

**International Human Rights and Dispute Resolution, LAW373, Faculty of Law
International Human Rights and Conflict, DR507: MADR, Faculty of HSD
University of Victoria**

Course Outline

3 January 2012

This outline is subject to amendment. However, changes will not be made to this pdf document.
Updates are made on the course webpage at www.lampion.bc.ca/University/UVic/IHR2012.html

- **Course title**
 - International Human Rights and Dispute Resolution, LAW373
 - International Human Rights and Conflict, DR507
- **Prerequisites - Co-requisites:** none
- **Unit Value:** 1.5
- **Hours per week:** 3, one term
- **Term Offered:** Spring 2012
- **Instructor:** [Catherine Morris](#), BA, JD (Alberta), LLM (UBC)
- **Classes:** Fridays January 6 to March 30, 9 am to noon. No class February 17. Total: 12 classes.
- **Location of classes:** [Fraser building](#) room 142.
- **Location of office:** No on-campus office.
- **Office Hours:** You are always welcome to email or arrange appointments with the instructor.
- **Contact Information:** Telephone 250-477-0129; or send [e-mail](#)
- **Course webpage:** <http://www.lampion.bc.ca/University/UVic/IHR2012.html>

Texts

Assigned Texts

- Please check www.lampion.bc.ca/University/UVic/IHR2012.html regularly for changes to readings.
- Philip Alston, Ryan Goodman, and Henry J. Steiner. *International Human Rights in Context: Law, Politics, Morals*. 3rd edition (USA: Oxford University Press, 2007).
- Other readings listed on the syllabus found online or on reserve in the Priestly library.
- University of Victoria Policy on [Academic Integrity](#). This is an assigned reading for this course.

Optional Texts

- **(recommended)** Jon Buergenthal, Thomas Buergenthal, and Dinah Shelton. *International Human Rights in a Nutshell*. 4th edition (West Group, 2009).
- **(recommended)** Centre for the Study of Human Rights. *Twenty-five+ Human Rights Documents* (New York: Columbia University, 2005).
- Duffy, Helen. *The "War on Terror" and the Framework of International Law* (Cambridge, UK: Cambridge University Press, 2005)
- Mertus, Julie, and Jeffrey Helsing, eds. *Human Rights and Conflict: Exploring the Links between Rights, Law, and Peacebuilding* (Washington DC: U.S. Institute of Peace Press, 2006)
- Additional optional course readings listed at www.lampion.bc.ca/University/UVic/IHROptional.html

Course Description, Objectives and Evaluation

Course Description (as per the UVic Calendar)

This course explores linkages between international human rights, conflict analysis and dispute resolution. Participants explore literature from several disciplines including international law, history, philosophy, anthropology, political science and conflict studies. United Nations, regional and national human rights instruments and mechanisms are examined for their efficacy in protecting human rights of individuals including women and children, non-state groups, and indigenous peoples. Students develop skills in human rights analysis, advocacy and dialogue.

Assumptions

It is assumed that:

- Students have little or no background knowledge of international law or international human rights or its terminology.
- Students are likely to become engaged in the future in some form of dispute processing, whether in law practice, dispute resolution, policy analysis or policy development. For all these roles it is increasingly important to have a basic understanding of governments' and citizens' responsibilities in light of the rapidly-growing body of international human rights law and standards binding on states, including provincial governments. Some students will work as researchers or human rights advocates in governmental agencies, international organizations or non-governmental organizations, and for these students, this course will form a foundation for further study.

Educational Goals

By the end of this course, it is envisioned that participants will:

- have a basic understanding of some historical and theoretical foundations for international human rights;
- have basic familiarity with international human rights frameworks and conventions including the UN framework, conventions and mechanisms; regional frameworks, conventions and mechanisms; and national human rights frameworks;
- understand some limitations of international human rights frameworks including concerns about state responsibility and roles of non-state actors such as non-governmental organizations (NGOs), corporations or non-state armed groups;
- understand some dynamics of several conflictual discourses in the field of international human rights, including the challenge presented to international human rights by cultural relativism, and human rights issues relevant to development, indigenous peoples, gender, children and armed conflict.
- Understand the role of human rights education in building a culture of human rights and peace.
- consider several approaches to human rights conflicts and violations, including nonviolent direct action, human rights education and advocacy.

