

INTERNATIONAL HUMAN RIGHTS (LAW 263.1)

Fall 2020

Thursdays & Fridays 11:20am-12:35pm Pacific

3 units

Professor Saira Mohamed

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Virtual Office Hours: tba

Zoom information is available on the bCourses page. If you are not enrolled yet and you need Zoom information for the first session, please contact [Matt Veldman](#).

Updated 8/13/20

Course Description

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; the substantive protections of human rights law and the limits of the law in areas including the death penalty, systematic racism, and freedom of speech; 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.

Learning Objectives

Students in the course will be expected to achieve the following Berkeley Law learning outcomes:

- a) Knowledge and understanding of substantive and procedural law;
- b) Legal analysis and reasoning;
- c) Using the law to solve real-world problems and to create a more just society.

This course will be structured around the following specific learning outcomes in international human rights:

- a) Identify, explain, and apply the major rules and principles of international human rights law and the nature and characteristics of human rights protections;
- b) Identify, explain, and apply the major rules and principles of particular substantive areas of human rights law;
- c) Identify, explain, and analyze the major enforcement mechanisms for international human rights;
- d) Understand debates about the purpose, effectiveness, and legitimacy of human rights law and the application of human rights law to current and historical events.

Course Materials

The primary text for this course is ILIAS BANTEKAS & LUTZ OETTE, INTERNATIONAL HUMAN RIGHTS: LAW AND PRACTICE (3d ed. 2020). In addition, throughout the semester some readings will be distributed to you through the course website on bCourses.

Please keep your casebook and any additional readings for the class accessible during class meetings.

Course Requirements and Grading

Attendance:

Class meetings will be online through Zoom (meeting information will be provided separately). You are strongly encouraged to attend “live” classes.

For those who cannot attend, class meetings will be recorded, and links to recordings will be distributed through bCourses. Please note that you may not share class recordings (including video, audio, or screenshots). You may not record classes on your own.

If you are unable to attend on a particular day because of time zone differences, caretaking responsibilities, health issues, or other difficulties, please email me ahead of time, if possible. After reviewing the recording of the class, and within 3 days of the missed class, please submit on bCourses a one-page (double-spaced, 12-point Times New Roman) response paper responding to one or more of the following questions: (1) How would you explain to a classmate what today's class session was about? (2) How did the ideas of today's class relate to previous class sessions? (3) What are you unsure about after reviewing the video?

“Attendance”—defined as either (1) attending the live Zoom session synchronously or (2) watching the video and submitting the reflection paper described above—is required for all class members, in accordance with Rule 7 of [Berkeley Law's Academic Rules](#) and the ABA's accreditation standards. You are permitted to miss three classes (i.e., for three class sessions, you may either (1) not show up for the live Zoom session or (2) decline to submit the reflection paper). Failure to comply with these attendance requirements may affect your final grade or may prevent you from sitting for the final exam.

Regardless of your mode of attendance and participation, you are responsible for content covered in each class meeting.

Class Participation:

Fifteen percent of your grade will be based on class participation. The class participation grade will be determined in part by responsiveness to questions when you are “on call” in class. I will use a panel system beginning in the second week so you know which days you'll be “on call.” Please [email me](#) by 9:30am Pacific the day of the class if you are “on call” and unable to participate.

The class participation grade will also be based on a short presentation that every class member will be asked to make about a current event related to human rights law. More details are on bCourses.

Please email me by Aug. 28 if you anticipate that you will be unable to attend classes synchronously throughout the semester, so that I can provide an alternative way for you to complete the class participation requirement.

Exam:

A take-home exam at the end of the semester will be worth 85% of your grade. The exam will be a mix of “issue-spotting” and policy or thematic questions. You may use only the following materials during the exam: the assigned casebook (or printouts of assigned cases), class materials (powerpoints, class recordings, anything posted on bCourses), your class notes, outlines or study notes that you created, either individually or as part of a group. If you require an accommodation for the exam, please directly contact [Kyle Valenti](#), Director of Student Services. Please do not discuss exam accommodations with me, as this could compromise the anonymity of your exam.

Honor Code:

The [Academic Honor Code](#) governs the conduct of all students during examinations and in all other academic and pre-professional activities at Berkeley Law. Violation of the honor code may result in severe consequences, including a failing grade in the course or removal from the program, and notification of the Bar. If you have any question about whether your conduct may violate the code, please contact the Dean of Students before you act.

Class Communications:

Please check [bCourses](#) regularly for course materials and announcements.

Remote Instruction Guidelines

Please note that recordings of classes typically capture images of participants, screen-shared material, and transcripts of all chats that are displayed to the meeting host.

Please keep yourself on mute when you're not speaking. Please use the "raise hand" function if you would like to offer a question or comment during class. I will sometimes ask you to use the chat function as well.

Because everyone's ability to engage meaningfully with the class will be enhanced if class members can see one another and talk with one another when appropriate, please turn on your video if possible. If because of limited connectivity or distractions in your location it isn't possible to turn on your video during some or all of a class, please attend anyway; it's better for you to be there without your video on than to not be there at all.

Please make sure Zoom is showing your name. You can [customize your Zoom profile](#) so you're identified with your name and photo when you're only participating by audio.

Please treat attendance at a Zoom class as you would treat attendance at an in-person class—arrive on time, avoid behavior you wouldn't engage in during an in-person class, and try to avoid audible or visible distractions such as extra people in the room. Consider using a [virtual background](#) if it facilitates your attendance or participation.

That said, I understand that some might be attending class from locations that aren't always private, quiet, or distraction-free. Pets, roommates, or children might wander across the screen, and surely some additional unexpected occurrences await us! If any of these things happen, I anticipate that we will all behave with patience, flexibility, and good humor.

Technology Support

Berkeley Law students are entitled to general software support for their computers from the law school, and certain free software downloads from UC Berkeley, while enrolled. If you have issues with internet access or computer equipment required to participate in classes remotely, please contact studentcomputing@law.berkeley.edu. Information, links, and instructions for many common computer/technical questions can be found in the [law library's online computing guide](#). For bCourses, Zoom, and technical support questions, please email studentcomputing@law.berkeley.edu or use the [Student Computing chat](#). For both, someone will respond to you during our regular business hours.

If you need hardware or internet access, the [Student Technology Equity Program](#) may be of help.

Additional Support

If you need economic, food, or housing support, you can find help at the campus [Basic Needs Center](#). You may be eligible for money to buy groceries via [CalFresh](#) or our Food Assistance Program. If you need food immediately, please visit the [UC Berkeley Food Pantry](#). The Financial Aid Office can offer information on the law school's student emergency fund.

More comprehensive information from the Basic Needs Center is [here](#).

SYLLABUS

This syllabus is an overview of the course and is subject to change. Reading assignments will be posted weekly on bCourses.

(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
- B. The Prohibition Against Torture
- C. Freedom of Expression
- D. Freedom of Religion or Belief
- F. Gender, Sexuality, and Women's Human Rights
- G. Systematic Racism
- H. The Right to Health

(3) IMPLEMENTATION AND ENFORCEMENT OF HUMAN RIGHTS

- A. The United Nations
- B. The International Court of Justice
- C. International Criminal Prosecutions
- D. National Prosecutions, Truth Commissions, and Amnesties
- E. Universal Jurisdiction and Immunity
- F. Regional Systems of Human Rights Enforcement
- G. Humanitarian Intervention

(4) INTERNATIONAL HUMAN RIGHTS AND THE UNITED STATES

- A. Judicial Enforcement of Human Rights
- B. Legislative Enforcement of Human Rights
- C. Executive Enforcement of Human Rights