

International Human Rights Law

Political Science 360

College of Charleston

Fall 2022

Day/Time: 1:40-2:55 T/H

Location: MYBK 110

Course Website: OAKS

Instructor: P. Brian Fisher

Email Address: fisherb@cofc.edu

Office Hours: by appt via zoom

Course Background

This course will introduce students to the conceptual foundation, essential principles and problems of international human rights law. Specifically, the course will examine basic concepts and principles of human rights in a legal context. Essentially, this course is traditionally considered to encompass the binding normative rules and principles dealing with the conduct of states and of international organizations and with their relations inter se over core human rights.

Through the course, we will examine general principles of international law, including the key actors, the creation and sources of international law with a specific focus on human rights law. Within this examination, we will focus on substantive human rights particularly those centered on equality and recognition of rights of vulnerable persons. The final aspect of the class will be to delve into the topics of legal human rights such as right to life, right to work and education, indigenous rights, sustainable development and right to self-determination.

Course Goals and Learning Outcomes

The learning outcomes of this class are:

- (1) Demonstrate knowledge of political systems including their institutions, processes, laws and Constitutions through trans-national relations.
- (2) Challenge students through critical analysis and writing exercises with a focus on the mechanisms and drivers of international problems, and their potential resolution through law and norms.
- (3) Engage students through a case-driven approach to the study of international law and organizations that helps students cultivate critical thinking, acute legal reasoning, and cogent writing.
- (4) Apply theories and concepts in international law, both traditional topics such as the use of force, to contemporary issues such as drug trafficking, sustainable development, responsibility to protect, and climate change.
- (5) Examine both the conceptual and pragmatic aspects of the “building blocks” of the international legal and political system, with significant attention to the UN, states and nonstate actors.

(6) Develop an understanding (and appreciation) for legal analysis through the Socratic method, including “issue” recognition and careful legal reasoning, to argue and defend various positions.

Class Format

The class sessions will consist of Six components:

- I. Introduction to Law in a Global Context: In this section of the course, we will examine the global political and legal system(s), with a focus on sovereignty, treaties, sources of international authority, general principles of law, the role of nonstate actors, norm building, and the limitations of the system.
- II. Domestic Human Rights Law: In this section, we will examine how human rights are addressed in the US and the historic trajectory of the Alien Tort Statute.
- III. International Human Rights Law: Here, students will examine the foundations of human rights from a historic and justice perspective to understand both its contextual roots but its normative future as a legal mechanism for equality, equity, inclusion and sufficiency.
- IV. IHRL: Non-Discrimination and Vulnerable Persons: In this module, students will examine specific legal caselaw and context around ensuring nondiscrimination and protections of vulnerable populations.
- V. Issues and topics in International Law: In the penultimate section, we will examine various topics of international law, with a specific attention to equality, right to life, right to work, freedom from torture, right to self-determination, right to education, minority rights, and sustainable development.
- VI. Critiques of Human Rights Modality: In the final short section, the class will explore various critiques of the human rights system that sets the backdrop for a final paper that analyses the efficacy and fairness of the current Human Rights legal system. These critiques tend to point out the systemic biases from human rights that were designed by Anglo-oriented Western societies.

Books and Materials

Required Course Books: The following required text is available online (look used):

- IHRL = Smith, Rhona K (2020). *International Human Rights Law* (9d). Oxford University Press.

Other Course Materials: Portions of the following texts will be required and supplied in class:

- IL = Epps, et al (2020). *International Law* (6d). Carolina Press.
- IHRL2 = Donoho (2018). *International Human Rights Law*. Carolina Press.

Grading & Class Assessment

The following weight will be given to coursework in the determination of final grades:

COURSEWORK	VALUE
Case Briefs	25 %
Group Presentation	10 %
Exam 1	22.5 %
Exam 2	22.5 %
Final Analysis Paper	20 %
Class Participation	Bonus ++

Grading Scale: A 94-100; A-90-93; B+ 87-89; B 83-86; B-80-82; C+ 77-79; C 73-76; C-70-72; D+ 67-69; D 63-66; D-60-62; F <60

Submitting Work: All work prepared for class assignments should be turned in through OAKS and the dropbox (under the listed assignment). You can access OAKS through mycharleston (or my.cofc.edu).

