

INTERNATIONAL HUMAN RIGHTS LAW
GLOS 3401
SYLLABUS ~ FALL 2008
REVISED, NOVEMBER 9, 2008

SYLLABUS

Instructor: Barbara Frey, J.D.
E-mail: freyx001@umn.edu
Phone: 612-626-1879
Office: 248 Social Sciences
Office Hrs: Tu 1:30-2:30 pm and W 11:00 am -12:00 pm, or by appt.

TA : Korir Sing'Oei
E-mail: singo003@umn.edu
Office: 232 Social Sciences
Office Hrs: Monday, 1 pm to 2:30 pm, or by appt.

Class meets: M, W 10:10 a.m. to 11:00 p.m. in Blegen 425
F 10:10 to 11:00 p.m. (on the days we have a joint class with the law students, we will meet in Room 30 Law School.).

International Human Rights Law is designed to introduce students to issues, norms, procedures and advocacy strategies that are used to promote and protect human rights worldwide. We will use a problem approach to learn the laws and procedures and how they are or should be implemented to protect human rights and prevent violations. In that light, we will learn about several current human rights cases and issues, including the use of torture, and cruel, inhuman and degrading treatment by the US Government in the 'war on terror,' the genocidal conflict in Darfur, criminal responsibility for human rights violations in various countries, human rights violations against women, efforts to prevent child labor, and legal representation of refugees and asylum seekers. We will consider the laws, policies and advocacy strategies that are involved in those cases. Because of the evolving nature of the laws and issues in this field, students can participate as strategists, thinkers, and investigators regarding pressing human rights cases.

This course is taught by Professor Barbara Frey, Director of the Human Rights Program, <http://hrp.cla.umn.edu/about/people.html>. Several guest speakers from the international human rights community have been invited to assist with the class. We will frequently share Friday guest speakers in Room 30 of the Law School with a class of law students that meets at the same time.

Course Objectives

This course is designed to encourage the student to gain a broad understanding of:

- § international human rights laws, norms and practice, and a basic understanding of international humanitarian law;

- § procedures used to protect human rights including United Nations political bodies and special procedures, UN treaty bodies, UN specialized agencies, peacekeeping operations, regional human rights procedures, and international criminal tribunals;
- § domestic procedures for protecting human rights, especially in US courts, US Congress and Executive branch, as well as protections offered under domestic law to asylees and refugees;
- § efforts to attain justice for victims of human rights violations, including in societies experiencing a transition from armed conflict to peace;
- § the role of non-governmental organizations (“NGOs”) in international human rights;
- § current human rights issues in the United States, including contested interpretations of international standards prohibiting torture in the context of the ‘war on terror;’
- § the tension between the concepts of universality and cultural relativism in promoting human rights;
- § and current research on the causes of human rights violations.

Course Materials

The first five chapters of the course materials will be handed out in class. These “course materials” represent the updated version of David Weissbrodt, Fionnuala Ní Aoláin, Joan Fitzpatrick, and Frank Newman, *International Human Rights: Law, Policy and Process* (4th ed. 2008) [“*Coursebook*”]. The remainder of the chapters may be purchased from the Law School Bookstore or the Coffman Union Bookstore later in the semester.

In addition to the Coursebook, please purchase the supplement containing all the laws that we will be referencing. It is David Weissbrodt, Joan Fitzpatrick, Frank Newman, Marci Hoffman and Mary Rumsey, *Selected International Human Rights Instruments and Bibliography for Research on International Human Rights Law* (3d ed. 2001)[“*Selected Instruments*”], which can be purchased in the Law School Bookstore or the Coffman Union Bookstore.

Course Grading

Student performance will be evaluated on the basis of

- class attendance and participation (10%),
- a 10-page paper due October 13 (25%); students will have the opportunity to revise the paper once, due on November 7. The final paper grade will be a combination of the grade on the first draft and the grade on the revision,
- a midterm exam on October 22 (25%),
- and a final exam on December 20 from 1:30 to 3:30 p.m. (40%).

Class Descriptions and Reading Assignments

Students must come to class prepared to discuss the assigned reading for the day. Students will be asked to sign up to participate more fully in the discussion in two classes.

