INTERNATIONAL HUMAN RIGHTS SEMINAR

Chicago-Kent College of Law

Law 686-081-02
Thurs. 4 - 5:50 PM
Classroom 547
Fall Semester 2008

A. Seminar Description:

This seminar will focus upon human rights, their status as international law and the major issues in the implementation and enforcement of that law. An additional focus will be on the human rights implications of globalization.

After considering the philosophical origins of human rights, the seminar will examine the process by which sovereign nation-states have come to recognize an increasing number of these rights as part of positive international law. The focus will be upon the Universal Declaration of Human Rights, the two International Covenants on Human Rights and a number of other human rights treaties. The course will consider the extent to which the standards set out in these texts can be said to reflect a true international consensus on human rights. In this context, it will also focus upon the many remaining disagreements about the definition and scope of those rights, and upon the problems encountered when individuals attempt to invoke international human rights standards in domestic legal systems.

The seminar will survey various mechanisms for the promotion, protection and implementation of international human rights, including those of international organizations such as the United Nations, and those of non-governmental organizations such as Amnesty International. Whenever possible, the legal issues being discussed will be related to contemporary developments in human rights, and to issues of US foreign policy involving considerations of human rights.

B. Required Text:


Because current developments in international human rights will frequently be discussed in class, students are also expected to follow international current events relating to human rights by reading a daily newspaper.
C. Course Requirements and Grading

The first two seminar sessions will consist largely of lectures and class discussion about the history of international human rights and the place of international human rights law in the international legal order. A key goal at this stage will be to ensure that all students in the seminar have a basic grasp of what international law is, and of how it is created and develops. After the first two weeks we will shift to a seminar format emphasizing student participation.

An important goal of the seminar is to assist students in developing the ability to organize a concise and coherent presentation. Accordingly, every student enrolled for Seminar Credit will make at least two presentations during the course of the seminar. The first (the theme presentation) will summarize a general theme from the syllabus based on the assigned readings in the primary textbook, which the student will be responsible for presenting and explaining to the seminar. The second (the topic presentation) will be on a topic, to be defined by each student in consultation with me, that will ultimately be the focus of the required seminar paper. In general, student paper topics should focus on an important contemporary human rights issue that raises disputed issues of international law and policy. Student presentations should normally last between 10 and 15 minutes.

Students are encouraged to develop and propose topics reflecting their particular interests. I will also distribute a list of possible paper topics. Topic selections and proposals should be discussed with me as soon as possible so that they can be finalized by the end of February at the absolute latest. Those presenting a topic early in the semester will be evaluated more leniently. If necessary, topics will be assigned by default. According to the rules applicable to all seminars at Chicago-Kent, a seminar paper of at least 25 pages in length, exclusive of footnotes, is required. The topic of this paper must be approved in advance, and a draft of the paper must be submitted and discussed with me before you write the final version. Ordinarily the paper will focus upon a topic which the student has presented to the seminar. Papers cannot be purely descriptive. They must advance and defend a specific thesis concerning international human rights law. A draft of the seminar paper should be submitted as soon as possible and by November 24th at the latest. The final version must be submitted before the first day of exam period.

Each student will prepare and distribute to the class a 2 page preliminary report on her topic at least one class session before the topic presentation is scheduled to be discussed. The preliminary report should include a concise and analytical introduction to the key issues raised by the topic, a brief bibliography, and identify 3-5 major issues or questions related to the topic which can serve as the basis for further class discussion. Prior to the class discussion of a student's topic she will make a 10-15 minute presentation building upon the preliminary report. Everyone will be expected to contribute to the discussion in class, and this discussion should be used by the presenting student as a vehicle for developing new ideas, points of law and research avenues for the benefit of the research paper to follow. Seminar credit students will be evaluated on the basis of their overall contribution to discussions as well as on the basis of the preliminary report, the two presentations, and of course the seminar paper. Some LLM and exchange students may take an exam in lieu of writing a seminar paper but must do the two presentations as well.

