
INTERNAT'L HUMAN RIGHTS LAW in Fall 2018 (PO3041)

Course Code	PO3041	Professor(s)	Susan Perry
Prerequisites	None	Office Number	G-L18
Class Schedule	TF: 12:10-13:30 in C-103	Office Hours	by appointment
Credits	4	Email	sperry@aup.edu
Semester	Fall 2018	Office Tel. Ext.	588

Course Description

Course summary:

This course, a required course for the minor in International Law and the major in History, Law and Society, is designed to provide students with the fundamentals of international human rights law. Building on knowledge and skills acquired in the department's upper level "International Law" course, as well as the other 300 level courses, this foundational course will allow students to fully explore the issues at stake in human rights law today.

Human rights are an essential component of development, providing a minimum of dignity for populations worldwide. International human rights law establishes the norms, jurisprudence and legal infrastructure necessary to promote the implementation of international human rights standards. This course will introduce key substantive and institutional issues in the field and explore the establishment of standards, the international human rights treaties, their implementation mechanisms and the expanding body of jurisprudence that make up this fast growing discipline at the crossroads of law and development.

In addition to lectures and discussion, students will also be expected to participate on a weekly basis in an online Blackboard forum on international human rights law set up for the class.

Please note that considerable creative thinking is required for this course. The professor is interested not only in what the reading says on a specific subject, but also what new insights students can bring to their research topics.

Course Learning Outcomes

The course provides a clear understanding of the significance and limitations of international

human rights law

The course familiarizes students with the specific treaties that make up the body of international human rights law.

The course familiarizes students with key components of international humanitarian law.

The course provides an opportunity for succinct, well-organized oral expression during in-class discussion and the moot court.

The course encourages reflective, well-structured written work with citations from assigned reading.

General Education

[PLEASE EDIT OR REMOVE THE FOLLOWING TEXT AS APPLICABLE]

The general education program at AUP consists of four requirements: Speaking the World, Modeling the World, Mapping the World, and Comparing Worlds Past and Present.

This course can be used to fulfill the [INDICATE THE REQUIREMENT(S) FULFILLED BY THE COURSE] requirement and as such has the following learning outcomes:

[INDICATE THE GENERAL EDUCATION LEARNING OUTCOMES]

Course Outline

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Week One Introduction - Universal Declaration of Human Rights

9/11-14

reading: UDHR on Blackboard

concepts: int'l human rights system; Universal Declaration of Human Rights; non-derogable, derogable and progressive rights; States responsible for rights of the individual.

Please note: Our October 30th make-up class will take place on September 11 at 6:30pm in C104. The rights documentary King of Beasts will be premiered by AUP alumna Gabrielle Almagor.

Week Two Child Soldiers + CRC: an example of human rights treaty making

9/18-21

reading: Moeckli: Equality and non-discrimination (Moeckli) pp. 157-173; Perry (2010); Ndjamena Declaration (Blackboard).

posting: team paragraph for or against straight-18 age requirement for military service. Please explain whether your choice would pass the "justification test" that Moeckli analyzes in Chapter 8.

Blackboard: post paragraph prior to Friday class.

concepts: Vienna Declaration; reservations; object and purpose; special protection for vulnerable groups

Week Three Business, children rights and the environment: hard v. soft law
9/25-28

reading: Perry et al. (2012) CRC Submission (on Blackboard); CRC General Comment 16; Moeckli: Non-State Actors (Clapham) pp. 531-549.

posting: draft preamble to treaty on protection from environmental violations by business. Please keep in mind the challenges of non-state actors, as suggested by Clapham on 533-535.

Blackboard: post team preamble prior to Friday class.

concepts: collective rights; advancing interpretation of HR law (from soft to hard law); activist v. lobbying impact; General Comments

Week Four Holding Human Rights Violators Accountable in a Digital Environment
10/2-5

reading: Perry & Roda (2016) Digital Tightrope, Introduction; Perry (2015) Illusion pixel.

posting: With your team partner, explain in two paragraphs how you would reinforce existing int'l customary law on privacy protection (art. 12 of the UDHR) through a General Comment (which treaty body?) or a treaty protocol (which treaty?).

Blackboard: post prior to Friday class.

concepts: privacy protection; censorship; security v. rights.

Week Five Treaty Ratification and Implementation: CESC
10/9-12

reading: Moeckli: Adequate Standard of Living (Eide) pp. 195-216 +

Blackboard file

posting: The French government has stated that it will transport Calais migrants to welcome centers throughout France for processing, even though some migrants do not wish to leave Calais. With your team partner, please determine in 2 paragraphs if this is consistent with France's obligations under the CESC, according to Eide.

Blackboard: post team response prior to Friday's class.

concepts: progressive rights; protection of non-nationals

Please note that AUP alumna Lacy Wood will give a talk on her economically and socially sustainable coffee initiative in the Philippines during our Friday class.

Week Six State Reporting under UN Treaty Regimes: ICCPR + CAT (debate!)
10/16-19

reading: Moeckli: Integrity of the Person (Rodley) pp. 174-194;
draft HRC General Comment 36.

posting: Is use of the death penalty in certain American states a form of torture? Please use Rodley's analysis to support your answer.

Blackboard: post team questions prior to Friday class.

concepts: state reporting cycles; derogability; enabling language; narrow

interpretation

October 23 workshop with Constance de Paris on using the Visual History Archive.

Assignment: peruse VHA to select sample testimony for analysis. VHA analysis due November 9.

Also on October 23, our TA Nicole Santiago will also run a workshop on how to write a 1503 complaint.

