

## Course Outline

<b>COURSE:</b>	<b>LAWS 4604B - International Human Rights</b>
<b>PREREQUISITES:</b>	<b>LAWS 2105, LAWS 3503, LAWS 3503 [1.0](no longer offered), LAWS 3509, LAWS 3603, or LAWS 3603 [1.0] (no longer offered)</b>
<b>TERM:</b>	<b>Fall 2008</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesdays 2:35-5:25pm Room: 230 TB (Tory Building)</b>
<b>INSTRUCTOR: (SESSIONAL)</b>	<b>Zeina Bou-Zeid, PhD</b>
<b>CONTACT:</b>	<b>Office: C476 Loeb (Contract Instructors' Office) Office Hrs: Wednesdays - 1:00-2:00 Thursdays - 11:30-12:30 Email: <a href="mailto:Zeina.Bou-Zeid@carleton.ca">Zeina.Bou-Zeid@carleton.ca</a></b>

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"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html)

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### **COURSE OBJECTIVE AND CONTENT**

This course examines the emergence and development, since World War II, of an international movement dedicated to the promotion of human rights and the major institutions and processes by which human rights are established and enforced. Special attention will be given to the legal institutions, national and international, which have influenced its evolution and character. Students taking the course will acquire an enhanced understanding of the role in human rights politics played by the United Nations, national governments, NGOs, civil society, treaty law, regional courts, and international tribunals. Students will also engage in a more in-depth examination of several contentious human rights issues including torture and genocide and explore the human rights of women, minority groups, indigenous peoples and refugees. By the end of this course students should develop a clear understanding of the key documents in international human rights; a clear understanding of the key disputes surrounding the validity, content, and legitimacy of human rights; and a clear understanding of how human rights have been protected and enforced (or have not been).

### **REQUIRED TEXTS**

The majority of the required readings include articles and books placed on reserve in the library. Some of the articles will be available on WebCT.

Many of the journal articles can be located online using the Carleton University Library catalogue. Students should check WebCT regularly for course updates and assignments.

## **COURSE EVALUATION**

### **Class Participation & Attendance 20%**

As a seminar, the success of this course depends on informed and lively student leadership and participation. Regular attendance in class is necessary, but not sufficient, to constitute class participation. You are absolutely expected to do the readings carefully before class each week and come prepared to discuss them. You will be expected to bring questions and contributions to each class. Your analysis of the readings should reflect a critical analysis of the materials and address problems you detect in the readings. The professor will be monitoring the level of class participation by each student throughout the course. Below is a description of the evaluation for class participation.

*Outstanding Contributor: Contributions in class reflect exceptional preparation. Ideas offered are always substantive, provide one or more major insights as well as direction for the class. Challenges are well substantiated and persuasively presented. If this person were not a member of the class, the quality of discussion would be diminished markedly.*

*Good Contributor: Contributions in class reflect thorough preparation. Ideas offered are usually substantive, provide good insights and sometimes direction for the class. Challenges are well substantiated and often persuasive.*

*Adequate Contributor: Contributions in class reflect satisfactory preparation. Ideas offered are sometimes substantive, provide generally useful insights but seldom offer a new direction for the discussion. Challenges are sometimes presented, fairly well substantiated, and are sometimes persuasive.*

*Non-Participant: This person says little or nothing in class. Hence, there is not an adequate basis for evaluation. If this person were not a member of the class, the quality of discussion would not be changed.*

*Unsatisfactory Contributor: Contributions in class reflect inadequate preparation. Ideas offered are seldom substantive, provide few if any insights and never a constructive direction for the class. Integrative comments and effective challenges are absent.*

### **Two Written Comments 30% (15% each)**

You are being asked to submit 2 written comments based on the readings for a particular week. You select which readings you will comment on. Your written comments should include the key arguments or issues that you have identified in the weeks readings. In this comment you should raise critical questions about the assigned readings. The written comment should be 4-5 pages (double-spaced) in length.

Written Comment #1: Due (in class): **October 15, 2008**

This comment should be based on the readings from one of the following weeks: Week 2 to Week 6.

Written Comment # 2: Due (in class): **November 26, 2008**

This comment should be based on the readings from one of the following weeks: Week 7 to Week 12.

### **Research Paper Outline**

You are asked to submit a brief paper proposal (approximately 1 page) on **October 22, 2008** in class. The proposal should provide a summary of the topic, your thesis and central arguments. There is no mark assigned for the outline, but it is in your best interest to complete the outline in order to receive feedback on your potential research paper topic.

### **Research Paper 50%**

A research paper of approximately 15 to 18 double-spaced pages, is due **December 1, 2008 by 4:00 p.m. at the Law Department Office (drop box)**. You may choose a paper topic from the course readings or make a choice based on an area of your particular interest. Suggested paper topics will be provided in class.

More detailed instructions for assignments will be provided in class.

