

UMBC UGC New Course Request: POLI 437, International Human Rights Law

Date Submitted: 100711

Proposed Effective Date: 012612

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Other Contact				

COURSE INFORMATION:

Course Number(s)	POLI 437
Formal Title	International Human Rights Law
Transcript Title (≤24c)	Int'l Human Rights Law
Recommended Course Preparation	POLI 230, 233, 280, 337, 432, 433 OR 482
Prerequisite	
Credits	3
Repeatable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Max. Total Credits	0
Grading Method(s)	<input checked="" type="checkbox"/> Reg (A-F) <input type="checkbox"/> Audit <input type="checkbox"/> Pass-Fail

PROPOSED CATALOG DESCRIPTION:

In this course we study human rights law and the many actors and institutions struggling with its enforcement. In it we use the case method to master the legal contours of human rights and explain their limits and possibilities. To understand contemporary human rights law, one has to have a good grounding in the philosophical, political and legal concepts that form the basis of international human rights. We also focus our study on efforts to find domestic and international justice, and the relationship between human rights and international law. We introduce the legal elements of various human rights provisions and take into account the role that NGOs play in the protection and sustenance of human rights regimes. Finally, we examine several specific rights through efforts to enforce them in domestic and international courts.

RATIONALE FOR NEW COURSE:

This course takes on one of the most important human struggles – the struggle for basic human rights. It requires students to engage in an interdisciplinary approach to the study of legal principles, as culture, history, philosophy, language and politics are all elements of the legal human rights discourse. It challenges the U.S. perception of rights, and reveals how victims, lawyers, advocates and even students can shape the future of human rights law. The course is a valuable addition to the Political Science Department's public law and international relations classes. It is a seminar course with significant research and writing assigned and thus is offered at the 400 level. Students taking this course will have a head start when studying human rights in law school or in an international affairs graduate program, and will be prepared to take a position at a human rights NGO. It will be taught once a year, or twice including special sessions.

ATTACH COURSE OUTLINE (mandatory):

This outline formed the basis of the course I taught as a special topics course (POLI 409) during the Summer of 2010 and 2011.

POLI 437
International Human Rights Law
Syllabus

Professor:	Dr. Jeffrey Davis	Email:	davisj@umbc.edu
Office:	PUP 311	Phone:	410.455.2181
Web site:	http://research.umbc.edu/~davisj		
Office Hours:	T 2:00 - 4:00 Th 11:30 - 12:30 and by appointment		

Overview

This course serves as an overview of human rights law and the politics of human rights. In it we define human rights and explain their limits and possibilities. To understand contemporary human rights practices and discourses, one has to have a good grounding in the philosophical, political and legal concepts that form the basis of international human rights. We also focus our study on the role of domestic and international justice in developing human rights, and the relationship between human rights and international law.

We introduce the legal elements of various human rights provisions and take into account the role that NGOs play in the protection and sustenance of human rights regimes. Finally, we examine several specific rights through efforts to enforce them.

Grading

Your final grade will be based on the following formula:

Assessment	% of Final Grade	Due
Online Discussion	10%	Throughout the course
Test 1	25%	10/27
Test 2	25%	12/20
Outline	5%	10/20
Essay	30%	12/06
Class Participation/Quizzes	5%	

Essay Assignment

Students must write a research paper examining an important question of human rights law. Please turn in all work via email. The project will be developed in stages:

Task	Due	Description
Research Question	09.29	Students should submit a research question for my approval.
Outline	10.20	Students should submit a 1-2 page outline that contains an approved research question, a hypothesis or hypotheses, a one or two sentence statement of the theoretical foundation for the hypothesis, an outline of the final paper, and citation to at least three sources.
Research Paper	12.06	Students must turn in a 10-15 page research paper.

Online Discussion Assignment

- The online discussion assignment requires each student to participate four times, twice as the discussant and twice as the respondent.
- As a discussant, each student must select two readings and post responses to the discussion questions for those readings on the course blog.
- Each student must also select two readings for which to serve as the respondent. When the student assigned to those readings posts his/or her answers to the discussion questions, the respondent replies to and critiques those answers.
- After the discussant and respondent have posted, the professor and other students may add their comments.
- Students will be graded on the quality of their posts.

Make-Up Exams

Make-ups will be given only when the student has notified me prior to the scheduled exam, and upon my acceptance of the reason for the absence. A student who misses an examination without prior notification and without a satisfactory reason will receive a grade of zero for that examination.

