Goals:
This class will provide you with a legal foundation in the basic instruments, institutions, and contemporary issues in international human rights law (IHRL). This course is relevant to anyone interested in the law and policy behind international law, civil rights law, and/or human rights implementation. Through a mixture of lecture and class discussion, we will look at how and why these mechanisms developed, and critically analyze how they -- as well as States, non-State actors, and individuals -- succeed or fail in practice to promote and protect human rights at the international, regional, and domestic levels. We will ultimately ask ourselves how current international human rights mechanisms can address today's conflicts, including refugee crises, natural resource disputes, and international campaigns against terrorism.

By the conclusion of this course, you should be able to identify and apply major IHRL tools to historical and contemporary legal problems and policy situations. You should also be able to articulate the players in and the policies behind the modern IHRL mechanisms, and legal and policy obstacles for IHRL implementation.

Texts:
The majority of our readings this semester will come from International Human Rights, by Philip Alston and Ryan Goodman (hereinafter: “A&G”).

For a succinct summary of international human rights law and study supplement, I recommend International Human Rights in a Nutshell.

This course presumes participants have a basic knowledge of international law and the international legal systems. For a high-level, general introduction to International Law, I also recommend the Public International Law in a Nutshell. (Neither this nor the IHRL Nutshell is required.)

All of the above are available for purchase at the GULC Bookstore, as well as through a number of online retailers.

I am mindful that textbooks can be extremely expensive. Therefore, I am only requiring the purchase of the Alston & Goodman textbook. Additional readings will come from publicly available sources and/or will be posted to the Canvas site.

Canvas:
Please register for our course’s Canvas site. I will post to that site assorted materials, including treaties, supplementary readings, and publicly available items of interest.

**Grading:**

Your grade will be comprised of class participation (10%) and a final (take home) exam (90%).

Your class participation grade will be based on attendance and class preparation/discussion. Each student can expect to be called upon during at least two classes per semester. You can select the date of one of the two classes. (A sign-up sheet will be circulated during the first class.)

In addition to the required readings, you are expected to do the additional suggested readings for the class for which you sign-up to be on-call.

I reserve the right to bump your grade (in your favor) by up to 1/3 of a letter (e.g., from a B to a B+) for regular, constructive, and engaged class participation throughout the semester.

Please note that if our class enrollment exceeds 30, GULC’s recommended grade curve may have to be applied.

**Participation and Assignments:**

You get more out of a class when you do the reading and participate in discussion. We will be together for three hours every week, and those three hours will crawl if we cannot have an interactive discussion due to your failure to familiarize yourself with the required reading. Class assignments will consist of readings from the textbook, original source materials (e.g., international agreements, declarations), and other documents and articles.

**Attendance:**

Regular class attendance is expected. GULC follows the ABA’s attendance policy, and a significant number of absences may result in a loss of credit for the course. If you are going to be absent from a particular class session, please notify me ahead of time via email. This is especially important if you are going to miss a session for which you’ve signed up to be on call. **Missing a class – especially one for which you are on-call – may result in a deduction to your participation grade.**

**Food and Class Break:**

I realize that our class meets during the customary dinner hour. I do not believe in cruel and unusual punishment (this is a class in human rights, after all), and I also recognize that without fuel, the brain withers. Therefore, you should feel free to eat during class. However, with consideration to your fellow participants with food allergies, please refrain from eating ANYTHING that contains tree nuts or shellfish. Out of courtesy, please also assume “airplane food rules” are in effect and you should leave odorous food selections at home.

Please note: We will take a 10-15 minute break approximately halfway through each class. This will also offer an opportunity to eat.
Office Hours/Contact Information:

Office hours will be by appointment. In addition, know that barring things unforeseen, I plan to be on campus at least 30 minutes before the start of each class, and I am willing to remain after class as necessary. I also plan to be on campus more as the semester progresses, and will let the class know if I am able to offer extra office hours accordingly.

Electronics policy:

You will be permitted to use laptops and computers in class. Please do not make me regret this decision.¹

Recording:

Any use of recording devices in the classroom is prohibited except with the express permission of the instructor. Recordings of the class will be made available in accordance with GULC class recording policies, including but not limited to when class is missed for religious observation or medical emergency. When a recording is obtained under these conditions, it is to be used only for purposes of your studies for this class during this semester.

