Course Outline

Session I (Jan. 14)

Introduction: The Contemporary Concern with Human Rights

Outline

1. Rights and Human Rights
2. The International human rights movement
   1. Pre-World War II antecedents
   2. World War II, Nuremberg
   3. The United Nations Charter and its aftermath
3. National and international perspectives on human rights

Discussion

- Rights and alternative visions of the Good society, historically and now.
- The significance of "human" "rights."
- How and why did human rights enter the international political process in past centuries? Since the Second World War?

Readings

- The Age of Rights, Louis Henkin. Columbia University Press (Reader, Item 1)

Session II (Jan. 28)

International Human Rights Standards: Rights and Limitations

Outline

1. International standards
2. History
   1. U.N. Charter
   2. Nuremberg
   3. Universal Declaration and covenants
   4. European, American and African arrangements
   5. Adherence of various states
3. Content
1. Civil, political, economic, social, cultural
2. Limitations, derogation
3. Interpretation of particular rights and by whom
4. New notions of rights: development, peace, environment

Discussion

- Why are standards desirable?
- Are standards sufficiently concrete to be useful? What uses might they serve?
- Which philosophical traditions are the standards based upon?
- Were any rights omitted? Are some included that should not have been? Should new rights be developed?
- Are differences between universal and regional standards significant?

Readings

- United Nations Charter, Preamble, Articles 2, 55, 56.
- Universal Declaration of Human Rights (Document book)
- Covenant on Civil and Political Rights (Document book)
- Covenant on Economic, Social and Cultural Rights (Document book)
- European Convention of Human Rights (Document book)
- African Charter on People's and Human Rights (Document book)
- American Convention on Human Rights (Document book)

Recommended

- International Convention on the Elimination of All Forms of Racial Discrimination (Document book)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Document book)

* On reserve in Law School Library

**Session III (Feb. 4)**

**Implementing International Standards: The United Nations**

Outline

1. The United Nations
   1. The Human Rights purposes of the U.N.
   2. Non-intervention and Article 2(7)
2. The General Assembly and Human Rights
   1. The Assembly
   2. ECOSOC
   3. The Human Rights Commission
   4. The Subcommission and its working group
   5. High Commissioner on Human Rights
   6. Human rights monitoring as an element of UN peace operations
3. Implementation machinery international agreements -- the treaty bodies
4. The Genocide Convention
5. The Covenant on Civil and Political Rights
   1. The Human Rights Committee
   2. The Optional Protocol
6. The Covenant on Economic and Social Rights
Discussion

- Is depoliticization of human rights possible?
- UN politics and state interests
- Are there alternatives to the UN?
- In advocacy terms, which of these mechanisms works best?

Readings

- UN ECOSOC Res. 1985/17, creating Committee on Economic, Social and Cultural Rights. (Reader, Item 6)
- Institutional chart of the United Nations System. (Reader, Item 3)

Recommended

- Aspen Institute, Honoring Human Rights & Keeping the Peace, Introduction and recommendations, 1995
- Reflections on the Vienna Conference on Human Rights, Michael Posner. American Society of International Law Proceedings (Reader, item 8)

Session IV (Feb. 11)

Implementing International Standards: International Political Machinery

Outline

1. Regional Rights Enforcement
   1. Focus on Europe and Africa
   2. Council of Europe
   3. The Organization for Security and Cooperation in Europe (OSCE)
   4. The African Commission on Human Rights
   5. Other regional arrangements

Discussion

- General Political enforcement and special treaty machinery
- Universal and regional conventional machinery - effect on domestic protection
- Is international protection effective?

Readings

- European Convention: Selected Cases (Reader, Item 9)
- Valesquez Rodriguez Case, Inter-American Court of Human Rights, 1988 (Reader, item 10)

Session V (Feb. 18)

National Implementation of International Standards
Outline

1. International obligation and national enforcement
2. International human rights in United States law
   1. Customary human rights law
3. International human rights instruments
   1. Proposed reservations
4. Human rights as a guide for U.S. courts
   1. Constitutional or statutory interpretation
   2. In prison, mental hospital cases
5. U.S. courts and human rights abroad

Discussion

- Extensions of the Filartiga principle to other violations:
- Racial discrimination
- Prolonged detention
- Torture
- Is Filartiga a good idea?

Readings

- Bush Administration package of Reservations, Declarations and Understandings to International Covenant on Civil and Political Rights 1991 (Reader, Item 13)
- Introduction: Civil and Political Rights in the United States, U.S. Report to the U.N. (Reader, Item 14)
- Human Rights Committee Summary Statement on U.S. Report (Reader, Item 15)
- Hilao vs. Marcos, (Reader, item 22)
- Human Rights Committee - General comment on Reservations (Reader, item 16)
- Observations by the U.S. on the General Comment (Reader, item 17)
- Filartiga v. Pena-Irala, 630 F. 2d 876 (2d. Cir. 1980) (Reader, Item 18)

Recommended

- Restatement of the Law of Foreign Relations, Sections 701-703 (Reader, Item 15)
- Torture Victim Protection Act 1991 (Reader, item 20)
- Hanock Tel-Oren v. Libyan Arab Republic, 726 F. 2d 774 (D.C. Cir. 1984) (Reader, item 19)