Attendance and participation are absolutely essential. Unexcused absences will result in a reduced grade, an incomplete or failure according to the circumstances.
Some Key Websites Relating To International Human Rights

The Document Supplement to our coursebook Henry J. Steiner & Philip Alston, INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS, MORALS, 3rd edition (2008), is found online

http://www.oxfordtextbooks.co.uk/orc/ihr3e

The UN High Commissioner for Human Rights (and UN Human Rights Council)

http://www.ohchr.org/english/

The United Nations Headquarters Home Page

http://www.un.org/

International Criminal Tribunal for the Former Yugoslavia Home Page

http://www.un.org/icty/

The University of Minnesota International Human Rights Library
(best, in general, for human rights related documents!)

http://www1.umn.edu/humanrts/

Amnesty International Online
(Click Library link for County Reports)

http://www.amnesty.org/

The Human Rights Watch Home Page

http://www.hrw.org/

How to Make a Complaint to the UN Human Rights Treaty Bodies Online
(New and useful site)

http://www.bayefsky.com/

ORGANIZING YOUR PAPER AROUND A THESIS STATEMENT

Each seminar paper must set out and defend a clear and strong thesis involving contested issues of international human rights law. The following website discusses the process of developing and writing a thesis statement.


CLASS WEBSITE

I will establish a website for the seminar within a week or so after the beginning the semester

http://www.kentlaw.edu/classes/
Weekly Seminar Themes

WEEK 1  INTRODUCTION

Chapter 1. Introduction to Human Rights Issues and Discourse:
Several short readings on human rights and natural law will be discussed, including:

Course Website: Readings on the Origins of Human Rights
Cicero, quotes from The Republic, and On the Laws (52 B.C.)
John Locke, Second Treatise on Government (excerpts) (1690)
The Declaration of Independence (1776)
The Declaration of the Rights of Man and Citizen (1789).
The Universal Declaration of Human Rights
Time permitting, we may also discuss the following readings from the assigned textbook:

WEEK 2  DEVELOPMENT OF THE MODERN INTERNATIONAL LAW OF HUMAN RIGHTS

Background on international law
The Antelope, 23 U.S. 66 (1825)
Art 38 of the Statute of the International Court of Justice
Be prepared to discuss:
What is the nature of the international legal system?
What is positive international law, and how does it develop?

Background on the Human Rights Movement in International Law
Course Website:
Eleanor Roosevelt: Address to the United Nations General Assembly on the Adoption of the Universal Declaration of Human Rights (1948)

Prepare to Discuss: Question 2, p. 84.

WEEK 3  CIVIL AND POLITICAL RIGHTS

Chapter 3. Civil and Political Rights
Assigned Readings: Text, pp. 152-174 (introduction), pp. 175-224 (CEDAW), and 224-262 (Torture).

Online Doc Supp:
International Covenant on Civil and Political Rights
Convention on the Elimination of Discrimination Against Women (CEDAW)
Convention Against Torture
WEEK 4  ECONOMIC AND SOCIAL RIGHTS

Chapter 4. Economic and Social Rights:
Globalization and the Right to Development.
Assigned Readings: Text, pp. 263-320 (Rationale, Concept and Justiciability), 321-358 (India & South Africa), 358-374 (Intl Monitoring of ESC Rights.)


Course Website:
President Franklin Roosevelt's FOUR FREEDOMS SPEECH (January 6, 1941)
Jamin B. Raskin , Book review of THE SECOND BILL OF RIGHTS: 'FDR's UNFINISHED REVOLUTION AND WHY WE NEED IT MORE THAN EVER,' by Cass R. Sunstein

Human rights and extreme poverty, Commission on Human Rights resolution 1999/2 Declaration on the Right to Development

WEEK 5  CULTURAL CHALLENGES TO THE UNIVERSALITY OF HUMAN RIGHTS

Chapter 6. Rights or Duties as Organizing Concepts
Assigned Readings: Text, pp. 475-516.