Exam:

The final examination will be a comprehensive take-home exam comprising a selection of essays and short answer questions. You should prepare with the understanding that anything covered in the course – either in readings or in class discussion – is subject to testing. The exam will be open-book. This means that you may use the textbook and copies of any readings or additional reference materials that you desire. You may use your laptop in conformity with GULC’s examination policies. Please note that grammar, punctuation, and efficiency will matter for grading. I encourage you to reserve time to review, spell check, and edit as necessary.

Other Information:

• We may have guest lecturers on a few of our topics this semester. The order of topics as listed in this syllabus is subject to change due to guest lecturers’ availability and court and office travel requirements.

¹ I will, however, take this opportunity to remind you that scientific studies have shown that taking notes by hand leads to better memory retention. See e.g. “Attention, Students: Put Your Laptops Away,” Weekend Edition Sunday, NPR (available at: http://www.npr.org/2016/04/17/474525392/attention-students-put-your-laptops-away).
• I have a pet turtle named Winston Roosevelt Meise.
• I believe that the learning process is facilitated by robust discussion, and robust discussion requires free expression of thought. You should consider our classroom to be a safe place to share your thoughts. There are times when you may disagree with your fellow students or with me. Please do not hesitate to express those thoughts. What happens in the classroom, stays in the classroom. No comments made in class made be quoted or attributed to the speaker unless the speaker gives his/her express permission.

I am a full-time attorney at Foley Hoag LLP. Please know that any views expressed during the class are my own and do not necessarily reflect the views of my employer or clients. Again, the same applies to any views expressed by you.
CLASS CALENDAR AND READINGS

Class 1: August 30

Historical Foundations/Introduction to the Pillars of Human Rights
“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” — United Nations, Universal Declaration of Human Rights

Today’s topics:
- Overview of the Course
- Antecedents to Human Rights Law
- UN Charter & Universal Declaration of Human Rights (UDHR)
- International Bill of Rights and UN treaties

Assignments:
In preparation for the first class and to set the tone of the semester, please watch one of the following movies:
- The Killing Fields
- Breaker Morant
- Judgment at Nuremberg

The first two choices are available for rent through Amazon.com for a nominal charge. “Breaker Morant” and “Judgment at Nuremburg” are also available to borrow through the GULC library. “Judgment at Nuremberg” will also air on television on the TCM channel on August 11 at 8pm (Washington (DC) time).

Required Reading:
- A&G: pp. 72-78, 113-154

Please skim:
- UN Charter: Preamble, Arts. 1, 2, 3, 9, 10, 14, 55, 56, 62, 68 (available here: http://www.un.org/en/charter-united-nations/)
- US Constitution: Bill of Rights (i.e., the first ten amendments to the US Constitution) (available here: http://constitution.findlaw.com/amendments.html)
Class 2: September 6

Civil and Political Rights – The Institutions

“Peace does not just mean putting an end to violence or war, but to all other factors that threaten peace, such as discrimination, such as inequality, poverty.” – Aung San Suu Kyi, Burmese politician and activist and Amnesty International Ambassador of Conscience

Today's Topics:

• Institutions: Charter Bodies
• Institutions: Treaty Bodies
• Civil and Political Rights: Principles and Key Concepts
• International Covenant on Civil and Political Rights (ICCPR)
• Treaties, Customary International Law, Jus Cogens

Assignments:

Required Reading:


Please skim:

• ICCPR Art. 28-53 & 61-66

Class 3: September 13

Civil and Political Rights – UN Non-Discrimination and Torture Treaties

Today's Topics:

• Convention on the Elimination of Racial Discrimination (CERD)
• Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)
• Convention on the Rights of Persons with Disabilities (CRPD)
• Convention Against Torture (CAT) and Disappearances Treaty
• Treaty Reservations, Understandings and Declarations
• Challenges to U.S. Treaty Ratification

Assignments:

Required Reading:

• A&G: pp. 1073-1077, 1080-1096
• CERD: Preamble - Article 7 (available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx)
• CAT & OP: Preamble - Article 16 (CAT available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx; OP available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx)

Please skim:
• Remainder of treaties listed above.
• Documents on the National Council on Disability’s website regarding the US’s failure to ratify CRPD: http://www.ncd.gov/policy/crpd.