Instructional Methods

- readings,
- lectures,
- student presentations and class discussions,
- research and writing assignments.

Evaluation

Evaluation goals

The course seeks to achieve the above educational goals by having students meet certain objectives:

- *Base Knowledge:* Demonstrate an understanding of course material, including ability to
 - analyse and present basic facts about a key human rights convention or declaration (see [assignment: presentation on a convention](#));
 - discuss and write about basic theoretical and legal principles in international human rights, including key theoretical or practical contradictions or challenges; (class discussions, [mid-term assignment](#) and [final paper](#))
- *Application:*
 - be able to identify international human rights issues evident in a given dispute situation (see [First Assignment](#));
 - be able to set out international human rights frameworks, customary international law, conventions, declarations or principles and complaint mechanisms applicable to a given dispute situation with human rights dimensions ([Presentation on a convention](#) & [final paper](#));
- *Policy:*
 - Demonstrate an understanding of the broader social and cultural contexts in which international human rights law and policy is situated including comprehension of issues

- o related to gender, children and indigenous peoples or other social context chosen by the student ([Presentation on a convention](#), [midterm assignment](#) and [final paper](#)).
- o Demonstrate respect for the contributions of scholars and practitioners who have written books, articles, papers or educational materials on subjects relevant to the topics of this course by submitting work in accordance with the University of Victoria Policy on [Academic Integrity](#).

Assignments

Evaluation is based on the following course assignments which are all expected to be in accordance with the University of Victoria Policy on [Academic Integrity](#); and all assignments are subject to submission to plagiarism detection software programs.

- **Class participation (15%).** Students are requested to make the necessary arrangements to prepare for and attend all classes. Waitlisted students are expected to attend all classes beginning on the first day of class on 6 January 2012. This component of the course is evaluated based on punctual attendance and evidence of having prepared assigned readings or other assignments. Students are also expected to work in cooperation with students from other disciplines in this cross-listed course. Please note that the Law Faculty Council guidelines for reading assignments suggest 20 pages per class hour for materials requiring detailed analysis and 40 pages per class hour for general background materials. This course is focussed largely on textbooks and journal articles and requires comparatively few readings requiring detailed analysis. Thus, course preparation may sometimes require up to 40 pages per hour of class (120 pages per week). Please ensure an appropriate course load. Readings marked with an asterisk are planned to be discussed in class.
- **First Assignment (5%). Two pages (maximum) due Wednesday January 11 (electronic submission).** See [opening assignment details](#) on the course website or below (page 10).
- **Presentation on a convention or regional human rights system (15%):** Students work in groups to present basic information to the class about a major human rights instrument, its monitoring body and its dispute resolution mechanisms, and apply the convention or instrument to a selected case. All students in the class are expected to read and bring the relevant Conventions/Instruments to class and be able to apply them in class case discussion. See [convention assignment details](#). This assignment also serves as foundational preparation for the [midterm take-home examination](#) and [the final paper](#).
- **Midterm take-home exam (20%):** Short answers and short essay question (750-1000 words maximum) to be submitted **Friday 24 February 2012**.
 - o The examination is based on UN and regional human rights systems. Hard copies to be submitted to the Fraser Building front office **by 8:45 am**.
 - o To ensure fairness of opportunity to all students, marks for late submission are deducted at the rate of 5% of the total court grade per day or part thereof.
 - o The examination (pdf) is available online by 31 January 2012.
 - o See [grading criteria](#)
- **Final paper due 6 April 2012 (45%)**
 - o **Length:** Please write a paper on a topic of interest to you. LAW 373 length is 3,500 to 4,000 words (about 12-14 pages). DR507 students length is 4,000-4500 words (about 14-16 pages). Papers are double-spaced in normal font size. Paper length excludes notes, references and diagrams.
 - o **Criteria for evaluation:** Students' papers are expected to demonstrate knowledge of all relevant course readings as well as relevant external research. See the [grading criteria](#). Also see the [Faculty of Law Grading Standards](#) or the [Faculty of Graduate Studies Grading Scale](#).
 - o **Topics:** Papers may consider issues in Canada or elsewhere, but all topics are to be considered in relation to an *international* human rights framework or discourse (and not exclusively in relation to *domestic or comparative* legal, policy or social framework or discourse). Students may use any disciplinary framework(s) with which they are comfortable, e.g. history, philosophy, political science, anthropology, law, sociology, conflict studies, religious studies, etc., but papers are to be focussed on a topic relevant to international human rights. See some [topic ideas](#).
 - o **Deadline and other target dates:**