Academic Integrity

By enrolling in this course, each student assumes the responsibilities of an active participant in UMBC's scholarly community in which everyone's academic work and behavior are held to the highest standards of honesty. Cheating, fabrication, plagiarism, and helping others to commit these acts are all forms of academic dishonesty, and they are wrong. Academic misconduct could result in disciplinary action that may include, but is not limited to, suspension or dismissal.

Please see: http://www.umbc.edu/undergrad_ed/ai/students.html

Readings

Class	Topic	Readings
1	Introductory Case Study: Extraordinary Rendition	Defining the Practice
	H1 – 31	International Treaties and Institutions The Prohibition of Torture

		<p>HRC Gen. Comm. 20 HRC Gen. Comm. 31</p> <p>Extraterritorial Application of HR Treaties <i>Lopez Burgos v. Uruguay</i> (HRC 1981)</p> <p>HRC Gen. Comm. 31 <i>Legal Consequences of a Wall</i> (ICJ 2004)</p> <p>Consideration of Reports – USA Concluding Observations of HRC US Response</p> <p>Applying the Non-Refoulement Rule <i>Agiza v. Sweden</i></p>
2	The Human Rights Idea	<p>H61-76, John Locke Am. Dec. of Independence French Declaration of Rights The Rights of Man, Paine</p> <p><i>Justice Across Borders</i>, Chapter 1</p>
3	Human Rights after WWII	<p><i>Justice Across Borders</i>, Chapter 1 Continued H155-159, Henkin, “The Age of Rights” H214-223, Principle Human Rights Instruments</p>
4	Legal Standards Rights of the Child	<p><i>Justice Across Borders</i>, Chapter 2 <i>A v. UK</i> H264-266, Smolin, “Overcoming Religious Objections...”</p>
5	Refugees Territorial Reach Minority Rights Genocide	<p>H276-292 H299-303, <i>Sale v. Hatian Centers Council</i> H311-314, <i>Bankovic v. Belgium</i> H341-345</p> <p>“The Hardest Word,” New York Times.</p>
6	Implementation ICJ IACHR ECHR	<p>H510-518, <i>Legal Consequences of the Wall</i> (ICJ 2004) H572-584</p> <p>H631-640, <i>Chapman v. UK</i> H640-642, <i>Goodwin v. UK</i></p>
7	ECHR Africa National Responses	<p>H648-653, <i>Imakayeva v. Russia</i></p> <p>H676-681, African Commission, African System</p> <p>H745-751, <i>Azanian P.O. v. S.A.</i> H760-764, <i>Barrios Altos Case</i></p>
8	National Responses	<p>“Spain’s Expanded Universal Jurisdiction to Prosecute Human Rights Abuses in Latin America, China, and Beyond,” by Mugambi Jouet.</p>

		<p>“Limiting Sovereign Immunity in the Age of Human Rights,” by Stacy Humes-Schulz</p> <p><i>Pfizer v. Abdullahi</i></p>
9	NGOs	<i>Justice Across Borders</i> , Ch. 3
10	ICC Tribunals	<p>Danielle E. Goldstone, “Embracing Impasse: Admissibility, Prosecutorial Discretion, and the Lessons of Uganda for the International Criminal Court”</p> <p>“Situational Gravity Under the Rome Statute,” Kevin Jon Heller</p> <p>“International Decisions: Prosecutor v. Alex Tamba Brima,” Oosterveld</p>
11	Rights Issues Torture	<p>Ireland v. UK (note); Selmouni v. France URHR196-199, Kaya v. Turkey (note); Tamayo v. Peru</p>
12	Civil Rights Terrorism	<p>H1234-1242, Surek v. Turkey H1252-1256, Jersild v. Denmark H1339-1341, Bwalya v. Zambia H1566-1573, Saadi c. Italy H1577-1585, Kadi v. EU</p>
13	Corporations	<i>Justice Across Borders</i> , Ch. 6
14	Law and Politics	<p><i>Justice Across Borders</i>, Ch. 4 part 1 “Playing by Our Own Rules: How U.S. Marginalization of International Human Rights Law Led to Torture,” by Jamie Mayerfeld *</p>
15	Justice	<i>Justice Across Borders</i> , Ch. 8
16	Justice	<i>Between Vengeance and Forgiveness</i> , Ch. 2 and 3, Martha Minow