- Sept. 3: INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS LAW.
Read the Universal Declaration of Human Rights at <http://www1.umn.edu/humanrts/instree/b1udhr.htm>, and the Convention against Torture, <http://www1.umn.edu/humanrts/instree/h2catoc.htm>.
- Sept. 5: INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS LAW, continued (Room 425 Blegen)
Readings: Readings: Course Materials, Preface and Chapter 1, Sections A, B and C.
- Sept 8: AN EXERCISE IN DRAFTING INTERNATIONAL HUMAN RIGHTS STANDARDS
Readings: Chapter 2
- Sept. 10: AN EXERCISE IN DRAFTING INTERNATIONAL HUMAN RIGHTS STANDARDS (continued)
Readings: Chapter 2

Outside Event: Transitional Justice in South Korea, featuring Judge Park Won Soon, 4:00 pm, 125 Nolte Hall
- Sept. 12: Guest Speaker: Business and Human Rights, Chuck Denny, Chairman & CEO, Retired of ADC Telecommunications
(In Room 30 Mondale Hall, Law School.)
- Sept. 15: RATIFICATION AND IMPLEMENTATION OF TREATIES:
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Readings, Chapter 3, Sections C and D; International Covenant on Economic, Social and Cultural Rights in *Selected Instruments*. “This chapter examines ratification of a treaty with regard to a crucial group of rights characterized as economic, social and cultural. We first examine the nature and content of economic, social and cultural rights and the issue of their justiciability. We next describe the implementation of these rights at the international level, and the role of the Committee on Economic, Social and Cultural Rights. As a prelude to the issue of U.S. ratification of the Covenant, we summarize the process by which states accept treaty obligations and analyze the highly contested question of permissible reservations to human rights treaties.”

- Sept 17 RATIFICATION AND IMPLEMENTATION OF TREATIES
Readings: Chapter 3, Section E
- Sept. 19: Mock hearing of the U.S. Senate Committee on Foreign Relations,
featuring Former U.S. Congressman and Mayor of Minneapolis, Donald
M. Fraser, and Professor David Weissbrodt (Room 30 Law School).
- Sept. 22: STATE REPORTING UNDER INTERNATIONAL HUMAN RIGHTS
TREATIES
Readings: Chapter 4, Sections C and D
“The chapter examines the juridical basis of international human rights
law using one particular right – specifically the right to be free from
torture or cruel, inhuman, or degrading treatment or punishment – as a
focus of discussion. We begin with a discussion of the Civil and Political
Covenant’s procedures for reporting and then examine the Covenant’s
implementation in respect of Iran. A significant body of academic and
policy debates has considered whether it is possible to create human rights
norms that apply universally to all cultures.”
- *PAPER TOPIC DUE IN WRITING AT BEGINNING OF CLASS,
SUBMIT TWO HARD COPIES*
- Sept 24: STATE REPORTING UNDER INTERNATIONAL HUMAN RIGHTS
TREATIES
Readings: Chapter 4, Sections E and G
- Sept 26 Guest Speaker: Cheryl Thomas, Director of the Women’s Human Rights
Program, The Advocates for Human Rights, speaking on international
advocacy against domestic violence (Room 30 Law School)
- Sept 29: WOMEN’S HUMAN RIGHTS: CONVENTION ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN
Readings: Susan Deller Ross, Women’s Human Rights: The International
and Comparative Law Casebook: Chapter 11 “Strategies to Combat
Domestic Violence.”
- Oct 1: U.N. CHARTER-BASED PROCEDURES FOR VIOLATIONS OF
HUMAN RIGHTS
Readings: Please spend some time reviewing the information on “Charter-
based bodies found at the Office of the High Commissioner’s web site:
<http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.
Come prepared to discuss the functions of the Human Rights Council, the
Universal Periodic Review, and the Special Procedures of the Human
Rights Council.

