SYLLABUS

A. Goals of the Course
The goal of this course is to explore international human rights law, policy, and practice. The course will examine global and regional mechanisms for the protection of human rights as well as international humanitarian law and international criminal law. Throughout the term, we will analyze, critique, and debate current issues and developments in the human rights field. The course will be divided as follows:

I. The Concept of Human Rights – Week I
II. Human Rights and Human Trafficking – Week II
III. Guaranteeing Human Rights by Treaty – Week III
IV. UN Mechanisms for Addressing Violations of Human Rights – Week III
V. Regional Human Rights Systems – Week IV
VI. Uprisings and Human Rights Discourse in the Arab Region – Week IV
VI. Human Rights in Extremis and International Humanitarian Law - Week V
VII. International Criminal Law – Week V
VIII. Current Issues in Human Rights and Conclusions – Week VI

B. Reading Materials and Class Sessions

Primary Textbook:

Recommended:

Required readings are available either (1) in the Hannum text or (2) via the course website. Recommended readings are optional, and they are marked with an asterisk. Further readings may be added throughout the term, and you may be asked to conduct research online via Tufts library resources (http://www.library.tufts.edu/ginn/index.html). Each Roman numeral on this syllabus represents roughly one week or one session during the six-week course. Most classes will include a combination of discussions, debates, role-plays, and problem-solving exercises related to assigned readings; consequently, it is important to complete assigned materials prior to each class session.
C. General Instructions
Please check the course website on a regular basis in order to focus your attention on designated pages in the reading materials. You are also expected to prepare responses to the questions for class discussion and to participate in class dialogues and debates. You are encouraged to read about current human rights issues in major newspapers, periodicals, and editorial pages on a regular basis throughout the term. Do not hesitate to contact Professor Hamill with your questions or concerns either in person, during office hours, or on the phone at your convenience.

D. Final Examination and Assessment
Course requirements include class attendance/participation, several short writing assignments, and a final exam. Failure to complete these requirements, including late submissions, will result in a failing grade. Final grades will be based on the following criteria: 50% on the final examination, 20% on written assignments, and 30% on class attendance and participation. The final examination will be written. It will include multiple-choice questions, short identifications, and at least one essay. Class attendance is mandatory. If you cannot attend for any reason, then please inform Professor Hamill in advance. More than one absence from class will result in a failing grade. The criteria for assessing class participation will be: a) attendance b) demonstrated preparation for class and extent to which you have read assigned materials c) willingness to make constructive contribution during class - including demonstrated initiative, teamwork, and respect for fellow class members (e.g. non-domination of discussion as well as allowance for and engagement with others) d) ability to lead collaborative class discussions and to elevate the level of rigorous thinking and analysis during class. Written assignments must be response papers (of no more than 1000 words in length) that analyze human rights issues raised in course reading materials. They must be submitted (in hardcopy) at the beginning of at least three Monday class sessions and via the digital drop box on the course website. Response papers will be evaluated with either a check (good), check plus (very good), check plus-plus (outstanding), or check minus (needs work). The final exam will be administered at the end of the term.

E. Contact Details
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Class Hours: M/W 2:30-5:30 pm
Office Hours: Wednesdays 1:30-2:30 pm; Open door policy - Mugar 232A
SYLLABUS

I. The Concept of Human Rights

A. Readings for Class


B. Questions for Consideration

1. What are international human rights and how are they enforced? What is at the core of the concept of human rights? What are the prevalent conceptual critiques of human rights?

2. How can human rights be traced in international law and instruments? Identify the human rights provisions in the Charter of the United Nations. How did the UN Charter establish the legal and conceptual framework for the development of contemporary human rights law? What is the current status of the UN Charter and what legal authority does it have today?

3. Identify the content, legal status, significance of the Universal Declaration of Human Rights.

4. What issues are of current concern in the international human rights field? Which issues should receive more attention from human rights advocates? Why? How might these issues be addressed in the future by individuals? states? local and/or international nongovernmental organizations? Discuss the relationship between documenting human rights abuses, engaging in advocacy initiatives, and calling for state accountability.

C. Assignments

PART I. Go to the Fletcher Library homepage (www.library.tufts.edu/ginn/index.html) and look into the journals and databases section. Become familiar with Lexis/Nexis, Project Muse and other electronic resources by searching for articles in various publications (Human Rights Quarterly, Human Rights Law Review, etc.) in order to conduct independent human rights research.