Class 4: September 20
Economic, Social, and Cultural Rights

“Human rights’ are a fine thing, but how can we make ourselves sure that our rights do not expand at the expense of the rights of others. A society with unlimited rights is incapable of standing to adversity. If we do not wish to be ruled by a coercive authority, then each of us must rein himself in ... A stable society is achieved not by balancing opposing forces but by conscious self-limitation: by the principle that we are always duty-bound to defer to the sense of moral justice.” — Aleksandr Solzhenitsyn, Rebuilding Russia: Reflections and Tentative Proposals

• International Covenant on Economic, Social and Cultural Rights (ICESC)
• Rights as Aspirations, Social Policies, or Required Goals?
• Duties, Resources, ESC Committee General Comments
• Justiciability of ICESCR & Optional Protocol
• “Third Generation” human rights

Assignments:
Required Reading:
• ICESCR (available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx)

Please skim:
• Convention on the Rights of the Child & OPs (available at: 
• ICESCR OP (available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCESCR.aspx)

Class 5: September 27

Emerging Topics in Human Rights: Corporate Social Responsibility, Accountability for Non-Human Actors, Indigenous Peoples Rights

“Companies do an extremely poor job of finding out the cost of doing things wrong”
– John Ruggie

Today’s Topics:
• TBD

Assignments:
Required Reading:
• UN Video of John Ruggie, (available here; https://www.youtube.com/watch?v=glyOHsb_J0Y)
• Voluntary Principles on Security and Human Rights (available here: http://www.voluntaryprinciples.org/)
• Lelia Mooney, “Promoting the Rule of Law in the Intersection of Business, Human Rights, and Sustainability” (available at: https://www.law.georgetown.edu/academics/law-journals/giil/recent/upload/46-6-Mooney-Article.pdf)
• Additional Readings TBD

Class 6: October 4

Monitoring and Implementation – Charter System

“Wherever men and women are persecuted because of their race, religion, or political views, that place must — at that moment — become the center of the universe.” — Elie Wiesel

• The Human Rights Council (formerly “Commission on Human Rights”)
• The 1235 and 1503 Procedures; Thematic and Country Mechanisms
• Individual Complaints (Working Group on Communications)
• HRC Resolutions
• Universal Periodic Review (UPR)
• Office of the High Commissioner on Human Rights
• UNGA, Security Council, & Other UN Organs
• Case in Point: UN Response to Events in Libya during Arab Spring (2011)

Assignments:

Required Reading:
• A&G: pp. 691-704, 712-725, 731-732, 735-753

Please skim:

Class 7: October 18
Monitoring and Implementation – Treaty System
“The amount of violations of human rights in a country is always an inverse function of the amount of complaints about human rights violations heard from there. The greater the number of complaints being aired, the better protected are human rights in that country.” – Daniel Patrick Moynihan

Today’s Topics:
• Treaty Bodies
• State Reporting and Committee Conclusions and Observations
• General Comments (e.g. ICCPR GC 24) (GC 31)
• Individual Petitions
• Additional Functions, including ICJ jurisdiction; special inquiries

Assignments:
Required Reading:
• A&G: pp. 762-787, 791-812, 816-818, 832-843

Please skim:
• TBD

Class 8: October 25
In Extremis – Genocide and International Humanitarian Law (Jus in Bello)
“In times of war, the law falls silent.” (“Silent enim leges inter arma”) – Marcus Tullius Cicero

Today’s Topics:
• Law of Armed Conflict (1949 Geneva Conventions and customary law)
• Genocide Convention of 1948
• Principles and Institutions
• Genocide Case studies: Darfur Sudan, Rwanda, Bosnia (ICJ Decision)
• International Criminal Court (ICC)
• A Voice for Victims

Assignments:
Required Reading:
• A&G: pp. 69-72, 383-414, 1282-1283, 1314-1327
• ICJ decision in Bosnia v. Serbia (Summary) (available here: http://www.icj-cij.org/docket/?sum=667&code=bhy&p1=3&p2=2&case=91&k=f4&p3=5)
• Genocide Convention

