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## INTERNAT'L HUMAN RIGHTS LAW in Fall 2019 (LW3041)

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| <b>Course Code</b>    | LW3041                    | <b>Professor(s)</b>     | Susan Perry    |
| <b>Prerequisites</b>  | None                      | <b>Office Number</b>    | G-L18          |
| <b>Class Schedule</b> | TF: 10:35-11:55 in Q-A101 | <b>Office Hours</b>     | By appointment |
| <b>Credits</b>        | 4                         | <b>Email</b>            | sperry@aup.edu |
| <b>Semester</b>       | Fall 2019                 | <b>Office Tel. Ext.</b> | 588            |

## Course Description

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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 ICP department's upper level "International Law" course, as well as 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, guaranteeing dignity for individuals and 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 these 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. Students will also learn how the basic components of international humanitarian law and international criminal law dovetail with the human rights regime. 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

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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

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discussion and the moot court.

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

## General Education

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## Course Outline

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Course Outline:

Week One Introduction - Universal Declaration of Human Rights 9/3 - 6 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.

Week Two Child Soldiers + CRC: an example of human rights treaty making 9/10 - 13 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.

Please note that General Nicholson will be speaking to the AUP community on Tuesday evening, September 10. Required attendance.

4

Week Three Business, children rights and the environment: hard v. soft law 9/17 - 20 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 9/24 - 27 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

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(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: CESCR 10/1 - 4 reading: Moeckli:

Adequate Standard of Living (Eide) pp. 195-216 + Blackboard file

posting: The French government regularly clears out the St Chapelle informal migrant camp on the boundaries of Paris. With your team partner, please determine in 2 paragraphs if this is consistent with France's obligations under the CESCR, 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 National Jurisdiction under UN Treaty Regimes: ICCPR + CAT 10/8 - 11 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.

5

Blackboard: post team questions prior to Friday class.

concepts: derogability; enabling language; narrow interpretation

Week Seven Complementarity & Individual Criminal Liability – ad hocs and the ICC 10/15 - 18

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

October 18 workshop with Constance de Pâris on using the Visual History Archive.

Assignment: peruse the digital archive to select a sample testimony for analysis. Guidelines are posted on Blackboard and will be discussed in class. VHA analysis due November 8.

Week Eight Grave Breaches in Humanitarian Law - R2P, Terrorism 10/22 - 25 reading:

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

posting: Please list 5 qualifications for a legally valid humanitarian intervention in Yemen, 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) 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.

Study Trip to Israel Oct. 27 – Nov. 1.

Week Nine November trip to French Sénat – November 5 or 8? 11/ 5 - 8

Week Ten UN Human Rights Council and human rights complaints 11/12 - 15 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

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## Textbooks

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This course doesn't have any textbook.

## Attendance Policy

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### 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.

### Texts:

The core text for the course will be: Moeckli et al. (2014) International Human Rights Law

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.

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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

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### Grading System:

In addition to the required reading, students will be expected to prepare (for) the following:

1. in-class discussion (10%). In addition to regular contributions to in-class discussion, students will prepare a fact finding exercise.
2. moot court (10%). Exam period team exercise, in lieu of a final exam.
3. 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.
4. International Criminal Law Visual History Archive analysis (30%). Following an in-class workshop, each student will select one testimony from the VHA and prepare an analysis of core crimes from the assigned worksheet.
5. International Human Rights Law complaint (30%). Following an in-class workshop on how to write a human rights complaint for review by a UN treaty body committee, students will render a 10-page complaint that demonstrates clear mastery of a specific subject related to human rights that is covered by the human rights treaty system. Due December 6. No complaint will be accepted without a printed copy of a Safe Assign plagiarism check – please organize this in advance!

## Other