PART II. Go to the course website (via http://blackboard.tufts.edu) and send a message/file (via Course Tools and the Digital Drop Box) to Professor Hamill with your immediate goals for this course and your specific area of interest in the field of human rights. Send a copy by email as well.
II. Human Rights and Human Trafficking

A. Readings for Class


B. Questions for Consideration

1. What is human trafficking? Does human trafficking constitute a violation of international law?

2. Are there different types of human trafficking? Should human trafficking be considered a contemporary form of slavery? Why or why not?

3. How have states and other actors utilized international legal standards that address human trafficking? What are the protections for human trafficking victims? Why and how do states have human rights obligations regarding human trafficking and forced labor?

4. Is it possible to link human trafficking and the situation of migrant domestic workers in Lebanon? If so, then how can this link be explained? Which factors increase the vulnerability of migrant domestic workers to human trafficking? How does the sponsorship system contribute to the exploitation of domestic workers in Lebanon? Are there viable alternatives to the sponsorship system?

C. Assignments


PART II. Work with one of your classmates to envision a new project proposal for Antislavery International and make your best efforts to complete the 2013 project application form along these lines ([http://www.ohchr.org/EN/Issues/Slavery/Pages/SlaveryGrantCycle.aspx](http://www.ohchr.org/EN/Issues/Slavery/Pages/SlaveryGrantCycle.aspx)). Prepare to present your proposal in a brief presentation to class. Discuss the challenges you addressed in conceptualizing the project and the obstacles you anticipate in developing your efforts further.
III. Guaranteeing Human Rights by Treaty

A. Viewing


B. Readings for Class


C. Questions for Consideration

1. What is law? What are the primary sources of international law? What is the difference between law and policy? What is the relationship between the two? How can legal reforms be distinguished from policy initiatives?

2. Are human rights guaranteed through the international treaty making process? Has the concept of human rights been harnessed through this process to create legal obligation and change? What instruments have developed since 1945 to increase human rights protections for individuals? How do they work – if at all?

3. To what extent is the task of diplomats and international lawyers to simply deal with the world as it is and not as they would like it to be? Discuss.

4. Why do states defy and/or comply with international human rights law? By what process does norm internalization occur? Which author reflects on this question in the assigned readings? Identify at least one example of the domestication of international law. In addition, analyze and explain one instance where human rights standards have contributed to concrete changes in state policies or practices.

5. How are human rights treaties different from other multilateral treaties? Reflect on the advantages and disadvantages of relying on human rights treaties to regulate government conduct from various perspectives (government official, intergovernmental representative, human rights advocate, etc.). How and why do new international human rights norms emerge other than by treaty? How is “soft law” useful – if at all?
IV. UN Mechanisms for Addressing Violations of Human Rights

A. Readings for Class


2. Browse through the website of the UN High Commissioner for Human Rights (www.ohchr.org) and (www.ohchr.org/Documents/AboutUs/IK_HR_mechanisms_En.pdf). Refer to the website of the UN Human Rights Council (http://www2.ohchr.org/english/bodies/hrcouncil/) as well as the following site (www.upr-info.org) for additional reference. Examine the core UN human rights treaties relating to Torture, Gender Discrimination, Racial Discrimination, Children’s Rights, Migrant Workers, and Persons with Disabilities (available at www.ohchr.org/engish/law).


B. Questions for Consideration

1. How has the UN “encouraged” member states to assume international legal obligations in an increasing number of human rights areas?

2. What recourse does the United Nations system offer to the victims of human rights abuse? Via UN treaty based procedures? Via UN charter based procedures? How would you describe the UN’s enforcement capacity? What role does the UN Security Council (UNSC) play in shaping and implementing international human rights priorities? What about the UN General Assembly? The UN Human Rights Council? The UN Secretary General?

3. Why did the UN Human Rights Council replace the UN Human Rights Commission in 2006? What are some of the primary differences between the two, and what is the Council’s mandate? Describe the Council’s progress in responding to country situations. What is the Universal Periodic Review (UPR) process and how does it function?

4. Analyze the role of the UN Office of the High Commissioner for Human Rights (OHCHR) and the function of the OHCHR’s field offices. How does the OHCHR engage with state officials, NGOs, UN agencies, individual victims, etc. on a regular basis? What criteria should be used to evaluate the effectiveness of the OHCHR’s work?

5. Does the UN play an effective role in the promotion and protection of human rights? Which criticisms are most compelling in this respect? Why?
V. Regional Human Rights Systems: Africa, Europe, Americas

**Europe**

1. Browse website of the European Court of Human Rights [www.echr.coe.int](http://www.echr.coe.int)

**The Americas**


**Africa**

1. Browse the website of the African Commission on Human and People’s Rights ([www.achpr.org](http://www.achpr.org)) and Court

**C. Questions for Consideration**

1. What legal recourse is available to the victims of human rights abuses through regional systems? in Europe? the Americas? Africa? Compare and contrast the legal instruments providing the institutional framework for each of these systems. What are the substantive and procedural requirements for filing petitions on the regional level?

