

INTERNATIONAL HUMAN RIGHTS LAW
Spring 2012
Wednesdays & Thursdays, 11:20 a.m. – 12:35 p.m., Room 115

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This course critically examines the international and domestic laws, actors, and institutions that play a role in the protection of human rights. The course includes discussion of conceptual foundations of human rights; controversial topics in human rights law, such as humanitarian intervention, universal jurisdiction, and the death penalty; international, regional, and national mechanisms for the interpretation, implementation, and enforcement of human rights, including civil, criminal, and non-legal methods of redress; and challenges to human rights enforcement and strategies for promoting protection of human rights.

Course Materials

The primary text for this course is Louis Henkin et al., *Human Rights* (2d ed. 2009). The casebook is available for purchase at the bookstore. Please bring your casebook to every class. In addition, throughout the semester some readings will be distributed to you through the course website on bSpace.

A number of human rights instruments will also be assigned. You may wish to purchase the casebook's documentary supplement, Henkin et al., *Human Rights: Documentary Supplement* (2001), but it is not required. Those students who do not purchase a copy of the documentary supplement are required to independently access, read, and bring to each class the assigned documents.

Course Requirements

You are expected to attend every class, arrive on time, and be prepared to participate in the class discussion.

If you must be absent from class because of illness or another emergency, please let me know. If you are not prepared to participate in class discussion on a particular day, please email me by 10:00 a.m. that day. Frequent resort to this option and/or unexcused absences will impact your final grade. Please read § 1.07 of the Academic Rules for further explanation of Berkeley Law's policies on preparation and participation.

Please note that you may not record any class without my permission.

Evaluation

Your grade will be based primarily on a take-home examination at the end of the semester. In addition, fifteen percent of your grade will be based on class participation. The class participation grade will be determined by attendance and responsiveness to questions. Another ten percent of your grade will be based on a short response paper (five to seven pages) analyzing a recent news article that involves an international law issue related to the course. The response paper is due by March 23 at 5:00 p.m. but can be written at any point during the semester, and will be graded on a pass/fail basis.

SYLLABUS

This syllabus is an overview of the course and is subject to change. Reading assignments for the following week will be posted on the course bSpace page each Friday.

(1) INTRODUCTION

- A. The Idea of Human Rights
- B. Introduction to the Law of Human Rights

(2) SELECTED TOPICS IN HUMAN RIGHTS

- A. The Right to Life and the Death Penalty
- B. Terrorism and Human Rights
- C. Lesbian, Gay, Bisexual, and Transgender Rights
- D. Freedom of Expression and Hate Speech
- E. Women's Human Rights and Private Violence
- F. The Right to Health

(3) IMPLEMENTATION AND ENFORCEMENT OF HUMAN RIGHTS

- A. Implementation Through the United Nations
- B. International Criminal Law
- C. National Responses to Human Rights Violations: Prosecutions, Truth Commissions, Amnesties, Universal Jurisdiction, and Immunity
- D. The International Court of Justice
- E. Coercive Measures: Humanitarian Intervention and Multilateral v. Unilateral Uses of Force
- F. Regional Systems of Human Rights Enforcement
- G. Nongovernmental Organizations

(4) INTERNATIONAL HUMAN RIGHTS AND THE UNITED STATES

- A. Judicial Enforcement of Human Rights: The Alien Tort Statute and Torture Victims Protection Act
- B. Legislative and Executive Enforcement of Human Rights
- C. International Agreements as Law of the United States
- D. U.S. Ratification of Human Rights Treaties