- Oct 3: Guest Speaker: David Gushee, Professor of Christian Ethics at Mercer University, and President of Evangelicals for Human Rights, will discuss his work advocating for a US prohibition against torture
- Oct 6: U.N. CHARTER-BASED PROCEDURES FOR VIOLATIONS OF HUMAN RIGHTS
Readings: Chapter 6 (Resolution 728F, 1235)
“This chapter deals with the U.N. procedures which have been established to handle consistent patterns of gross human rights violations throughout the world... The chapter asks the student to relate the U.N. procedures to human rights conditions in Myanmar (also known as Burma).”
- Oct 8: U.N. CHARTER-BASED PROCEDURES FOR VIOLATIONS OF HUMAN RIGHTS (Continued)
Readings: Chapter 6, and Report of the working group on Universal Periodic Review, Guatemala,
http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/GT/A_HRC_8_38_Guatemala_E.pdf
- Oct. 10: Guest speaker: David Weissbrodt lecture on U.N. Charter-based procedure (Room 30 Law School)
- Oct 13: Video on International Criminal Court, Foreign Policy Association, 2007 Great Decisions
PAPER DUE AT START OF CLASS (SUBMIT ONE HARD COPY)
- Oct 15: PREVENTING GENOCIDE AND HUMANITARIAN INTERVENTION
Readings: *Course Materials*, Chapter 7, Sections C, D and E
“This chapter examines the options available to the international community as a response to genocide or other massive human rights violations. While examining the historical instances of humanitarian intervention and legal principles supporting intervention in international law, this chapter also presents, as a case study, the situation in Darfur, Sudan, during 2003-07.”
- Oct. 17: Guest speaker: Joey Mogul, People’s Law Office on using international mechanisms to end impunity for torture by Chicago Police (Room 30 Law School) (readings to be distributed)
- Oct 20: PREVENTING GENOCIDE AND HUMANITARIAN INTERVENTION
Readings: Chapter 7, Sections G, H and I
- Oct 22: **MIDTERM EXAM**

- Oct. 24: Carol Pier, Human Rights Watch, will discuss labor rights in the U.S., including her investigation of violations at Wal-Mart, (Room 30 Law School)
Readings: Human Rights Watch, “Discounting Rights Wal-Mart's Violation of US Workers’ Right to Freedom of Association,” <http://hrw.org/reports/2007/us0507/>
- Oct 27: CRIMINAL RESPONSIBILITY FOR HUMAN RIGHTS VIOLATIONS,
Readings: Chapter 8, Sections C, D AND E (3). We will examine national and international measures that can be taken to respond to gross and systematic violations of human rights and humanitarian laws, including truth commissions, domestic prosecutions and international criminal prosecutions. We will use Cambodia, and its attempts to find redress for the crimes of the Khmer Rouge in 1975-78, as a case study for considering transitional justice mechanisms.
- Oct 29: CRIMINAL RESPONSIBILITY FOR HUMAN RIGHTS VIOLATIONS,
UNIVERSAL JURISDICTION
Readings: Chapter 8, Section F
- Oct. 31: University of Minnesota law students, George Norris and Amanda Lyons, discussing their experiences as interns in transitional justice work.
- Nov 3: CRIMINAL RESPONSIBILITY FOR HUMAN RIGHTS VIOLATIONS,
UNIVERSAL JURISDICTION (International Criminal Court) We will carry out an in-depth examination of the philosophy, structure and jurisdiction of the International Criminal Court, which seated its first judges in 2002.

Readings: Chapter 8, Section F
- Nov 5: US FOREIGN POLICY
Discussion of impact of the 2008 Presidential elections on international human rights policies
- Nov 7: Guest Speaker: Michelle Garnett MacKenzie, Director of Asylum and Refugee Program, The Advocates for Human Rights
Readings: Chapter 15, Section C
- Nov 10: REFUGEE AND ASYLUM LAW; JURISPRUDENCE OF HUMAN RIGHTS
Readings: Chapter 15, Section C. “This chapter focuses on persons who seek refuge in the U.S. and discusses the applicable U.S. and international law. The problem presented for analysis involves a Ghanaian woman

seeking relief from her own and her daughter's removal from the United States. Legal and policy questions concerning the definition of who is a refugee are explored as well as issues concerning persecution by non-state actors and the treatment of gender-based violence in international law."

