

Course Outline

COURSE: LAWS 4604C - International Human Rights

PREREQUISITES: LAWS 2105, LAWS 3503, LAWS 3503 [1.0] (no longer offered), LAWS3509, LAWS 3603, or LAWS 3603 [1.0] (no longer offered)

TERM: Winter 2008

CLASS: Day & Time: Mondays 6:00-9:00pm
Room: 206 Tory Building

INSTRUCTOR: Zeina Bou-Zeid
(CONTRACT)

CONTACT: Office: C476 Loeb
Office Hrs: Mondays - 5:00 - 6:00pm
Wednesday - 11:30 - 12:30pm
Zeina_Bou-Zeid@carleton.ca
Email:

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is March 14, 2008 for April examinations. For further information, please see, http://www.carleton.ca/pmc/students/accom_policy.html

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, refugees and migrant workers. 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 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 15%

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.

Class Presentation 10% & Written Comment 20%

You will be required to prepare and present the readings assigned for a given week. The format of the presentations will be a general discussion involving the entire class and will be based on questions formulated and facilitated by you. This is not to be a formal presentation, but rather you are being asked to act as an “especially well-prepared discussant.” Your presentation of the readings should not consist of summaries of articles, but should reflect a critical analysis of the materials and address problems you detect in the readings.

You are also being asked to submit a written comment based on your presentation and the key arguments or issues that you have identified. In this comment you should raise critical questions about the assigned readings. The written comment should be 4-5 pages (double-spaced) in length. You will be required to submit the written comment to me by at the beginning of the particular class for which you will present. No late written comments will be accepted.

Research Paper Outline 5%

You are asked to submit a brief paper proposal (approximately 1 page) on **February 25, 2007** in class. The proposal should provide a summary of the topic, your thesis and central arguments.

Research Paper 50%

A research paper of approximately 15 to 18 double-spaced pages, is due **April 7, 2007 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.

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 sessional 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. January 7: Introduction and Course Overview****Week 2. January 14: The International Human Rights System & Legal Instruments**

- 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)
- Javid Rehman, *International Human Rights Law: A Practical Approach* (Harlow, England: Longman, 2003) pp. 13-132. (RSV)

Week 3. January 21: Are Human Rights Universal? Case Study: Muslim States & Islamic Law

- Jack Donnelly, "The Relative Universality of Human Rights" (2007) 29 *Human Rights Quarterly* 281. (RSV)
- Mashood A. Baderin, *International Human Rights and Islamic Law* (Oxford: Oxford University Press, 2003) pp. 1-16, 23-39, 58-74, 138-144 & 219-229. (RSV)
- Mervat Rishmawi, "The Revised Arab Charter on Human Rights: A Step Forward?" (2005) 5 *Human Rights Law Review* 361. (RSV)

Week 4: January 28: Monitoring and Protecting Human Rights: International and Regional Organizations, Governments, NGOs and Civil Society.

- 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. (RSV)
- David Backer, "Civil Society and Transitional Justice: Possibilities, Patterns and Prospects" (2003) 2 *Journal of Human Rights* 297. (RSV)
- Chadwick F. Alger "Evolving Roles of NGOs in Member State Decision-Making in the UN System" (2003) 2 *Journal of Human Rights* 407. (RSV)

CURRENT ISSUES in HUMAN RIGHTS PROTECTION**Week 5. February 4: Women's 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. 183-185.
- Convention on the Elimination of All Forms of Discrimination against Women (WebCT)
- 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)
- Kamala Kempadoo, "Introduction : from moral panic to global justice; changing perspectives on trafficking" in Kamala Kempadoo (ed) *Trafficking and prostitution reconsidered : new perspectives on migration, sex work, and human rights* (Boulder: Paradigm Publishers, 2005) 1. (RSV)

Week 6. February 11: Indigenous Peoples & Minority Rights

- 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)
- Abdulrahim P. Vijapur, “International Protection of Minority Rights’ (2006) 43 *International Studies* 367. (RSV)
- István Pognáy, “Minority Rights and The Roma of Central and Eastern Europe” (2006) 6 *Human Rights Law Review* 1. (RSV)
- Keith Watson, “Language, Education and Ethnicity: Whose rights will prevail in an age of globalisation?” (2007) 27 *International Journal of Educational Development* 252. (RSV)

February 18: Winter Break

- **No class or office hours**

Week 7: February 25: The Rights of Refugees**Research Paper Outline Due (in class).**

- Convention Relating to the Status of Refugees (WebCT)
- Benjamin Dolan & Margaret Young, *Refugee Protection the International Context* (Law & Government Division, 2005). (WebCT)
- James C. Hathaway, *The Rights of Refugees Under International Law* (Cambridge, Cambridge University Press, 2005) pp. 991-998. (RSV)
- Susan Kneebone, “The Pacific Plan: The Provision of Effective Protection?” (2006) 18 *International Journal of Refugee Law* 696. (RSV)

Week 8: March 3: Labour Rights and Migrant Workers**Required Readings**

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (WebCT)
- Antoine Pecoud & Paul de Guchteneire, *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.
- Nicola Piper, *Rights of Foreign Workers and the Politics of Migration in South-East and East Asia* (2004) 42 *International Migration* 71.

Suggested Readings

- Richard Cholewinski, *Migrant Workers in International Human Rights Law* (Oxford: Calderon Press, 1997) pp. 79-83, 98-131 (RSV)

Week 9: March 10: Poverty, Development and Human Rights**Required Readings**

- 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. (RSV).
- Meredith Gibbs, "The Right to Development and Indigenous Peoples: Lessons From New Zealand" (2005) 33 *World Development* 1365. (RSV).
- Sarah Lyon, Fair Trade Coffee and Human Rights in Guatemala (2007) 30 *Journal of Consumer Policy* 241. (RSV)

Suggested Readings

- N.J. Udombana "The Third World and the Right to Development" Agenda for the Next Millennium" (2000) 22 *Human Rights Quarterly* 753. (RSV).

Week 10: March 17: Humanitarian Intervention, War Crimes and Genocide

- Jack Donnelly, "Genocide and Humanitarian Intervention" (2002) 1 *Journal of Human Rights* 93. (RSV)
- Robert C. Johansen, "The Impact of US Policy Toward the International Criminal Court on the Prevention of Genocide, War Crimes, and Crimes Against Humanity" (2006) 28 *Human Rights Quarterly* 301. (RSV)
- David Kopel, Paul Gallant & Joanne Eisen "Is Resisting Genocide A Human Right?" (2006) 81 *Notre Dame Law Review* 1275. (RSV)

Week 11: March 24: Human Rights and the Prohibition of Torture

- Javaid Rehman, *International Human Rights Law: A Practical Approach* (Harlow, England: Longman, 2003) pp. 407-436. (RSV)
- Sumner B. Twiss, "Torture, Justification, and Human Rights: Toward and Absolute Proscription" (2007) 29 *Human Rights Quarterly* 346. (RSV)
- Javier Travino Rangel, "The Human Rights Movement and the Torture Debate" 18 *Peace Review: A Journal of Social Justice* 227.
- Manfred Nowak, "What Constitutes Torture? US and UN Standards" (2006) 28 *Human Rights Quarterly* 809. (RSV)

Week 12: March 31: The United States and the 'The War on Terror'

- David P. Forsythe, "United States Policy Toward Enemy Detainees in The 'War on Terrorism'" (2006) 28 *Human Rights Quarterly* 465. (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. 404-415, 445-453. (RSV)
- 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 13: April 7: Course Overview and Concluding Reflections

- **Research Paper Due (Law Department drop box by 4:00pm).**