**ASSIGNMENTS**

Any written work submitted must be typewritten, double-spaced, 12pt Times New Roman font with standard 1 inch margins. All assignments **must** include a title page with the course code, your name and your student number and my name on it. Title pages, bibliographies and endnotes are **not** counted in calculating page length for an assignment.

**All written assignments must be completed in order to pass the course.**

All assignments must be handed in at the Law Department office drop box by 4:00 pm on the due date or to me personally in class. Assignments will not be accepted by e-mail or under the door of the contract instructors' office.

Students must keep a hard copy of anything submitted for marking for 3 months after submission.

**LATE ASSIGNMENTS**

Late assignments will be marked down by one-half letter grade (e.g. B to B-, B- to C+) for each day the assignment is late. Assignments must be submitted within 7 days of the due date. If they are submitted after 7 days they will receive a grade of F.

Requests for an extension must be made to me prior to the due date and will only be considered if there is an extreme reason (requests must be accompanied by supporting documentation).

**CLASS SCHEDULE & READINGS**

**Week 1     Sept 10: Introduction and Course Overview**

**Week 2     Sept 17: The International Human Rights System, Legal Instruments & Monitoring**

- The Universal Declaration of Human Rights (WebCT)
- The International Covenant on Civil and Political Rights (WebCT)
- The International Covenant on Economic, Social and Cultural Rights (WebCT)
- Javaid Rehman, *International Human Rights Law: A Practical Approach* (Harlow, England: Longman, 2003) pp. 13-132. (Book on RSV)
- Henry J. Steiner, Philip Alston & Ryan Goodman, *International Human Rights in Context, Law, Politics, Morals: Text and Material*, 3 ed. (New York: Oxford University Press, 2008) pp. 671-679, 737-741, 746-749, 765-769, 824-826, 845-855, 873-878, 891-895, 925-927, 933-934, 938-942, 1020-1023, 1033-1040, 1063-1073, 1087-1095, 1420-1432. (Book on RSV)

**Week 3     Sept 24: Are Human Rights Universal? Case Study: Muslim States & Islamic Law**

- Susan C. Breau, "Human Rights and Cultural Relativism: The False Dichotomy" in eds., Javaid Rehman & Susan C. Breau, *Religion, Human Rights and International Law*. (Leiden: Martinus Nijhoff Publishers, 2007) pp. 137-165. (Book on RSV)
- Audrey Guichon, "Some Arguments on the Universality of Human Rights in Islam" in eds., Javaid Rehman & Susan C. Breau, *Religion, Human Rights and International Law*. (Leiden: Martinus Nijhoff Publishers, 2007) pp.167-194. (Book on RSV)
- Mervat Rishmawi, "The Revised Arab Charter on Human Rights: A Step Forward?" (2005) 5 *Human Rights Law Review* 361. (RSV & WebCT)

**CURRENT ISSUES in INTERNATIONAL HUMAN RIGHTS****Week 4    October 1: Women’s Rights.**

- Convention on the Elimination of All Forms of Discrimination against Women (WebCT)
- Henry J. Steiner, Philip Alston & Ryan Goodman, *International Human Rights in Context, Law, Politics, Morals: Text and Material*, 3 ed. (New York: Oxford University Press, 2008) pp. 555-556, 560-563. (Book on RSV)
- Sally Engle Merry, “Human Rights and Transnational Culture: Regulating Gender Violence Through Global Law” (2006) 44 *Osgoode Hall Law Journal* 53. (RSV)
- Ursula A. O’Hare, “Realizing Human Rights For Women” (1999) 21 *Human Rights Quarterly* 364. (RSV)
- Huma Ahmed-ghosh, “Voices of Afghan Women: Human Rights and Economic Development” (2006) 8 *International Feminist Journal of Politics* 110. (RSV)

**Week 5    October 8: Indigenous Peoples & Minority Rights**

- Abdulrahim P. Vijapur, “International Protection of Minority Rights’ (2006) 43 *International Studies* 367. (RSV & WebCT)
- Declaration on the Rights of Indigenous Peoples (WebCT)
- Phil Fontaine, “Canadian Vote Left Stain on Country’s Reputation” (26 September 2007) *The Toronto Star*. (WebCT)
- David Keane, “Why the Hindu Caste System Presents a New Challenge for Human Rights” in eds., Javaid Rehman & Susan C. Breau, *Religion, Human Rights and International Law*. (Leiden: Martinus Nijhoff Publishers, 2007) pp. 281-317. (Book on RSV)
- István Pognáy, “Minority Rights and The Roma of Central and Eastern Europe” (2006) 6 *Human Rights Law Review* 1. (RSV & WebCT)