Please skim:
• Nuremberg Charter
• ICC Rome Statute: Arts. 5,6,7,8,17,28

Class 9: November 1
In Extremis – Human Rights in the Age of Terror
“Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.” – Benjamin Franklin

Today’s Topics:
• Detention (Guantanamo), Torture, Renditions
• Rasul, Hamdan v. Rumsfeld & Boudemedine (US Supreme Court)
• Detainee Treatment Act (2005) and Military Commissions Act (2006)
• U.S. Executive Orders 13491 & 13492 of January 22, 2009
• Data Privacy and other Current challenges

Assignments:
Required Reading:
• A&G: pp. 264-276, 415-426, 430-432, 466-479
• Hamdan v. Rumsfeld, 126 S. Ct. 2749 (U.S. Sup. Ct. 2006): read Part VI and Kennedy concurrence

Please skim:

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• Other readings TBD

**Class 10: November 8**

**Regional Human Rights Systems**

“Sins cannot be undone, only forgiven.” – Igor Stravinsky

*Please note: This is U.S. Election Day. Therefore, it is highly likely we will not meet on this date. In the event we do not meet, every class will move until the next class date and we will have a make-up class during the last week of the semester.*

**Today’s Topics:**

• European Human Rights System
• Inter-American Commission and Court
• African Human Rights System

**Assignments:**

**Required Reading:**

• A&G: pp. 653-658, pp. 889-903, 920-922, 946-948, 975-977, 978-999, 1003-1009, 1025-1032, pp. 517-520

**Please skim:**


• African Charter on Human and Peoples’ Rights (available here: http://www.achpr.org/instruments/achpr/)

• American Decl. & Conv. (available here: http://hrlibrary.umn.edu/oasinstr/zoas2dec.htm)

• OAS Declaration of the Rights and Duties of Man (available here: http://www.hrcr.org/docs/OAS_Declaration/oasrights.html)


**Class 11: November 15**

**Domestic Implementation: Human Rights Litigation in U.S. Courts**

“Until justice rolls down like water and righteousness like a mighty stream.” — Martin Luther King Jr.
Today's Topics:
- Alien Tort Claims Act
- Torture Victims Protection Act & Mohamad v. PA
- Foreign Sovereign Immunities Act (FSIA)
- Head of State and diplomatic immunity (\textit{ratione personae})
- \textit{Sosa v. Alvarez-Machain} (US Supreme Court); \textit{Filartiga; Karadzic}
- \textit{Princz v. Germany}

Assignments:

\textbf{Required Reading:}
- A\&G: pp. 1144-77, 1194-1197
- \textit{Princz v. Germany}, 26 F.3d 1166 (D.C. Cir. 1994)

Please skim:
- FSIA

Class 12: November 22

\textit{Domestic Implementation: Immunity, Universal Jurisdiction, and Domestic Ratification and Legislation}

“There can be no peace without justice and respect for human rights.” – Irene Khan, Bangladeshi lawyer and former Secretary General of Amnesty International

Today's Topics:
- Head of State Immunity, continued – Pinochet case (torture and residual “official acts” immunity \textit{ratione materiae} for former head of state) in UK House of Lords
- Foreign Official Immunity – \textit{Samantar} (US Supreme Court 2010 and on remand including Fourth Circuit decision)
- Universal jurisdiction and civil human rights accountability
- “Aiding and abetting” and corporate cases under the ATCA (\textit{Unocal, Rio Tinto, Exxon Mobil, Flomo})
- SCOTUS decision in \textit{Kiobel}

Assignments:

\textbf{Required Reading:}
- A\&G: pp. 1122-1138, 1197-1214, 1461-1471, 1475-1479
- \textit{Kiobel} Sup. Ct. decision, 133 S. Ct. 1659 (2013)

Please skim:
- A\&G: Ch. 16 (pp. 1479-1490)
- TBD posts on ATS developments post-\textit{Kiobel}
Class 13: November 29
Human Rights IRL and Semester Review
“Those who don’t know history are destined to repeat it.” – Edmund Burke

Part of this class will be used for synthesis and review. Part of this class will be reserved for a guest speaker on applying human rights principles on the battlefield, and on what happens on the ground once the guns are put aside.

**Please reserve December 3 for a possible make-up class**