

University of California at Berkeley

International Human Rights Law

Fall, 1998 - Law 263

Professor Carolyn Patty Blum
Office: Room 685 Simon Hall
Office Phone: 642-5980
E-mail: cpblum@mail.law.berkeley.edu
Office Hours: Fridays 9:00-12:00 or by appointment

Course Materials

1. Textbook: Frank Newman and David Weissbrodt, *International Human Rights: Law, Policy and Process*, 2d. ed. (1996) [Text].
2. Primary Source Appendix: Newman and Weissbrodt, eds., *Selected International Human Rights Instruments*, 2d. ed. [Instruments].
3. Materials distributed in class

Syllabus

The reading assignment for each date is noted below the topic and date. Written assignment due dates also are noted.

August 20

I. Introduction to the Course

August 25

II. A Quick Overview of Relevant International Law Principles

Text:

- o pp. 580-583; 585-589; 29-30; 598-602; 694-696

Written Assignment #1 Due in Class

August 27

III. Philosophical Origins of Human Rights

Guest Lecturer: Harry Chotiner

Text:

- o pp. 2-3; pp. 167-168

Materials distributed in class:

- Excerpt from Jerome J. Shestack, "The Jurisprudence of Human Right" in T. Meron, Ed. *Human Rights in International Law* (1984).

September 1

IV. Historical and Systemic Overview, the United Nations Charter, and the Universal Declaration of Human Rights

Text:

- pp. 3 - 24

Instruments:

- Charter of the United Nations
- Universal Declaration of Human Rights

September 3

In-Class Exercise: Cultural Relativism

Text:

- pp. 677 - 680

September 8

V. Ratification and Implementation of Treaties: The Covenant on Economic, Social and Cultural Rights

Text:

- pp. 30 - 34; 39 - 58 (Skip American Convention)

Instruments:

- International Covenant on Economic, Social and Cultural Rights

Skim:

- Genocide Convention
- Racial Convention
- Women's Convention
- Treaty Against Torture
- Covenant on Civil and Political Rights

September 10

In-Class Exercise: U.S. Ratification of ICESCR

Text:

- pp. 28 - 29; pp. 34 - 39; 58 - 78

September 15

VI. Regional Human Rights Systems

A. The Inter-American System

Text:

- pp. 334 - 351; 440 - 448; 454 - 459

Instruments:

- American Convention on Human Rights
- American Declaration of the Rights and Duties of Man

September 17

B. European System

Guest Lecturers: Geoffrey Gilbert, Jane Wright

Text:

- pp. 467 - 468; 478 - 497

Instruments:

- European Convention for the Protection of Human Rights and Fundamental Freedoms

September 22

VI. State Reporting, International Covenant on Political and Civil Rights, the Optional Protocol, and the Human Rights Committee

Text:

- pp. 91 - 99; 150 - 155

Instruments:

- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant
- Second Optional Protocol

September 24

Class Exercise: Egyptian Divorce Case

Text:

- pp. 142 - 145; 168 - 170; 464 - 465

Written Assignment #2 Due in Class

Review Instruments:

- Racial Convention
- Covenants on Civil and Political Rights and Economics Social and Cultural Rights
- Women's Convention
- African Charter on Human and People's Rights
- Children's Convention
- Refugee Convention

September 29

VIII. Torture and Cruel, Inhuman and Degrading Treatment or Punishment

Text:

- pp. 147 - 150; 155-164

Instruments:

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

October 1

In-Class Exercise: Israeli interrogation practices

Materials to be distributed in class

October 6

IX. U.N. Procedures for Human Rights Violations

Text:

- pp. 181 - 216

Instruments:

- Economic and Social Council Resolutions 728f, 1235 and 1503 In-Class

October 8

Exercise: Myanmar Before the U.N.

October 13 - 15

X. Investigative Fact-finding In-Class Exercise (2 classes)

Text:

- pp. 319 - 332; 351 - 369

Written Assignment #3 Due in Class

[Week-Long Break]

October 27

XI. Genocide and the Genocide Convention

Text:

- pp. 39; 276 - 280; 284 - 286; 723 - 735; 737 - 738; 742

Instruments:

- Genocide Convention
- U.S. Reservations, Declarations and Understandings (RUDs) to the Genocide Convention
- Charter of the International Military Tribunal, August 8, 1945
- Control Council Law No. 10, Dec. 20, 1945

October 29

In-Class Exercise

November 3

XII. Accountability for Past Human Rights Violations

Text:

- pp. 259 - 276; 280 - 284; 286 - 305

November 5

XIII. Focus on The United States

In-Class Discussion Guest Speaker: Amy Ross

November 10

A. Adjudicative Remedies in U.S. Courts for Human Rights Abuses Abroad

Text:

- pp. 507 - 523; 533 - 538; 541 - 545; 547 - 549; 550 - 551.

November 12

In-Class Exercise: ATCA Case

Text:

- pp. 500 - 504; 523 - 533

November 17

B. Remedies for Human Rights Violations in the U.S.

Text:

- pp. 555 - 557; 560; 574 - 578; 594 - 596; 613 - 630

November 19

In-Class Exercise: Affirmative Action

Instruments:

- U.S. RUDs Racial Convention
- U.S. RUDs to Covenant on Civil and Political Rights

November 24

XIV. Presentation of Dissemination Project

December 1

TBA