya and the Responsibility to Protect: <http://www.aei.org/article/103406>
- ▶ Tom Hayden on Samantha Power and the Libyan Intervention: <http://www.thenation.com/article/159570/samantha-power-goes-war>
- ▶ Ban Ki Moon on R2P, <http://www.globalpolicy.org/component/content/article/154/26074.html>
- ▶ Prof. Jose Alvarez on R2P and intervention <http://www.globalpolicy.org/images/pdfs/0630schizo.pdf>

Questions for discussion, paper

- ▶ What is exactly meant by “enforcing” when the term is used in reference to human rights?
- ▶ Bearing in mind the Libyan precedent and the stalemate in Syria, what steps should be taken to improve humanitarian intervention?

Optional background readings:

- ▶ Alston, Philip and James Crawford (eds.). *The Future of the UN Human Rights Treaty Monitoring*. New York: Cambridge University Press, 2000.
- ▶ Barnett, Michael N. *Empire of Humanity: A History of Humanitarianism*. Ithaca, NY: Cornell University Press, 2011
- ▶ Conte, Alex, Scott Davidson, Richard Burcill. *Defining Civil and Political Rights: The Jurisprudence of the United Nations Human Rights Committee*. Burlington, VT.: Ashgate, 2004.
- ▶ Horowitz, Adam, Lizzy Ratner, and Phiip Weiss (eds.). *The Goldstone Report. The Legacy of a Landmark Investigation of the Gaza Conflict*. New York: Perseus, 2011.
- ▶ Serrano, Monica and Claudio Fuentes (eds.). *The Responsibility to Protect in Latin America. A New Map*. New York: Routledge, 2012.
- ▶ Shelton, Dinah. *Remedies in International Human Rights Law* Second Edition. New York: Oxford University Press, 2005.
- ▶ Symonides, Janusz (Ed.). *Human Rights: International Protection, Monitoring, Enforcement*. Aldershot: Ashgate Publishing, 2003.
- ▶ Thakur, Ramesh. *The Responsibility to Protect Norms, Laws and the Use of Force in International Politics*. New York: Routledge, 2010.

10. November 9

Right to life: Torture, Genocide

Required readings:

- ▶ UN Convention against Torture (<http://www.hrweb.org/legal/cat.html>)
- ▶ Alston et al. pp. 8-9; 79-80;238-276; 394; 445-465; 747-51;797-8; 866-7; 884-5; 1080-2;

1125-28; 1167-8; 1219-23; 1314-26; 1313; 1337-40

► Human Rights Committee General Comment #7

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7e9dbcf014061fa7c12563ed004804fa?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7e9dbcf014061fa7c12563ed004804fa?Opendocument)

► CAT, Mutumbo v. Switzerland (<http://www1.umn.edu/humanrts/cat/decisions/catD-Switzerland94.htm>)

► CAT, TPS v. Canada (<http://www1.umn.edu/humanrts/cat/decisions/canada1997-2.html>)

► African Commission on Human Rights, Doebller v. Sudan (2003).
<http://www1.umn.edu/humanrts/africa/comcases/236-2000.html>

► UN Convention against Genocide (<http://www.hrweb.org/legal/genocide.html>)

► Akayesu case (ICTR-96-4-T) (<http://unictr.org/tabid/128/Default.aspx?id=18&mmid=4>)

► Kambanda case (ICTR 97-23-S)
(http://www1.umn.edu/humanrts/instree/ICTR/KAMBANDA_ICTR-97-23/KAMBANDA_ICTR-97-23-S.html)

► Nahimana case (ICTR-99-52-A)

<http://www.unhcr.org/refworld/publisher/ICTR...48b5271d2.0.html>

► Tadic case (<http://www.icty.org/sid/7537>)

► Radslav Krstic case (<http://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf>)

Questions for discussion:

► Should the public denial of genocide and crimes against impunity be criminalized?

► How do you assess US policy and legislation on torture since 11 September with respect to its consistency with international human rights?

► How can cases of genocide be prevented?

Optional background readings:

► Bass, Gary. *The Blood Telegram: Nixon, Kissinger and a Forgotten Genocide*. New York: Knopf, 2013.

► Black, David R. (ed.). *The International Politics of Mass Atrocities. The Case of Darfur*. New York: Routledge, 2009.

► Birdsall, Andrea. *The International Politics of Judicial Intervention. Creating a More Just Order*. New York: Routledge, 2011.

► Donini, Antonio (ed.). *The Golden Fleece. Manipulation and Independence in Humanitarian Action*. Boulder, CO: Lynne Rienner, 2012.

► Esparza, Marcia (ed.). *State Violence and Genocide in Latin America*. New York: Routledge, 2010.

► Francis, Angus, Vesselin Popovski and Charles Sampford (eds.). *Norms of protection. Responsibility to Protect, Protection of Civilians and their Interaction*. Tokyo: UNU Press, 2012.

► Jones, Adam. *The Scourge of Genocide*. New York: Routledge, 2013.

► Lincoln, Jessica. *Transitional Justice, Peace and Accountability. Outreach and the Role of International Courts after Conflict*. New York: Routledge, 2011.

