

Course Outline

COURSE:	LAWS 4604 C – International Human Rights
TERM:	Winter 2008/09
PREREQUISITES:	LAWS 2105, LAWS 3503, LAWS 3503 [1.0] (no longer offered), LAWS 3509, LAWS 3603, or LAWS 3603 [1.0] (no longer offered)
CLASS:	Day & Time: Mondays 8:35-11:25 am Room: 403 SA (Southam Hall)
INSTRUCTOR: (CONTRACT)	Anna Lise Purkey
CONTACT:	Office: C476 LA (Loeb) – Contract Instructors' Office Office Hrs: By appointment Email: After class starts, please direct all email contact through WebCT

""Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives 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 accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by November 7, 2008 for December exams and by March 6, 2009 for April exams." Also available at http://www.carleton.ca/pmc/faculty/acom_statement.html . For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: www.carleton.ca/equity

PLEASE NOTE: This course will be supported by the WebCT Course Management System. All correspondence with the professor should be carried out through the WebCT e-mail system ONLY. You must activate your WebCT account by going to the following page: webct.carleton.ca and following the links from the "Student Resources" site on the left hand side.

Students will be fully responsible for reading and responding appropriately to all information distributed to students through the WebCT Course Page. Information provided on this page will be considered to have been provided to all registered student within 24 hours of posting.

COURSE DESCRIPTION AND OBJECTIVES:

The objective of this course is to familiarize students with the fundamental principles and characteristics of international human rights discourse as well as to introduce them to some of the main disputes surrounding the content and legitimacy of human rights as a legal and philosophical concept. The first half of the course will focus on the international human rights system including its development, key institutions and processes as well as the nature of the rights claimed. In the second half of the course, the class will examine a number of contemporary human rights issues, each of which presents a particular dimension of the human rights regime at the same time as illustrating the inter-connectedness of all rights.

COURSE STRUCTURE:

While this course is listed as a lecture, it will be taught with a strong emphasis on student discussion and participation. Consequently students are expected to come to class having read the assigned materials and prepared to participate actively.

REQUIRED TEXT:

LAWS 4604C Coursepack

COURSE EVALUATION: ALL COMPONENTS MUST BE COMPLETED IN ORDER TO PASS THIS COURSE**10% - Class participation**

Students are expected to have read the materials assigned and to participate actively in class discussions.

25% - Written argument and class presentation on informal debate topic

Students will be required to choose one of the topics proposed for informal debate and to prepare a written paper of no more than 4-5 pages (double-spaced) in length outlining the main arguments on one side of the debate in question as well as their responses to counter-arguments. Students will then present their positions in class in a simplified mock-debate intended to encourage discussion of controversial issues.

15% - Midterm annotated bibliography and final paper topic

Students will be required to submit a brief proposal for their term paper and an annotated bibliography in class on February 9th. The proposal should provide a summary of the topic, the tentative thesis and central arguments.

50% - Final analytical paper

Students must submit an analytical paper of approximately 12-15 pages in class on or before March 30th. The objective of the analytical paper is to encourage students to think critically about the topics and arguments presented in the course readings.

More detailed instructions for assignments will be provided in class.

NOTE ON ASSIGNMENTS:

All assignments must be typewritten, double-spaced, 12pt Times New Roman font with standard 1 inch margins. All assignments must indicate the course code and the student's name and student number. Title pages and bibliographies are not counted in calculating page length for an assignment. Assignments must also include proper footnoting.

All assignments must be handed in to the instructor in class on the due date. Assignments will not be accepted under the door of the sessional instructors' office.

Students must keep a copy of any assignments submitted for marking.

LATE ASSIGNMENTS:

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

Late assignments will be deducted 5% per day.

TENTATIVE CLASS SCHEDULE AND READINGS (SUBJECT TO MODIFICATION)**WEEK DATE TOPIC****1. Jan 5 Introduction to the class****2. Jan 12 Human Rights: History and Context**

Universal Declaration of Human Rights, G.A. res. 217 A (III), U.N. Doc A/810 at 71 (1948)
 Hunt, Lynn. *Inventing Human Rights: A History* (New York: Norton, 2007) pp. 113-126, 176-196.

3. Jan 19 Human Rights and the State: Sovereignty, Citizenship and Statelessness

Arendt, Hannah. "The Decline of the Nation-State and the End of the Rights of Man" from *The Origins of Totalitarianism*. Harvest Books, 1973. pp. 267-302.
 Marshall, T.H. "Citizenship and Social Class" from *Sociology at the Crossroads and Other Essays*. London: Heinemann Educational Books Ltd., 1963. pp. 67-127.