Session VI (Feb. 25)

The Politics of Human Rights in a World of States: Building an International System of Accountability

Outline

1. The politics of the United Nations: The debate about humanitarian intervention
2. Accountability - The international tribunals for the former Yugoslavia and Rwanda
3. The creation of a Permanent International Criminal Court

Discussion

- The reality of and limitations on international concern with human rights
- The effect of contemporary international politics on human rights
The effect of human rights on international politics
- International accountability: What are the possibilities? What are the limits? - The debate about the creation of a permanent International Criminal Court

Readings

- "Should We Risk Lives to Save Lives?" Diane F. Orentlicher, Boston Review, December/January 1993/94 (Reader, Item 26)
- "Rape in War: Challenging the Tradition of Impunity" Dorothy Thomas and Regan Ralph, SAIS Review, 1994 (Reader, Item 32)
- "Realising Human Rights: Take Hold of itBoldly and Duly" Speech by Mary Robinson (Reader, Item 34)
- "Establishing a Permanent Criminal Court: Moving Forward" Jelena Pejic, Interights Bulletin, 1996 (Reader, Item 35)

Recommended


Session VII (March 4)

Human Rights in North-South Relations

Outline

1. The World Conference on Human Rights
2. Human rights, democracy and development
3. Human rights in North-South relations
   1. Controversies as to definition and priorities
   2. Conditionality on aid, trade and lending policies
   3. The role of international financial institutions
   4. Human rights and governance

Discussion

- In North-South relations, are human rights text or pretext?
- Humanitarian intervention: The obligation of other states to promote economic-social rights; the right of other states to intervene to protect civil-political rights. What are the opportunities? What are the limits?
- Prospects for human rights in a diverse and divided world.

Readings


Session VIII (March 11)
Refugees-International Standards and Procedures

Outline

1. International protection of refugees
   1. The Refugee Convention and Protocol
   2. The U.N. High Commissioner for Refugees
   3. Dealing with Large-scale Refugee Crises
   4. International Displacement
   5. Forced Repatriation

Discussion

- Causes of refugee flow; any cures?
- A viable international program
- Should there be a right to asylum?
- Asylum--an evolving standard--gender-related persecution

Readings

- Convention Relating to the Status of Refugees (Reader, Item 21).
- Protocol Relating to the Status of Refugees (Reader, Item 22).
- Coping with a Complex Refugee Crisis in Africa, George Okoth-Obbo, The Problem of Refugees in the Light of Contemporary International Law Issues, 1996 (Reader, Item 24)

Recommended


Session IX (March 25)

Refugees - U.S. Law and Practice

Outline

1. U.S. refugee policy
   1. U.S. Refugee policy and immigration policy
2. Refugees in U.S. Courts
   1. Interdiction and detention

Discussion

- A practicable U.S. policy
- Refugee admissions
- Asylum policy
- Detention
- Expedited removal of Asylum-Seekers
- Other means of deterrence
Readings


Recommended


**Session X (April 1)**

**Human Rights and Women's Rights**

Outline

1. Women's Rights as Human Rights
2. The Distinction between the Public and the Private in International Human Rights Law
3. Cultural Relativism and Women's Rights
4. Economic and Social Rights - Their Links to Women's Rights
5. Women and International Law Making about Women; CEDAW
6. Violence Against Women, International Protections

Discussion

- Should women's rights be created as a separate category?
- Can women's rights be separate from cultural constraints?
- Should formal equality be the goal of women's lobbying for rights protection?
- The Beijing Conference - Outcome and Achievements
- The North/South divide in the International Women's Movement

Readings

- Convention to the Elimination of All Forms of Discrimination against Women.
- * Charlsworth, Chinkin and Wright, "Feminist Approaches to International Law," 85 American Journal of International Law 813, 1991 (Reader, Item 31)

Recommended


**Session XI (April 8)**
Human Rights and U.S. Foreign Policy

Outline

1. Two Human Rights Policies: Congress and the Presidency
   1.1 Congress
   1.2 The Presidency
2. Linking Human Rights and Aid - the Fraser Amendment
3. Trade and Human Rights

Discussion

- "Consistency" in U.S. Human rights policy
- Bilateral vs. Multilateral Approaches
- Post-Cold War Policies - Addressing trade and human rights
- Bureaucratic Implementation of Human Rights

Readings


Recommended

- * Lawyers Committee for Human Rights, In the National Interest, Chapters on Trade Investment Policy and Human Rights and International Legal Regime to Protect Workers Rights, 1996.

Session XII (April 15)

The Role of Non-governmental Organizations

Outline

1. The special role for NGO's in international human rights
2. National and international NGO's
3. Varieties of NGO's
4. NGO's in national and international fora
5. NGO's, Congress and the Department of State
6. NGO's and the courts
7. NGO's and the press

Discussion

- Improving the effectiveness of NGO's/Focus on freedom of association
- Relations between NGO's and Governments
- Competition and Cooperation between NGO's
  - International and local

Readings

- List of Human Rights Organizations (Reader, Item 39)
Recommended


**Session XIII (April 23)**

The Role of Non-governmental Organizations