► Lupel, Adam and Ernesto Verdeja (eds.). *Responding to Genocide: The Politics of International Action*. Boulder, CO: Lynne Rienner, 2016.

► Osiel, Mark. *Making Sense of Mass Atrocities*. New York: Cambridge University Press, 2011.

- ▶ Power, Samantha. *“A Problem from Hell”: America’s and the Age of Genocide*. New York: Basic Books, 2002.
- ▶ Ratner, Steven R., Jason S. Abrams and James L. Bishoff. *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy*. Third edition. New York: Oxford University Press, 2009.
- ▶ Swart, Bert, Alexander Zahar, Goran Sluiter (eds.). *The Legacy of the International Criminal Tribunal for the Former Yugoslavia*. New York: Oxford University Press, 2011.
- ▶ Thakur, Ramesh and William Maley, *Theorising the Responsibility to Protect*, 2015, Cambridge, UK: Cambridge University Press.
- ▶ Travis, Hannibal. *Genocide, Ethnonationalism and the United Nations*. New York: Routledge, 2012.
- ▶ Weiss, Thomas G. *Humanitarian Intervention*. Third edition. Malden, MA: Polity, 2016.
- ▶ Weiss, Thomas G. *Humanitarian Business*. Malden, MA: Polity, 2013.

11. November 16

Civil and political rights

Required readings:

- ▶ Alston; pp. 157-276
- ▶ International Covenant on Civil and Political Rights (art.18-20, 26)
(<http://www2.ohchr.org/english/law/ccpr.htm>)
- ▶ Human Rights Committee General Comment #29
[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/71eba4be3974b4f7c1256ae200517361/\\$FILE/G0144470.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/71eba4be3974b4f7c1256ae200517361/$FILE/G0144470.pdf)
- ▶ European Convention on Human Rights, art. 9-10, 15
http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/CONVENTION_ENG_WEB.pdf
- ▶ Jersild v. Denmark case before ECHR,
[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{"dmdocnumber":\["695768"\],"item id":\["001-57891"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{)
paras. 9-14a, 18-21, 27-37, holding (after 45, starting with "For these reasons, the court . . ."); dissenting opinions.
- ▶ Faurisson v. France (Human Rights Committee, 8 November 1986), paragraphs 1-2.8, 3.1, 4.1-4.2, 5.3-5.4, 6.5, 7.1-7.11, 7.13-10
<http://www1.umn.edu/humanrts/undocs/html/VWS55058.htm>
- ▶ Jewish Community of Oslo and ors v. Norway (UNDoc CERD/C/67/D/30/2003
<http://www1.umn.edu/humanrts/country/decisions/30-2003.html>
- ▶ Ross v. Canada (U.N. Doc. CCPR/C/70/D/736/1997 (2000).
http://www.concernedhistorians.org/content_files/file/LE/195.pdf

Questions for discussion:

- ▶ Is it accurate to say that the duties of states in regard to civil and political rights are entirely “negative”?
- ▶ Is the prohibition of religious clothing or jewellery in public schools compatible with international human rights standards?

Optional background readings:

- ▶ Bailey, Stephen. *Bailey, Harris & Jones: Civil Liberties Cases, Materials and Commentary*. New York: Oxford University Press, 2009.
- ▶ Conte, Alex and Richard Burchill. *Defining Civil and Political Rights. The Jurisprudence of the United Nations Human Rights Committee*. 2nd edition. Burlington, VT: Ashgate, 2009.
- ▶ Bowen, John R. *Why the French Don't Like Headscarves: Islam, the State, and Public Space*. Princeton, NJ: Princeton University Press, 2007.
- ▶ McGonagle, Tarlach and Yvonne Donders (eds), *The United Nations and Freedom of Expression and Information: Critical Perspectives*, 2015, Cambridge, UK: Cambridge University Press.

23-27 November: Thanksgiving recess

12. November 30

Economic and social rights

Required readings:

- ▶ Alston et al.: pp. 277-382.
- ▶ International Covenant on Economic, Social and Cultural Rights (1976), especially Preamble, Articles 1-17, 25. <http://www1.umn.edu/humanrts/instree/b2esc.htm>
- ▶ Committee on Economic, Social, and Cultural Rights, General Comment 3: The nature of states parties obligations (1990), available at <http://www1.umn.edu/humanrts/gencomm/epcomm3.htm> (skim)
- ▶ Committee on Economic, Social and Cultural Rights, General Comment 9: The domestic application of the Covenant (1998) (skim), available at <http://www.unhchr.ch/tbs/doc.nsf/0/4ceb75c5492497d9802566d500516036?Opendocument>
- ▶ De Schutter, Olivier (ed.). *Economic, Social and Cultural Rights as Human Rights*. Northampton, MA: Edward Elgar Publishing, , 2013.
- ▶ Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997), paragraphs 1-3, 6-8, 13, 18-19, 26, available at http://www1.umn.edu/humanrts/instree/Maastrichtguidelines_.html.

Questions for discussion:

- ▶ How would you identify the salient distinctions between civil and political and economic and social rights?
- ▶ If a government decides to reduce tax rates dramatically, with the result that funding is no longer available for basic ESR programs, would this be a violation of its ESR obligations?