- **March 9:** It is recommended and urged (but not required) that students submit to the instructor by email a topic, abstract, outline and preliminary list of references no later than 9 March 2012.
 - **April 6:** Final papers are to be submitted electronically [to the instructor](#) and in hard copy to the front office in the Fraser Building by Friday, 6 April 2012 at 4 pm. Law students' are to submit with codename electronically FROM "confidential.submit@gmail.com" (password "UVicHR2012")
 - **Deadlines, equality and extensions:** To ensure relative equality of opportunity among students, marks of students who, without prior arrangement, submit papers later than the deadline have marks reduced at the rate of 2% of the total course grade for each day (or part of a day) past the deadline. Extensions (without marks reduction) are given for reasons of illness or emergency (including family emergency) with permission of the Associate Dean, Faculty of Law, or the Faculty Supervisor, MA in DR.
-

Schedule (subject to change):

- [Foundations](#) Jan 6, 13, 20
 - [Frameworks, processes](#) Jan 27, Feb 3, 10
 - [Culture, gender, children](#) February 24, March 2
 - [Indigenous peoples](#) March 9
 - [War/Massive Violations](#) March 16, 23, 30
- **Class schedule and readings (subject to amendment)**

1. Theoretical and historical foundations: Links among Human Rights, Conflict and Peacebuilding
January 6, 13, 20, 2012 (estimate three classes)

- 1.1 Theories and history of human rights
- 1.2 Sources of human rights law

Required readings for this section:

- Philip Alston, Ryan Goodman, and Henry J. Steiner. *International Human Rights in Context: Law, Politics, Morals*. 3rd edition. USA: Oxford University Press, 2007, pp. 1-17 (portion of "Human Rights Concepts and Discourse") plus the short [Assignment #1 due January 13](#).
- Alston et al, chapter 2 (90 pages) OR ALTERNATIVELY, Read Peter Malanczuk, *Akehurst's Modern Introduction to International Law*, 8th ed. (Routledge, 2007), chapters 2 (History and Theory) and 3 (Sources of International Law). Available [online](#) (UVic Netlink ID required)
- * Anaya, S. James. 2004. The Historical Context. Chapter 1 in *Indigenous Peoples in International Law*, 2nd ed., 15-34. New York and Oxford: Oxford University Press. (31 pages. The book is available in the Priestly Library. This chapter is available on [Google books](#))
- * Charlesworth, Hilary, and Christine Chinkin. 1993. The Gender of Jus Cogens. *Human Rights Quarterly* 15(1) (Feb., 1993): 63-76 (14 pages, [online - UVic netlink ID required](#)) or excerpt in Alston et al text, pp 169-171 (2 pages)
- Galtung, Johan. 1969. Violence, Peace, and Peace Research. *Journal of Peace Research* 6(3): 167-191. (required for MADR students; optional for law students). (26 pages, [online - UVic Netlink ID](#))
- Galtung, Johan. 1990. Cultural violence. *Journal of Peace Research* 27(3): 291-305. (required for MADR students; optional for law students). (14 pages, [online - UVic Netlink ID](#))
- [Optional readings for this section \(or for your assignments\)](#)

