

Fletcher School of Law

International Human Rights Law

PS 179HR - Tu-Th 11:30-12:45

Professor Ellen L. Lutz

Office Hours: Tuesday and Thursday 10:00-11:00 or by appointment

Office Location: Eaton Hall basement Room 140

This course will be centered around the causes and prevention of human rights abuses. After an introduction to philosophical and historical underpinnings of modern international human rights law, we will turn our attention to the political, economic and behavioral causes of human rights abuses. Case examples will be drawn from armed conflict situations and repressive regimes. We also will look at cases of chronic abuse (e.g. violations of women's rights). During the second half of the semester we will examine prevention strategies including strengthening democracy and developing the institutions of civil society, accountability measures, and the impact of external pressure from non-governmental organizations, other states (including U.S. foreign policy) and intergovernmental organizations.

Texts:

1. Center for the Study of Human Rights, Columbia University, *Twenty-four Human Rights Documents* ("Documents")
2. Peter Maass, *Love Thy Neighbor: A Story of War*, (Vintage Books, 1996) ("Maass")
3. Michael Scharf, *Balkan Justice*, (Carolina Press, 1997)

There also will be a selection of required photocopied readings. Copies of these readings will be on reserve in Tisch Library, or they may be purchased from Gnomen Copy for individual use. Students are expected to read a major newspaper (e.g., Boston Globe, New York Times, etc.) or listen to a major radio news program (e.g., NPR, BBC) on a daily basis.

The course requirements consist of a mid-term research memorandum and a final examination. Regular attendance as well as preparation for and participation in class will also contribute to the final grade. Final grades will be calculated as follows: 40% on the final exam; 40% on the research memorandum; 20% on class participation.

Preliminary Syllabus

Part I: Introduction to International Human Rights [Reader I]

January 15

Introduction to course

- o Human Rights Watch World Report 1997 - Introduction (Handout)

January 20

Foundations of contemporary notions of human rights

- Louis Henkin, "Introduction," *The International Bill of Rights*, N.Y.: Columbia U. Pr., 1981

January 22

Introduction to international law concepts relevant to human rights

Documents:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights

Part II: Causes of Human Rights Abuses [Reader I]

January 27

Political and Economic Causes of Human Rights Abuses

- Weissbrodt, D., *International Human Rights* (1995), [readings on causes of human rights abuses]
- Kenneth Quinn, "Explaining the Terror," in Jackson, *Cambodia 1975-1978: Rendezvous with Death*

January 29

Ideological and Psychological Explanations for Group Responsiveness to Human Rights Abuses

- Ervin Staub, "The Psychology of Perpetrators and Bystanders," 6 *Political Psychology* 61 (1985)

February 3

Ideological and Psychological Explanations for Individual Participation in Human Rights Abuses

- Ron Rosenbaum, "Explaining Hitler," *The New Yorker*
- Hannah Arendt, *Eichmann in Jerusalem*, pp. 21-55
- Janice T. Gibson & Mika Haritos-Fatouros. "The Education of a Torturer," *Psychology Today*, Nov. 1986.

February 5

Case Study I -- Bosnia

- Peter Maass, *Love Thy Neighbor: A Story of War*, (Vintage Books, 1996)

February 10

Case Study I continued

February 12

Case Study II -- Uruguay

- Lawrence Weschler, *A Miracle, A Universe*, pp. 83-236

February 17

Case Study III -- Poland

- Tina Rosenberg, *The Haunted Land*, pp. 125-258

February 19

NO CLASS (Substitute Monday's Schedule)

February 24

Chronic human rights abuses and abuses by non-state actors

- C. Dugger, "A Refugee's Body is Intact but Her Family is Torn," *New York Times*, Sept. 11, 1996
- Documents: Convention on the Elimination of All Forms of Discrimination Against Women

February 26

Chronic human rights abuses continued -- Mid-term Research Assignment handout

Part III: Prevention of Human Rights Abuses [Reader II]

March 3

Accountability

- Naomi Roht-Arriaza, *Impunity and Human Rights in International Law and Practice*, (1995) pp. 1-70

March 5

The Value of Truth -- Mid-term Research Assignment Due

- Priscilla Hayner, "Fifteen Truth Commissions -- 1974-1993: A Comparative Study"

March 10

Trials

- Diane Orentlicher, "Addressing Gross Human Rights Abuses: Punishment and Victim Compensation," in *Studies in Transnational Policy -- No. 26, Human Rights: An Agenda for the Next Century*, 1994.
- Michael Scharf, *Balkan Justice*, pp. 93-214.

March 12

Trials continued

March 17

No Class --- Spring Recess

March 19

No Class --- Spring Recess

March 24

Reparations and other accountability measures

- Ignacio Martin-Baro, "Reparations: Attention Must Be Paid," in Kritz, ed. *Transitional Justice*, U.S. Institute of Peace, 1995
- Yael Danieli, "Preliminary Reflections from a Psychological Perspective," in Kritz, ed. *Transitional Justice*, U.S. Institute of Peace, 1995
- Theo van Boven, "Proposed Basic Principles and Guidelines Concerning Reparation to Victims of Gross Violations of Human Rights

March 26

Development of the Institutions of Civil Society -- Freedom of Speech and Expression

- Human Rights Watch, *Indivisible Human Rights: The Relationship of Political and Civil Rights to Survival, Subsistence, and Poverty*, (excerpts)

March 31

Democracy

- Tina Rosenberg, "Beyond Elections," *Foreign Policy*
- Thomas Franck, "The Emerging Right to Democratic Governance," 86 *AJIL* 46 (1992)

April 2

Democracy continued

April 7

Independence of the Judiciary

- Christopher Larkins, "Judicial Independence and Democratization: A Theoretical and Conceptual Analysis," 44 *Am. J. Comp. L.* 605, 1996.

April 9

External Pressure -- Efforts of Nongovernmental Organizations

- Hurst Hannum, "Implementing Human Rights: An Overview of Strategies and Procedures," In Hannum, ed., *Guide to International Human Rights Practice*, 2d ed., 1992

April 14

U.S. Foreign Policy

- Evan Luard, "Human Rights and Foreign Policy," pp. 1-38 (1981)
- David Forsythe, "Congress and Human Rights in U.S. Foreign Policy: The Fate of General Legislation," (1987)
- Diane Orentlicher, "The United States Commitment to International Human Rights," (1991)

April 16

U.S. Foreign Policy continued; the influence of other states

- Human Rights Watch World Report 1997 - Introduction (From Reader I)

April 21

The role of the United Nations and Other Intergovernmental Organizations in Preventing Rights Abuses

- B.G. Ramcharan, "Strategies for the International Protection of Human Rights in the 1990s"

April 23

Role of the UN, other IGOs, continued

- Lori Fisler Damrosch, "The Civilian Impact of Economic Sanctions," in Damrosch, ed. *Enforcing Restraint* (1993)
- Tom Farer, "A Paradigm of Legitimate Intervention," in Damrosch, *supra*