4. Jan 26 Human Rights and the Interstate System: United Nations' Human Rights Machinery

U.N. Charter, June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, entered into force Oct. 24, 1945.
 U.N.G.A., Resolution 60/251, establishing the Human Rights Council, 3 April 2006.
 Alston, Philip. "Reconceiving the UN Human Rights Regime: Challenges Confronting the New UN Human Rights Council" (2006) 7 Melb. J. Int'l L. 185, pp. 185-224.

5. Feb 2 Civil and Political Rights: The ICCPR and Security of the Person and the Prohibition on Torture

International Covenant on Civil and Political Rights, G.A. res 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976.
Optional Protocol to the International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 59, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 302, entered into force March 23, 1976.
 Human Rights Committee, General Comment 31, *Nature of the General Legal Obligation on States Parties to the Covenant*, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004).
 Human Rights Committee, General Comment 20, *Article 10* (Forty-fourth session, 1992), *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 151 (2003).
 Human Rights Committee, *Alzery v. Sweden*, Communication No. 1416/2005, U.N. Doc. CCPR/C/88/D/1416/2005 (2006).

6. Feb 9 Social and Economic Rights: The ICESCR and the Rights to Food and Health

Holmes, Stephen and Cass. R. Sunstein, *The Cost of Rights* (Norton: New York, 1999) pp. 35-48, 221-232.
 Committee on Economic, Social and Cultural Rights, General Comment 3, *The Nature of States Parties' Obligations* (Fifth session 1990), U.N. Doc. E/1991/23, annex III at 86 (1990), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 14 (2003).
 Kothari, Jayna. "Social Rights and the Indian Constitution" 2004, (2) *Law, Social Justice & Global Development Journal*.
 Committee on Economic, Social and Cultural Rights, General Comment 12, *Right to adequate food* (Twentieth session, 1999), U.N. Doc. E/C.12/1999/5 (1999), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 62 (2003).

7. Feb 16 Winter Break: No Class**8. Feb 23 Collective Human Rights: Minority and Indigenous Rights**

Huff, Andrew. "Indigenous Land Rights and the New Self-Determination" 16 *Colo. J. Int'l Envtl. L. & Pol'y* 295, 2005, pp. 295-332.

Bellier, Irene. "The Declaration of the Rights of Indigenous Peoples and the World Indigenous Movement" 14 *Griffith L. Rev.* 227, 2005, pp. 227-246.

Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/47/1 (2007).

9. Mar 2 Human Rights and Culture: Gender and Traditional Justice

Schmiechen, Malinda M. "Parallel Lives, Uneven Justice: An Analysis of Rights Protection and Redress for Refugee and Internally Displaced Women in Camps" (2003) 22 *St. Louis U. Pub. L. Rev.* 473, pp. 473-520.

Oloka-Onyango, J. "The Plight of the Larger Half: Human Rights, Gender Violence and the Legal Status of Refugee and Internally Displaced Women in Africa" (1995-1996) 24 *Denv. J. Int'l L. & Pol'y* 349, pp. 349-394.

10. Mar 9 Refugee Rights: Welcome, Repatriation and Non-Refoulement

Moorehead, Caroline. *Human Cargo: A Journey Among Refugees*, New York: Picador, 2005, pp. 3-27.

Refugees International. *Forced Back: International Refugee Protection in Theory and Practice*, Washington (May 2004).

11. Mar 16 International Criminal Law: Genocide and International Enforcement

Human Rights Watch. *Law and Reality: Progress in Judicial Reform in Rwanda*, July 2008.

Power, Samantha. *A Problem from Hell: America and the Age of Genocide*, New York: Perennial, 2003, pp. 328-389.

Kirsch, Philippe. "The International Criminal Court: A New and Necessary Institution Meriting Continued International Support" 28 *Fordham Int'l L.J.* 292, 2004-2005, pp. 292-307.

12. Mar 23 Human Rights and Corporate Actors: UNOCAL and the Alien Torts Act

Cleveland, Sarah H. "The Alien Tort Statute, Civil Society, and Corporate Responsibility" 56 *Rutgers L. Rev.* 971 2003-2004, pp. 971-988.

Additional readings to be posted on Webct

13. Mar 30 Human Rights and Civil Society: The Role of Individuals, NGOs and the Media

Bell, Daniel A. and Joseph H. Carens. "The Ethical Dilemmas of International Human Rights and Humanitarian NGOs: Reflections on a Dialogue Between Practitioners and Theorists" 26 *Human Rights Quarterly* (2004), pp. 300-329.

Additional readings to be posted on Webct

Additional readings, both compulsory and supplementary, may be posted on Webct.