2. Frameworks & processes for development of human rights norms & addressing human rights violations
January 27, February 3, 10, 2012 (3 classes)

- 2.1. United Nations Human Rights Framework and Conventions

January 27, February 3: Overview of the UN system and student presentations on UN Conventions: ICCPR, ICESCR, CAT, CERD, CEDAW, CRC

2.2 Regional human rights frameworks: February 10: Overview of regional frameworks (European, American, African, ASEAN).

2.3. Responsibility for Implementation of International Human Rights: February 24: State responsibility for implementation of international human rights. The role of civil society.

▪ **Readings for this section**

○ **for Jan 27:**

- * United Nations. *The United Nations Human Rights System: How To Make It Work For You* (Geneva and New York: United Nations Non-Governmental Liaison Service (NGLS), 2008). Available [online](#). (22 pages).
- Alston et al: Chapter 3, pp. 151-174 (23 pages). (Optional reading on Torture pp. 224-262)
- Alston et al: Chapter 4, pp. 263-289, 370-372 (30 pages)
- Alston et al: skim Chapter 9, especially pp. 735-742, 746, 765-769, 782-786. (20 pages)
- Alston et al: optional: Chapter 10, pp 844-854, 873-878, 891-916, 917-921.
- Charter of the United Nations. Available [online](#). (3 pages. Read Preamble and Articles 1, 2, 13, 55, 56, 62, 73, 74.)
- * Universal Declaration of Human Rights. Available [online](#) (4 pages)
- * International Covenant on Civil and Political Rights, GA Res. 2200 (XXI), UN GAOR, 21st Sess., Supp. No. 16, 52 UN Doc. A/6316 (1966). Available [online](#). (12 pages)
- * Optional Protocol to the International Covenant on Civil and Political Rights. Available [online](#). (3 pages)
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Available [online](#) (3 pages)
- * International Covenant on Economic, Cultural and Social Rights, GA Res. 2200A (XXI), UN GAOR, 21st Sess., Supp. No. 16, 49 UN Doc. A/6316 (1966). Available [online](#). (7 pages)
- * Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. GA Res. A/RES/63/117, 10 December 2008 Available [online](#). (.pdf, 9 pages)
- * Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1966, and the Committee Against Torture. Available on [the UN OHCHR site](#). (9 pages)

○ **For Feb 3:**

- * United Nations *International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*. Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entry into force 4 January 1969, in accordance with Article 19. Available [online](#)
- * *Convention on the Elimination of All Forms of Discrimination against Women*. General Assembly 1979. Available [online](#)
- * Optional Protocol, GA, 6 October 1999, entered into force on 22 December 2000. Available [online](#)
- * UN Convention on the Rights of the Child. Available [online](#).
- * Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force on 12 February 2002. Available [online](#).
- * Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force on 18 January 2002. Available [online](#)

○ **For February 10:**

- Alston et al: skim Chapter 11, 925-1083 (158 pages)
- Alston et al: Chapter 15 (read 1385-1414 [31 pages] and skim 1415-1432)
- * European Convention for the Protection of Human Rights and Fundamental Freedoms. Available [online](#). (approximately 10 pages). See also the website of the [European Court of](#)

[Human Rights](#) and the website of the [European High Commissioner of Human Rights](#). (approx. 10 pages)

