

International Human Rights – Spring 2009

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Overview

This course is an introduction to the principles of international human rights law that have emerged in the past half century and the institutions that have been created to protect them. This class examines whether human rights are universal and vary according to cultural preferences. It discusses how to protect human rights using international and domestic institutions.

Course Objectives

The primary purpose of this course is to develop an understanding of the legal doctrines that courts and other international bodies have used to interpret and apply principles of international human rights law. A second purpose of this course is to further develop skills in the following areas – case briefing and analysis, analytical thinking, problem solving, speaking, and writing. After successful completion of the course, students should be able to:

1. Articulate important doctrinal rules, standards and principles of international human rights law, and explain what they mean,
2. Recognize commonly encountered problems and issues in international human rights law when presented in hypothetical and unfamiliar fact patterns,
3. Identify relevant constitutional standards, rules and principles for resolving commonly encountered issues,
4. Communicate, orally and in writing, appropriate legal and factual arguments in support of each side of controversies involving such issues, and
5. Articulate varying approaches to constitutional interpretation in analyzing international human rights issues.

Assignments are from LILlich, HANNUM, ANAYA, AND SHELTON, INTERNATIONAL HUMAN RIGHTS (4th Ed. 2006). Please also examine the materials in the DOCUMENTS SUPPLEMENT that the textual material refers to, and please bring both books to each class.

Monday, Jan. 26 – **Chapter 1 – The Concept of Human Rights** – Pages 1-54

Monday, Feb. 2 – **Chapter 2 – Guaranteeing Human Rights by Treaty** – Pages 56-91, 96-105, 129-33

Monday, Feb. 9 – **Chapter 3 – The Development of Human Rights Norms Through Non-Binding Instruments** – Pages 136-46, 152-53, 164-99, 206-08

Friday, Feb. 13 (1:15-2:55 p.m.) – **Chapter 4 – Human Rights in Extremis** – Pages 211-50

Monday, Feb. 16 – Holiday, President’s Day

Monday, Feb. 23 – **Chapter 4 (continued)** -- Pages 254-96, 308-10, 316-22

Monday, March 2 – **Chapter 5 – Who Is Obligated to Promote and Protect Human Rights?**
– Pages 325-27, 338-52, 364-95

Monday, March 9 – **Chapter 6 – Domestic Enforcement Mechanisms** – Pages 440-49, 452-53, 462-69, 471-73, 477-501, 527-32

Friday, March 13 (1:15-2:55 p.m.) – **Chapter 7 – U.N. Mechanisms for Addressing Violations of Human Rights** – Pages 534-52, 554-73, 579-86, 590-99, 600, 615; Human Rights Committee and the Marcos Victims (material to be distributed)

Monday, March 16 – **Chapter 8 – The European System for the Protection of Human Rights**
– Pages 618-24, 648-83, 701-05

Monday, March 23 – No Class, Spring Recess

Monday, March 30 – **Chapter 9 – Human Rights in the Americas** – Pages 718-24, 731-56, 763-65, 772-86

Monday, April 6 – **Chapter 10 – Coercing Compliance with Human Rights Norms: Sanctions and Armed Intervention** – Pages 788-96, 801-04, 813-18, 828-32, 838-79

Monday, April 13 – **Chapter 11 – International Criminal Law** – Pages 882-89, 894-900, 906-17, 923-36, 953-59, 966-77

Monday, April 20 – **Chapter 12 – The Problem of Fact-Finding and Evidence** – Pages 980-92, 1027-62

Monday, April 27 – **Chapter 13 – Human Rights and Foreign Policy** – Pages 1065, 1074-78, 1082-87, 1115-44, 1162-64

Wednesday, May 13, 1:30-3:30 – **Final Exam**

The grade in this course will be based one-fourth on a presentation that each student will make in debate format (and accompanying written outline of the presentation) and three-fourths on the two-hour final exam. The student presentations will be ten minutes in length (followed by a question period) and each student will be expected to prepare and distribute a 2-4 page outline of their presentation to the instructor and the other students. Students can use visual aids to assist in their presentation, but are not required to. Presentations will be graded on coverage of the topic and overall persuasiveness. The exam will be closed-book, except that students can bring in a copy of the Documents Supplement (without any written marks in it, except for underlining and highlighting of text) and a single sheet of 8 ½ x11 inch paper that contains writing on only one side, that has one-inch margins on both sides and on the top and bottom, and that utilizes writing or type no smaller than 12-point type. The exam will consist of two one-hour questions; each one-hour question will begin with a ten-minute reading period, in which no typing or writing in the blue books or exam pages will be allowed, to be utilized to understand the question and make a preliminary outline of the answer. The remaining 50 minutes of the hour can then be used for writing or typing the answer in the blue book or exam pages.

Regular class attendance and participation is expected. Students missing more than one class (unless excused) will have their grade reduced by one-third of a letter grade (*i.e.*, B will become B-; B- will become C+) for each unexcused class missed after the first such absence. Please give the instructor a note before class if you are not prepared to participate in all or part of the class discussions. (Such a note will not affect your grade in any way.) As a courtesy to other students, and as a matter of professional conduct, please be in your seat punctually at the beginning of each class. Laptop computers can be brought to and used in class for note-taking, but any use of the laptop for activities unrelated to the class, such as surfing the web, playing games, or exchanging messages of any sort is strictly forbidden, and any such use will result in the loss of the right to bring the laptop to class for the remainder of the semester. Please locate the laptop in a manner that does not block the instructor's view of the student. Cell phones and pagers must be turned off during class. Students are encouraged to work together in study groups, and to review the material by going over the old exams.

Please contact the instructors if you have any questions whatsoever. Professor Van Dyke can be found at Room 239. Telephone: 956-8509 (office), 944-1139 (home). Email: <jvandyke@hawaii.edu>.