**Week 6    October 15: The Rights of Refugees and Migrant Workers****Written Comment #1 Due (in class)**

- Benjamin Dolan & Margaret Young, *Refugee Protection the International Context* (Law & Government Division, 2005). (RSV & WebCT)
- James C. Hathaway, *The Rights of Refugees Under International Law* (Cambridge, Cambridge University Press, 2005) pp. 991-998. (RSV)
- Alice Edwards, “Human Rights, Refugees, and The Right To Enjoy Asylum” (2005) 17 *International Journal of Refugee Law* 293. (RSV & WebCT)
- Bonny Ibhawoh, “Defining Persecution and Protection: The Cultural Relativism Debate and the Rights of Refugees” in *Problems of Protection: The UNHCR, Refugees, and Human Rights* eds., Niklaus Steiner, Mark Gibney & Gil Loescher (New York: Routledge, 2003) 61. (RSV)
- Antoine Pecoud & Paul de Guchteneiere, *Migration, Human Rights and the United Nations: An Investigation Into The Obstacles to The UN Convention on Migrant Workers’ Rights* (2006) 24 *Windsor Yearbook of Access to Justice* 241. (RSV & WebCT)

**Week 7    October 22: Poverty, Development and Human Rights****Research Paper Outline Due (in class).**

- Henry J. Steiner, Philip Alston & Ryan Goodman, *International Human Rights in Context, Law, Politics, Morals: Text and Material*, 3 ed. (New York: Oxford University Press, 2008) pp. 308-312, 327-346, 1433-1462. (Book on RSV).
- Sarah Lyon, Fair Trade Coffee and Human Rights in Guatemala (2007) 30 *Journal of Consumer Policy* 241. (RSV & WebCT)
- Hatla Thelle, “Freedom from Want: Globalisation and Social Security” in eds. Stephanie Lagoutte, Hans-Otto Sano & Petter Scharff Smith. *Human Rights in Turmoil: Facing Threats, Consolidating Achievements*. (Leiden: Martinus Nijhoff Publishers, 2007) pp. 201-220. (Book on RSV)
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**Week 8     October 29: Transnational Corporations, Resources and Human Rights**

- Henry J. Steiner, Philip Alston & Ryan Goodman, *International Human Rights in Context, Law, Politics, Morals: Text and Material*, 3 ed. (New York: Oxford University Press, 2008) pp. 1387-1414 (Book on RSV)
- Boris Holzer, "Framing the Corporation: Royal/Dutch Shell and Human Rights Woes in Nigeria" (2006) 30 *Journal of Consumer Policy* 281. (RSV & WebCT).

**Week 9     November 5: Humanitarian Intervention, War Crimes and Genocide**

- Jack Donnelly, "Genocide and Humanitarian Intervention" (2002) 1 *Journal of Human Rights* 93. (RSV & WebCT)
- Helle Malmivg, "Humanitarian Intervention and State Sovereignty: A Social Constructivist Analysis" in eds. Stephanie Lagoutte, Hans-Otto Sano & Petter Scharff Smith. *Human Rights in Turmoil: Facing Threats, Consolidating Achievements*. (Leiden: Martinus Nijhoff Publishers, 2007) pp.163-180. (Book on RSV)
- David Kopel, Paul Gallant & Joanne Eisen "Is Resisting Genocide A Human Right?" (2006) 81 *Notre Dame Law Review* 1275. (RSV & WebCT)

**Week 10    November 12: Human Rights, the Prohibition of Torture and 'The War on Terror'**

- Javaid Rehman, *International Human Rights Law: A Practical Approach* (Harlow, England: Longman, 2003) pp. 407-436. (Book on RSV)
- Javier Travino Rangel, "The Human Rights Movement and the Torture Debate" (2006) 18 *Peace Review: A Journal of Social Justice* 227. (RSV & WebCT)
- Henry J. Steiner, Philip Alston & Ryan Goodman, *International Human Rights in Context, Law, Politics, Morals: Text and Material*, 3 ed. (New York: Oxford University Press, 2008) pp. 404-415 (Book on RSV)
- Manfred Nowak, "What Constitutes Torture? US and UN Standards" (2006) 28 *Human Rights Quarterly* 809. (RSV & WebCT)
- Thomas Cushman, "The Human Rights Case for the War in Iraq: A Consequentialist View" in Richard Ashby Wilson (ed.) *Human Rights in the "War on Terror"* (New York: Cambridge University Press, 2005) 78. (RSV)

**Week 11    November 19: A Question of Justice: Prosecutions & Truth Commissions**

- Henry J. Steiner, Philip Alston & Ryan Goodman, *International Human Rights in Context, Law, Politics, Morals: Text and Material*, 3 ed. (New York: Oxford University Press, 2008) pp. 1244-1290, 1331-1343, 1345-1352. (Book on RSV)

**Week 12    November 26: Course Overview, Concluding Reflections & Research Paper Workshop****Written Comment #2 Due (in class)**

- **Research Paper Due (Law Department drop box by 4:00pm) on December 1, 2008.**