Attendance: Attendance will be tracked on zoom; however, more importantly, success within the course requires it. There will be assignments due for every class and missing a class does not excuse late or missing work for the class date. The best way to be successful in this course is to attend regularly and stay on top of the required work.

Assignments: The course will be driven in large part by case law and case analysis. To this end, you will write extensive case briefs of major cases in international law and analysis papers that will cover four fundamental topics in international law: jurisdiction, drug trade, responsibility to protect (R2P), and sustainable development/Climate Change.

Announcements: Check the “news” section of the course (in OAKS) regularly to ensure that you have the most up to date information. Use this in conjunction with the course schedule to determine important deadlines and required assignments.

Case Briefs: There will be a case brief assignment for every class. It will not be graded for technical legal elements but for content. This will serve as a way to prepare for that day’s class and as part of a study guide. We will review all the cases in class to ensure you have the accurate/correct interpretation of the law for the exam.

Group Presentation: There will be a group presentation on a selected area of human rights law. With the online format, be prepared to work with your group online and through zoom and social media. The presentation will be given during class like an in-person course.

Exams: The midterm and final exams will be composed of multiple choice, short answer (definitions), and essay(s). The multiple-choice questions will be challenging, pulling potential answers from

various sources in one question. This design is similar to graduate and law school entrance exams, and the goal is to prepare students for these types of questions and format. There are NO make-up exams, except for documented absences (and it better be a good one).

Late Work: Without documentation, work submitted late will be accepted, but with a 10% per day penalty (started at the beginning of the class assigned).

Online Course Format & Process

Announcements: Check the “news” section of the course (in OAKS) regularly to ensure that you have the most up to date information. Use this in conjunction with the course schedule to determine important deadlines and required assignments.

Online Chatting: You can use the chat feature in OAKS, which is an Instant Messaging tool that allows you to get in touch with your classmates or the instructor. When you click on the "Classlist" tab in the top toolbar, you'll get a list of names. Anyone with a green dot next to his or her name is currently signed in. Check the box next to their name and press the "Page User" button at the top of the classlist. Feel free to hit me up for a real-time answer.

Turning in Assignments: All assignment should be turned in via dropbox on the OAKS coursepage by the assigned deadline. Formats for the assignments can be MS Word, rich text, or pdf.

CofC Honor Code and Academic Integrity

Lying, cheating, attempted cheating, and plagiarism are violations of our Honor Code that, when identified, are investigated. Each incident will be examined to determine the degree of deception involved.

Incidents where the instructor determines the student's actions are related more to a misunderstanding will handled by the instructor. A written intervention designed to help prevent the student from repeating the error will be given to the student. The intervention, submitted by form and signed both by the instructor and the student, will be forwarded to the Dean of Students and placed in the student's file.

Cases of suspected academic dishonesty will be reported directly by the instructor and/or others having knowledge of the incident to the Dean of Students. A student found responsible by the Honor Board for academic dishonesty will receive a XF in the course, indicating failure of the course due to academic dishonesty. This grade will appear on the student's transcript for two years after which the student may petition for the X to be expunged. The student may also be placed on disciplinary probation, suspended (temporary removal) or expelled (permanent removal) from the College by the Honor Board.

Students should be aware that unauthorized collaboration--working together without permission-- is a form of cheating. Unless the instructor specifies that students can work together on an assignment, quiz and/or test, no collaboration during the completion of the assignment is permitted. Other forms of cheating include possessing or using an unauthorized study aid (which could include accessing information via a cell phone or computer), copying from others' exams, fabricating data, and giving unauthorized assistance.

Research conducted and/or papers written for other classes cannot be used in whole or in part for any assignment in this class without obtaining prior permission from the instructor.

Students can find the complete Honor Code and all related processes in the Student Handbook at: <http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.php>.

Student Resources and Accommodations

Material and Technological Resources: Students are required to have basic access to technology, including regular internet service and a computer with requisite software to take this online course. If you do not have access to sufficient material or technological resources for this purpose, please let me know. Resources are available to provide students with or access to these essential tools.