Week Seven UN Human Rights Council

10/26

reading: Moeckli: United Nations (Connors & Schmidt) pp. 359-397

posting: Citing Connors and Schmidt, please determine whether the UN Human Rights Council is an effective UN instrument for human rights protection, or whether another UN body is more successful in this respect.

Blackboard: post prior to Friday class.

concepts: universal periodic review; UN human rights mechanisms

FALL BREAK

Week Eight Individual Criminal Liability – ad hocs and the ICC

11/6-9

reading: Moeckli: International Criminal Law (Cryer) pp. 496-512; Rome Statute, articles 6-8; ICTR Statutes + ICTY Statutes

posting: list three strengths and three weaknesses of ad hoc international tribunals, with brief explanations for each point, citing Cryer.

Blackboard: please post prior to Friday's class.

concepts: intersection of human rights and int'l criminal law; individual criminal liability

Please prepare a 3-5 sentence description of your 1503 complaint for your final assignment (to be included with your midterm assignment). The professor will return these with recommendations and suggestions. Guidelines are on Blackboard under the Syllabus rubric.

Week Nine Human Rights Fact-finding (Friday in-class exercise)

11/13-16

reading: Blackboard file + emailed role assignments

assignment: prepare fact-finding exercise (role-playing handout)

Blackboard: break

concepts: gathering evidence of violations

Week Ten Humanitarian Intervention: Syria

11/20-23

reading: Moeckli: International Humanitarian Law (Sivakumaran) pp. 479-495; + Blackboard file

posting: Please list 5 qualifications for a legally valid humanitarian intervention, including the requisite legal basis for such intervention (cite at least two treaties, or examples of customary

law or jurisprudence).

Blackboard: post prior to Friday class

concepts: intersection of human rights, int'l criminal law and humanitarian law; Responsibility to Protect (R2P)

Week Eleven European Human Rights System

11/27-30

reading: Moeckli: Europe (Greer) pp. 416-440 + Blackboard file

posting: Please write a two-paragraph team response for or against the burka ban in France, and determine whether the European Court of Human Rights would agree with you.

Blackboard: post response prior to class.

concepts: regional systems; contradictory norms; margin of appreciation doctrine

Please note that Final Assignments are due December 11th. Late assignments will be penalized.

Week Twelve Refugee and Asylum Law

12/4-7

reading: Moeckli: International Refugee Law (Edwards) pp. 513-527; Refugee Convention; CEDAW

posting: Please determine in a two paragraph response whether a woman who flees her home country to avoid domestic violence is an asylum seeker or a migrant.

Blackboard: post team response prior to Friday class.

concepts: forced displacement; asylum criteria; economic migration

Week 13 Putting Int'l Human Rights Law into Practice: Moot Court

12/11

Preparatory instructions will be issued to teams in class.

VI. Moot Court: Exam Period, TBA. The moot court will take place in our regular classroom.

Textbooks

Title	Author	Publisher	ISBN	Required
International Human Rights Law. 3rd ed.	Moeckli / Shah / Sivakumaran	Oxford U Press	9780198767237	Yes

Attendance Policy

Attendance:

Barring death, hospitalization, or a note from the Dean, one absence per semester will be permitted.

Further full or half class absences will be penalized by 2 percentage points per absence. For example, if a student is absent twice during the semester, a final grade of 80 (B-) will be reduced to 78 (C+).

Chronic lateness will be penalized at the professor's discretion.

Required attendance for assigned evening lectures.

Plagiarism:

Presenting someone else's ideas as your own is unacceptable under any circumstances.

Special anti-plagiarism measures have been into this course to encourage all students to do their own work.

Classroom comportment: as a courtesy to all, no eating (especially no bananas); no soft drinks; no cellphones, no email, Twitter or Facebook consultation in class.

The use of computers and other wifi-ed electronic equipment is discouraged, since student concentration suffers.

Students studying at The American University of Paris are expected to attend ALL scheduled classes, and in case of absence, should contact their professors to explain the situation. It is the student's responsibility to be aware of any specific attendance policy that a faculty member might have set in the course syllabus. The French Department, for example, has its own attendance policy, and students are responsible for compliance. Academic Affairs will excuse an absence for students' participation in study trips related to their courses.

Attendance at all exams is mandatory.

IN ALL CASES OF MISSED COURSE MEETINGS, THE RESPONSIBILITY FOR COMMUNICATION WITH THE PROFESSOR, AND FOR ARRANGING TO MAKE UP MISSED WORK, RESTS SOLELY WITH THE STUDENT.

Whether an absence is excused or not is ALWAYS up to the discretion of the professor or the department. Unexcused absences can result in a low or failing participation grade. In the case of excessive absences, it is up to the professor or the department to decide if the student will receive an "F" for the course. An instructor may recommend that a student withdraw, if absences have made it impossible to continue in the course at a satisfactory level.

Students must be mindful of this policy when making their travel arrangements, and especially during the Drop/Add and Exam Periods.

Grading Policy

Grading System:

In addition to the required reading, students will be expected to prepare (for) the following: in-class discussion (10%). In addition to regular contributions to in-class discussion, students will prepare a fact finding exercise.

moot court (10%). Exam period team exercise, in lieu of a final exam.

online participation (20%). Students will work in teams and submit postings to the Blackboard site on a weekly basis. On selected Fridays, student teams will be asked to assess peer postings in-class.

Visual History Archives Analysis (30%). Each student will select one testimony from the VHA and prepare an analysis of core crimes from the assigned worksheet.

final assignment 1503 complaint (30%). Our TA Nicole Santiago will run a workshop on how to write a human rights complaint for review by a UN treaty body committee. 10 pages in length; clear mastery of a specific subject related to human rights. Due December 11. No 1503 complaint will be accepted without a printed copy of a Safe Assign plagiarism check - organize this in advance!

Other