- * American Convention on Human Rights. Available [online](#) (approx. 18 pages). See also the website of the [Inter-American Commission on Human Rights](#). The HREA has an [overview of the Inter-American Human Rights System](#).
- OPTIONAL: Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua [2001 Decision of Inter-American Court of Human Rights Judgment of August 31, 2001\(pdf\)](#)
- * American Declaration on the Rights and Duties of Man. Available [online](#). See also the website of the [Inter-American Commission on Human Rights](#). (approx. 6-7 pages)
- *Indigenous Peoples Issues and Resources. "International Human Rights Commission Admits Hul'qumi'num Treaty Group Case." December 1, 2009. Available [online](#) plus the [Report No 105/09 of the IAHRC](#) (.pdf, 14 pages)
- * African Charter on Human and Peoples' Rights. Available [online](#). (Approx. 9 pages). Also see the website of the [African Commission on Human and Peoples' Rights](#) and the website of the [African Court on Human and Peoples' Rights](#).
- OPTIONAL: ASEAN Inter-governmental Commission on Human Rights [Terms of Reference](#) and the website of the [Working Group for an ASEAN Human Rights Mechanism](#).
 - **for February 24:**
 - Andreychuk, The Honourable Raynell, and The Honourable Sheila Finestone, P.C. December 2001. *Promises to Keep: Implementing Canada's Human Rights Obligations*. Report of the Standing Senate Committee on Human Rights. Ottawa: Government of Canada, pp 1-28. Available [online](#).
 - * Freeman, Mark, and Gibran Van Ert. 2004. Concordance of Canadian and International Human Rights Instruments. Appendix 1 in *International Human Rights Law*, 545-551. Toronto: Irwin Law. (6 pages. Handout. Book on reserve in the Priestly Library)
 - OPTIONAL: Piper, Tina, and A. Wayne McKay. "The Domestic Implementation of International Law: A Canadian Case Study." In *Bridging the global divide on human rights: a Canada-China dialogue*, edited by Errol Mendes, Anik Lalonde-Roussy, 111-132. Farnham, UK: Ashgate Publishing, 2003. (Book on reserve in the Priestly Library)
 - * * Cohen, Stanley. 1996. Government Responses to Human Rights Reports. Claims, Denials, and Counterclaims. *Human Rights Quarterly* 18(3): 517-543. Available [online at Muse \(UVic netlink ID required\)](#) (28 pages)
 - * UN Declaration on Human Rights Education and Training, G.A. Res. A/RES/66/137 (19 December 2011). The draft that was adopted without a vote is available at the [the UNHCHR website](#). (6 pages)
 - * Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles), G.A. Res. 48/U.N. GAOR, U.N. Doc A/RES/48/134 (20 December 1993). Available at the [UN website](#) or at [the UNHCHR website](#). (approx. 4 pages)
 - Those interested in rights and protections for human rights defenders please ensure you are familiar with:
 - Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, General Assembly Resolution A/RES/53/144, 9 December, 1998. Available [online](#) (Approx. 7 pages)
 - Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 118 (1990). Available [online](#) (Approx. 5 pages)
 - Basic Principles on the Independence of the Judiciary. Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985, and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985. Available [online](#) (optional).
 - Ensuring Protection: European Union Guidelines on Human Rights Defenders. Adopted by the Council of the European Union, June 15, 2004. Available [online](#) (.pdf, optional).

- OPTIONAL: Human Rights Watch. "World Report: Abusers Target Human Rights Messengers: Rights-Respecting Governments Should Speak Up to Protect Defenders." New York: Human Rights Watch, January 20, 2010. <http://www.hrw.org/en/world-report-2010/news-release>. And see Ken Roth [Press Conference 52:34 minutes](#)

3. Major issues in human rights

3.1. Culture and human rights: universalism and particularism

March 2, 2012 (estimate one class)

Readings for this section:

Chapters and articles

- Alston et al, chapters 6 (pp. 475-516) and 7 (517-570 pages).