- ▶ Do the IMF and the World Bank have human rights obligations?

Optional background readings:

- ▶ Abouharb, M. Rodwan and David L. Cingranelli. *Human rights and Structural Adjustment*. Cambridge ; New York : Cambridge University Press, 2007
- ▶ Baderin, M, and McCorquodale, R (eds.), *Economic, Social and Cultural Rights*, Oxford University Press, 2007
- ▶ Coomans, F, *Justiciability of Economic and Social Rights: Experiences from Domestic Systems*. Antwerpen, Oxford, Intersentia, Maastricht Center for Human Rights, 2006
- ▶ Evans, Tony. *Human Rights in the Global Political Economy: Critical Processes*. Boulder, CO: Lynne Rienner, 2011.
- ▶ Felice, William F. *The Global New Deal. Economic and Social Human Rights in World Politics*. Second edition. Lanham, MD: Rowman Publishers, 2010
- ▶ Hertel, Shareen, Lanse Minkler. *Economic Rights: Conceptual, Measurement and Policy Issues*. New York: Cambridge University Press, 2007.
- ▶ McCorquodale, Robert (ed.). *Economic, Social, and Cultural Rights in Action*. New York: Oxford University Press, 2008.
- ▶ Ssenyonjo, Manisulli (ed.). *Economic, Social and Cultural Rights*. Burlington, VT: Ashgate, 2011.

13. December 7

Collective rights: development and the environment

Required readings:

- ▶ Alston, pp. 1516-1548.

Questions for discussion:

- ▶ If you were revising the SDGs, how would you change them to make them better reflect a human rights based approach agenda? What targets and indicators would you add?
- ▶ Should the United Nations draft a new human rights treaty setting forth the right to a clean environment?

Optional background readings:

- ▶ Aguirre, Daniel. *The Human Right to Development in a Globalized World*. Burlington, VT: Ashgate, 2008.
- ▶ Alston, Philip and Mary Robinson (Eds.). *Human Rights and Development. Towards Mutual Reinforcement*. New York: Oxford University Press, 2005.
- ▶ Di Dio, Debora, “Development as a Human Right, *Development* 54, 267-268 (June 2011)
- ▶ Evans, Tony. *Human Rights in the Global Economy: Critical Processes*. Boulder, CO: Lynne Rienner Publishers, 2011
- ▶ Kirkchmeier, Felix: *Right to Development – Where Do We Stand : State of the*

Debate on the Right to Development. Geneva: Friedrich Ebert Stiftung, 2006.

► Office of the United Nations High Commissioner for Human Rights. *Frequently Asked Questions on Human Rights –Based Approach to Development Cooperation*. New York: United Nations, 2006. .

► Salomon, Margot E. *Global Responsibility for Human Rights. World Poverty and the Development of International Law*. New York: Oxford University Press, 2008.

► Shelton, Dinah L. (ed.). *Human Rights and the Environment*. Northampton, MA: Edward Elgar Publishing, 2011.

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14. December 14

The Future of human rights in an age of globalization, terror and growing multipolarity.

Required readings:

Alston, pp. 375-474; 1225-1278;. Forsythe, Ch. 9

Questions for discussion:

► Does the current situation regarding world terrorism justify derogations from human rights treaties, and if so, which provisions; if not why not?

► Are human rights issues 'here to stay' in international relations?

Optional background readings:

► Baxi, Upendra. *The Future of Human Rights*. Oxford: Oxford University Press, 2006.

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► Eckes, Christina. *EU Counter Terrorist Policies and Fundamental Rights. The Case of Individual Sanctions*. New York: Oxford University Press, 2009.

► Goodhart, Michael E. and Anja Mihr. *Human rights in the 21st century : continuity and change since 9/11*. Houndmills, Basingstoke, Hampshire ; New York : Palgrave Macmillan, 2011.

► Keane, David and Yvonne McDermott (eds.). *The Challenge of Human Rights. Past, Present and Future*. Northampton, MA: Edward Elgar Publishing, 2012.

► Odello, Marco and Sofia Cavandoli (ed.). *Emerging Areas of Human Rights in the 21st Century*. Routledge, 2011.

► Ramos, Jennifer. *Changing norms Through Actions: The Evolution of Sovereignty*. New York: Oxford university Press, 2013.

► Risse, Thomas, Stephen Ropp, and Kathryn Sikkink (Eds.). *The Power of Human Rights: International Norms and Domestic Change*. Cambridge, MA: Cambridge University Press, 1999. Schenin, Martin (ed.). *Terrorism and Human Rights*. Northampton, MA: Edward Elgar Publishing, , 2013.

► Sottiaux, Stefan. *Terrorism and the Limitation of Rights. The ECHR and the US Constitution*. Oxford: Hart Publishing, 2008.

► Verdirame, Guglielmo. The UN and Human Rights: Wh0 Guards the Guardians?

Cambridge, UK: Cambridge University Press, 2011.

► Weinberg, Leonard and William Eubank. *Democracy and the War on Terror. Civil Liberties and the Fight Against Terrorism.* New York: Routledge, 2012.