Chapter 7. Conflict in Culture, tradition and Practices: Challenges to Universalism
Assigned Readings: Text, pp. 517-539 (Universalism & Cultural relativism), 540-568


Articles re Human Rights in Africa
Howard W. French, Letter from China: U.S.-China relationship isn't the most vital one, INTERNATIONAL HERALD TRIBUNE (on China's effect upon African human rights issues), May 3, 2006, at Page 2
WEEK 6  NATIONAL SECURITY, TERRORISM AND LIMITATIONS ON HUMAN RIGHTS

Chapter 5

WEEK 7  THE UNITED NATIONS SYSTEM FOR THE PROMOTION OF HUMAN RIGHTS

Assigned Readings: Text, pp. 735-765 (Res 1503 and 1235 procedures), 765-790 (Thematic special procedures), 791- 843 Establishing the UN Human Rights Council).

WEEK 8  THE ICCPR AND THE HUMAN RIGHTS COMMITTEE

Chapter 10. Treaty Bodies: The ICCPR Human Rights Committee
Assigned Readings: Text, pp. 844-925.

Human Rights Committee, General Comment on Reservations to Human Rights Treaties

WEEK 9  REGIONAL HUMAN RIGHTS MECHANISMS

Chapter 11. Regional Arrangements: A Laboratory for Globalization?

Soering v. United Kingdom, European Court of Human Rights (1989) 11 Ehrr 439
William Andrews Case, Inter-American Commission for Human Rights
Materials on the African Human Rights System
African [Banjul] Charter on Human and Peoples' Rights (excerpts)
PanAfrica; AU Court of Justice to Operate Soon, AFRICA NEWS, January 25, 2006.

WEEK 10  NON-STATE ACTORS AND HUMAN RIGHTS

Chapter 15. Non-State Actors and Human Rights
Assigned Readings: Text, pp. 1385-1433.
WEEK 11  HUMAN RIGHTS IN THE DOMESTIC LEGAL ORDER

Chapter 12. Vertical Interpenetration: Intl Human Rights Law within States’ Legal and Political Orders
Assigned Readings: Text, pp. 1087-1156.

Chapter 13. Horizontal Interpenetration
Assigned Readings: Text, pp. 1156-1177.

Sei Fujii v. California, 38 Cal. 2d 718 (1952)
Handout on The Bricker Amendment Controversy
UK Human Rights Act of 1998
Filartiga v. Pena-Irala, 630 F.2d 876 (1980)
US Reservations to the ICCPR

WEEK 12  THE ENFORCEMENT BY STATES AGAINST VIOLATOR STATES AND HUMANITARIAN INTERVENTION

Chapter 13. Enforcement by States against Violator States

Kofi A. Annan, Two concepts of sovereignty, THE ECONOMIST, 18 September 1999

WEEK 13  MASSIVE HUMAN RIGHTS TRAGEDIES: PROSECUTIONS AND TRUTH COMMISSIONS

Assigned Readings: Text, pp. 1243-1291, 1291-1319, 1331-1385.

Definition of International Crimes Prosecuted At Nuremberg
Excerpts on War Crimes from the Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War

WEEK 14  Open
Essential Elements of each Student Presentation (10-15 minutes):

1. Two page Preliminary Report distributed to the class a week before (for the Topic Presentation only, not for the Theme Presentation)
2. Brief definition of the subject
3. Historical context (where appropriate)
4. Why the subject is important
5. How the subject relates to some of the other important themes and topics in the Seminar
6. Differing views on the subject, if any, and their implications
7. Your personal views on the subject, and why you hold them (i.e. justification and not mere conclusion).
8. Identify 3-5 associated sub-topics for possible discussion by the seminar

Seminar papers must:

1. Be submitted electronically as an e-mail attachment
2. Include the student’s name on the first page
3. Use footnotes not endnotes
4. Have a table of contents at the beginning which includes all headings in your outline indicating the page number for each of them