Accommodations: Any students who have special learning needs or concerns are encouraged to speak with me directly. If accommodations are needed, please let me know as soon as possible. Finally, the Center for Disability Services provides a comprehensive list of accessibility resources available at: <http://disabilityservices.cofc.edu/>

Financial Security: If your performance in the course is affected by significant financial difficulties (e.g., affording groceries, textbooks, or sufficient food to eat each day; securing a safe and stable place to live), consider contacting the Dean of Students for support (Food/Temporary Housing Assistance), and please notify me, if you are comfortable doing so.

<http://deanofstudents.cofc.edu/student-food-temp-housing-asst/index.php>

Mental Health and Wellbeing: These are challenging times on many fronts, and our mental and physical wellbeing can be compromised with additional stress. If you experience mental health challenges such as depression, heightened anxiety, sleep deprivation, etc. please consider contacting CofC's Counseling Center at <http://counseling.cofc.edu> or 843.953.5640 or the Students 4 Support (certified volunteers through texting "4support" to 839863, visit <http://counseling.cofc.edu/cct/index.php>, or meet with them in person 3rd Floor Stern Center).

Course Schedule

Class	Date	Topic	Readings	Assignment
1	8-23 (t)	Intro		
2	8-25(h)	Module 1: INT'L LAW	IO, Chap 1 and 3 (skim)	Plyer v. Doe
3	8-30 (t)		IHRL, Chap 3 UN, pp. 229-55; IL Chap 1, pp. 3-13	The Paquete Habana
4	9-1 (h)		IL Chap 1, pp. 27-38; IL Ch 3, pp. 71-85	North Sea Continental Shelf
5	9-6 (t)		IL, Ch 3, Treaties, pp. 85-110	Avena
6	9-8 (h)		IL, Ch 3, Treaties, 110-127	Gabcikovo-Nagymaros Pr
7	9-13 (t)		IRHL Donoho, Ch 4, pp. 63-91	Medellin Redux
8	9-15 (h)		Module 2: US HRs Law	
9	9-20 (t)	IRHL Donoho, Ch 5, 93-110		Filartiga v Pena-Irala
10	9-22 (h)	IL, Ch 1, pp 14-24; StL. Law Article; IRHL Donoho, Ch 5, pp. 110-121		Abdullahi v. Pfizer OR Sosa
11	9-27 (t)	IRHL Donoho Ch. 5 pp. 121-142; NYU Law Review Article		Koibel v. Royal Dutch Petro
12	9-29 (h)	Wrap up ATS		Nestle v. Doe
13	10-4 (t)		EXAM 1 Online	
14	10-6 (h)	Module 3: Global HRs Law	Intro to Global HRs – DHR; ICCPR; ICESCR	
15	10-11 (t)		IRHL Donoho, Ch 1, pp. 1-12; IRHL, chap 2, pp. 8-28	
16	10-13 (h)		IRHL Chap 4, pp. 56-70;	
17	10-18 (t)		IRHL, Ch 5, pp 72-81; UDHR; R2P	El Hagog v. Libya
18	10-20 (h)		IL, Chap 8, HR, pp. 381-431	Case of Leyla Sahin
19	10-25 (t)		IL, Chap 8, HR, pp. 431-455	Case of Atala Riffo
20	10-27 (h)		IL, Chap 8, HR, pp. 455-472	Negusie v Holder
21	11-1 (t)	Module 4: Equality & NonDiscrim	IRHL, Chap 10, pp. 171-184	Dudgeon v United Kingdom
22	11-3 (h)		IRHL, Chap 11, pp. 186-192; CEDAW	Marschall v Land NW
	11-8 (t)		FALL BREAK – NO CLASS	
23	11-10 (h)		IRHL, Chap 11, pp. 192-208	Opuz v Turkey or Dahlab v Switzerland
24	11-15 (t)	Module 5: Issues in IHRL	IRHL, Chap 12, pp. 210-235	Prosecutor v Lubanga
25	11-17 (h)			EXAM 2
26	11-22 (t)		No Readings	Group Presentations
27	11-29 (t)	Final Paper: HR Law Critiques	No Readings	Group Presentations
28	12-1 (h)		Critiques of HR	In Class Discussion
	12-8 (w)	Final Paper DUE		