2. How have human rights advocates in Brazil used international and regional mechanisms to progress toward “fair play” during the past decade? How would you characterize NGO strategies to maximize the impact of international human rights litigation?

3. What was the holding and reasoning in the case of *Sahin v. Turkey*? According to the European Court of Human Rights, was the state allowed to ban headscarves in public places and institutions?


5. Do regional human rights systems exist throughout the world? In Asia? The Middle East? In the absence of regional systems, which organizations and institutions drive human rights discourse and accountability measures (when domestic remedies have been exhausted)?
V. Uprisings and Human Rights Discourse in the Arab Region

A. Readings for Class

1. Marc Lynch, *The Arab Uprising: The Unfinished Revolutions of the New Middle East* (Public Affairs Perseus, 2012); Chapter 1, “The Arab Uprisings,” (pp. 7-28).


B. Questions for Consideration

1. How do uprisings in the Arab region reflect, incorporate, or reject human rights discourse? Consider the uprisings in Egypt, Tunisia, Libya, Yemen, Bahrain, Syria and other countries in the region. Compare and contrast the dynamics of each.

2. How have the interests of various actors and constituents influenced the Arab uprisings? Reflect on the roles of individuals, groups, movements, states, regional bodies, and intergovernmental institutions. How have they determined the course of recent developments and evolving narratives?

3. How would you identify the appropriate legal framework to apply in the context of recent uprisings, crackdowns, conflicts, and interventions in the Arab region? Discuss the relevance of power and politics in this regard.

4. Explain the Bahrain Independent Commission of Inquiry’s mandate, findings, recommendations, and impact. Why did the Bahrain Centre for Human Rights criticize the commission’s activities and leadership?

5. What conclusions may be drawn from the Arab uprisings so far with reference to international human rights law and policy?
VI. Human Rights in Extremis and International Humanitarian Law

A. Readings for Class


2. UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment

3. Geneva Conventions and Additional Protocols; Convention against Cluster Munitions


B. Questions for Consideration

1. What are the basic principles of international humanitarian law? How does the development of the Convention against Cluster Munitions illustrate the evolution of international humanitarian law?

2. What law applies in times of civil strife and armed conflict? Who decides? Are standards for state conduct more (or less) stringent during times of public emergency, war, or peace? Explain. How and when do human rights law and international humanitarian law overlap or are they mutually exclusive? How has the International Court of Justice ruled on this question?

3. What international instruments determine the legal parameters of prisoner interrogation techniques during times of war and peace? Which interrogation techniques are unlawful, when, and why? Do you think that torture should be regulated under certain circumstances? Why or why not?

4. Do prisoner rendition practices violate international law? If not, then why not? If so, then under what circumstances? What happened in the case of Maher Arar? Why? What legal questions were at stake?

5. Identify competing arguments between protecting liberty and protecting security during sustained protests, insurgencies, or armed attacks. Explain and provide relevant examples.
VII. International Criminal Law

A. Readings for Class


6. *Browse Project on International Courts and Tribunals (www.pict-pcti.org); International Center for Transitional Justice (www.ictj.org); Truth Commissions Digital Collections (www.usip.org/library/truth/html); International Criminal Court for the Former Yugoslavia (www.un.org/icty); International Criminal Court for Rwanda (www.ictr.org); Special Court for Sierra Leone (www.sc-sl.org); Special Tribunal for Lebanon (www.stl-tsl.org); Extraordinary Chambers in the Courts of Cambodia (www.eccc.gov.kh/en)

B. Questions for Consideration

1. What are the advantages and disadvantages of international, hybrid, or domestic criminal prosecutions? How is international criminal law distinct from international human rights law?


3. What is the legal basis for the prosecution of human rights violators by the International Criminal Tribunal for the Former Yugoslavia (ICTFY) and the International Criminal Tribunal for Rwanda (ICTR)? What powers and constraints do the international criminal tribunals have within the international legal system?

4. Identify the subject matter of each of the following: Special Tribunal for Lebanon, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the War Crimes Chamber of the Court of Bosnia and Herzegovina. By what process was each created and what is each meant to do? Why are criminal tribunals supported by some and criticized by others? To what extent can they be used for political purposes?

5. Why have several countries endorsed the International Criminal Court (ICC)? Which crimes fall within the jurisdiction of the court? Who is subject to the ICC’s jurisdiction? What is the significance of the complementarity principle? Analyze the status of current ICC investigations and cases. How do they raise tensions between peace and justice?