Nov 12: REFUGEE AND ASYLUM LAW; JURISPRUDENCE OF HUMAN RIGHTS
Readings: Chapter 15, Section B, E (Professor Weissbrodt will lead the class in a discussion of the hypothetical asylum case in Section B)

Nov 14: Guest Speaker: James E. Dorsey, Fredrikson & Byron law firm
Representation of Detainees in Guantánamo Bay, Cuba

REWRITE OF PAPERS DUE

Nov 17: DOMESTIC REMEDIES FOR HUMAN RIGHTS VIOLATIONS BY THE UNITED STATES
Readings: Chapter 13, Sections A through E. "This chapter raises a number of complex and unsettled questions concerning the status of human rights treaties and customary law in the domestic law of the United States, using the example of discrimination on the basis of national origin to illustrate the problems."

Nov 19: DOMESTIC REMEDIES FOR HUMAN RIGHTS VIOLATIONS BY THE UNITED STATES
Readings: Chapter 13, Section F

Nov 21: Guest Speaker: Douglas Johnson, Executive Director, Center for Victims of Torture

Nov 24 CHILD LABOR AND THE ILO
Readings: Chapter 16. This chapter focuses on the work of the International Labor Organization with regard to child labor. The ILO uses a state reporting procedure, complaint mechanisms, as well as the provision of advisory services, technical assistance, and aid to victims under the aegis of the ILO's International Programme for the Elimination of Child Labor (IPEC).

Nov 26 CHILD LABOR AND THE ILO
Readings: Chapter 16
Guest lecturer: Professor Sudip Chakraborty

Nov 27

Nov 28: THANKSGIVING HOLIDAY

- Dec 1: U.S. FOREIGN POLICY
Readings: Chapter 10. This chapter examines the centrality of human rights as a core mandate in the United States' bilateral diplomatic relationships. We will examine the tools in the executive and legislative branches for promoting human rights, including diplomacy, sanctions and votes in multinational financial and political institutions.
- Dec 3: U.S. FOREIGN POLICY
Readings: Chapter 10
- Dec 5: WHAT SEEM TO BE THE CAUSES OF HUMAN RIGHTS VIOLATIONS AND HOW MIGHT KNOWLEDGE AS TO CAUSATION BE USED?
Readings: Chapter 17, Sections C and D. This chapter explores the causes of international violations and considers alternative explanations about why they occur. Students should consider in what ways increased understanding of causes can contribute to efforts to prevent or stop human rights violations.
- Dec 8: WHAT SEEM TO BE THE CAUSES OF HUMAN RIGHTS VIOLATIONS AND HOW MIGHT KNOWLEDGE AS TO CAUSATION BE USED?
Readings: Chapter 17, Sections C and D
- Dec. 10: HEARING OF THE UN SPECIAL RAPPORTEUR ON INDIGENOUS ISSUES REGARDING HMONG GRAVE DESECRATIONS IN THAILAND
From 9:00 am until 1:00 pm in Coffman Memorial Union Theater

Readings: Official Communication to the UN Special Rapporteurs on Religious Intolerance and on Race Discrimination, March 9, 2006, http://hrp.cla.umn.edu/pdf/graves_complaint.pdf, Memorandum from the Government of Saraburi, Thailand, September 11, 2006, <http://hrp.cla.umn.edu/pdf/englishMemo.pdf>, Findings and Conclusions of the City of St. Paul delegation to address the 2005 exhumation of Hmong Graves in Wat Tham Krabok, Saraburi, Thailand, November 28, 2007, <http://hrp.cla.umn.edu/pdf/FinalReporttoMayorCouncilandFunders1.pdf>
- Dec. 12: Review for final exam
- December 13: **Final exam – 10:30 am - 12:30 pm**

~~~~~  
**University of Minnesota Disability Statement:**

Any student with a documented permanent or temporary disability (e.g., physical, learning, psychiatric, vision, hearing, etc.) who needs to arrange reasonable accommodations must contact the instructor and Disability Services at the beginning of the semester. All discussions will remain confidential.

Note: Students with special needs should talk to the instructor as soon as possible so that we can better assist you in meeting the course goals and objectives.

### **Scholastic Dishonesty:**

The College of Liberal Arts defines scholastic dishonesty broadly, as any act by a student that misrepresents the student's own academic work or that compromises the academic work of another. Examples include cheating on assignments or exams, plagiarizing (misrepresenting as one's own anything done by another), unauthorized collaboration on assignments or exams, or sabotaging another student's work. Consequences can include an F for the assignment, exam, paper or for the entire course.