Documents

- Refresh your memory on Conventions above, especially CERD, CEDAW, CRC (above)
- OPTIONAL: UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. GA Resolution A/RES/36/55, 25 November 1981. [online](#)
- OPTIONAL: UN Special Rapporteur on freedom of religion or belief. Framework for communications, available [online](#)
- * Sen, Amartya. "Universal Truths: Human Rights and the Westernizing Illusion" (1998) *Harvard International Review* 20(3): 40-43. Available [online \(UVic netlink ID required\)](#) or [online](#)

Optional:

- Sen, Amartya. 1997. Human Rights and Asian Values. Sixteenth Morgenthau Memorial Lecture on Ethics and Foreign Policy. New York: Carnegie Council on Ethics and International Affairs. Available [online](#).
- Taylor, Charles. 1999. Conditions of an Unforced Consensus on Human Rights. In *The East Asian Challenge for Human Rights*, ed. J. Bauer & D. Bell, 124-144. Cambridge: Cambridge University Press. (13 pages [online .pdf](#))
- **Other [optional readings for this section \(or for your assignments\)](#)**

3.2. Children and human rights

3.3 Women and human rights

February 24, March 2, 2012

Possible Guest speaker: Children's rights

Readings for this section:

Chapters and Articles on Gender and Human Rights

- Alston et al, chapters 3 (pp. 183-224), 4 (previously read), 7 (class to focus on selections in chapter 7, pp. 531-568).
- Plus your choice of the following. For readings without links, please search out in the library.
- Coomaraswamy, Radhika. 2002-2003. Identity Within: Cultural Relativism, Minority Rights and the Empowerment of Women. *George Washington International Law Review* 34: 483-514. [Online \(HeinOnline UVic password required\)](#)
- Engle, Karen. 2005. International Human Rights and Feminisms: When Discourses Keep Meeting. In *International Law: Modern Feminist Approaches*, edited by D. Buss and A. Manji. Oxford, UK: Hart Publishing.
- Mahoney, Kathleen. "Theoretical Perspectives on Women's Human Rights and Strategies for their Implementation" (1995-1996) 21 *Brooklyn Journal of International Law* 799-856. Available at [online](#) (UVic netlink ID required)

- MacKinnon, Catharine A. "Are Women Human?" in *Are Women Human and Other International Dialogues*. Cambridge, USA: Harvard University Press, 2006. Listen to a [BBC interview with Catharine A. McKinnon](#) in April 2006.
- Bunting, Annie. "Theorizing Women's Cultural Diversity in Feminist International Human Rights Strategies." (1993) 20(1) *Journal of Law and Society* 6-22. Available [online \(UVic netlink ID required\)](#)
- Amnesty International. October 2004. *Stolen Sisters: Discrimination and Violence against Indigenous Women in Canada*. London, UK: Amnesty International. Available [online \(.pdf\)](#)
- Amnesty International. March 2004. *Human Rights and Sexual Orientation and Gender Identity*. London, UK: Amnesty International. Available [online](#)
- International Commission of Jurists. *Sexual Orientation, Gender Identity and International Human Rights Law: Practitioners Guide No. 4*. Geneva: ICJ, Available
- Sanders, Douglas. May 2007. "Sexual Orientation in International Law." *ILGA Law Files*. Brussels: International Lesbian and Gay Association. Available [online](#) or [online without footnotes at ILGA](#).

Documents

- * *Convention on the Elimination of All Forms of Discrimination against Women*. General Assembly 1979. Available [online](#)
- * Optional Protocol, GA, 6 October 1999, entered into force on 22 December 2000. Available [online](#)
- **Readings on Children and Human Rights:**
 - Alston et al (Child Protection, pp 354-357 and cultural relativism pp 616-19)
 - Please review all Conventions covered in class to date, identifying:
 - commonly reflected core human rights principles
 - references to special considerations for children
 - state obligations to victims of human rights violations
 - In particular, please be familiar with
 - * UN Convention on the Rights of the Child. Available [online](#).
 - * Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force on 12 February 2002. Available [online](#).
 - * Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force on 18 January 2002. Available [online](#)
 - [Other optional readings for this section \(or for your assignments\)](#)

3.4. Indigenous peoples and international human rights

March 9, 2012 (estimate one class)

Includes student presentation on the UN Declaration on the Rights of Indigenous Peoples
Possible guest speaker for this class

Readings:

- United Nations Declaration on the Rights of Indigenous Peoples, Adopted by the General Assembly 13 September 2007. Available [online at the website of the UN Permanent Forum on Indigenous Peoples \(UNPFII\)](#). Please read the historical overview (scroll down on this page) and read [About UNPFII and a brief history of indigenous peoples and the international system](#).
- Anaya, S. James. 2004. The Historical Context. Chapter 1 in *Indigenous Peoples in International Law*, 15-34. New York and Oxford: Oxford University Press. (see section 1.2. You will have read this during the first part of the course; please refresh your memory)
- Please choose other readings from the following:

- Inter-American Commission on Human Rights. *Indigenous and Tribal Peoples' Rights Over Their Ancestral Lands and Natural Resources: Norms and Jurisprudence of the Inter-American Human Rights System*. Washington DC: IACHR, 30 December 2009 (English language version released 17 February 2011 and available at <http://cidh.org/countryrep/Indigenous-Lands09/Ancestral-Lands.ENG.pdf>).
- Convention concerning Indigenous and Tribal Peoples in Independent Countries. (ILO C169 Indigenous and Tribal Peoples Convention, 1989) Available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169> (and see ratifications)
- Corntassel, Jeff. "Toward Sustainable Self-Determination: Rethinking the Contemporary Indigenous-Rights Discourse." *Alternatives* 33 (2008), 105-132, <http://www.corntassel.net/Sustainable.pdf>
- Jeff Corntassel. "Apology Accepted? Indigenous Peoples, Political Apologies, and Rhetorical Reconciliation in Australia and Canada." *Ethics & International Affairs*, forthcoming Spring 2009.
- Parisi, Laura, and Jeff Corntassel. "In Pursuit of Self-Determination: Indigenous Women's Challenges to Traditional Diplomatic Spaces." *Canadian Foreign Policy* 13(3) (2007): 81-98. Available [online](#)
- Corntassel, Jeff. Partnership in Action? Indigenous Political Mobilization and Co-optation During the First UN Indigenous Decade (1995-2004). *Human Rights Quarterly* 29(1) (February 2007): 137-166. Available [online \(UVic netlink ID required\)](#).
- Gilbert, Jérémie. 2006. *Indigenous Peoples Land Rights under International Law: From Victims to Actors*. Leiden: Brill.
- Green, Joyce, ed. 2007. *Making Space for Indigenous Feminism*. London, UK: Zed Books.
- Niezen, Ronald. 2003. *The Origins of Indigenism: Human Rights and the Politics of Identity*. Berkeley, CA: University of California Press.
- Pasqualucci, Jo M. "The Evolution of International Indigenous Rights in the Inter-American Human Rights System." *Human Rights Law Review* 6(2): 281-322. Available [online](#) (UVic netlink ID required)
- Rodríguez-Piñero, Luis. 2006. *Indigenous Peoples, Postcolonialism, and International Law The ILO Regime (1919-1989)* New York and Oxford: Oxford University Press.
- Schabas, William A. 2005. Cultural Genocide and the Protection of the Right of Existence of Aboriginal and Indigenous Groups. In *International Law and Indigenous Peoples*, edited by J. Castellino and N. Walsh. Leiden/Boston: Martinus Nijhoff Publishers.
- Smith, Andrea. 2005. *Conquest: Sexual Violence and American Indian Genocide*. Cambridge, MA: South End Press.
- Xanthaki, Alexandra. 2007. *Indigenous Rights and United Nations Standards: Self-determination, Culture and Land*. Cambridge University Press.
- [Optional readings for this section \(or for your assignments\)](#)

3.5. Just War, International Humanitarian Law, and Addressing Massive Violations

March 16, 23, 30, 2012 (Estimate two or three classes)

This class includes a presentation on the Genocide Convention and the Rome Statute of the ICC and the ICC.

- Just war
- A right to peace?
- International Humanitarian Law
- Addressing massive human rights violations

Readings for this section:

Chapters and articles

- Orend, Brian. "War." *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Winter 2005 edition). Available [online](#)
- Fiala, Andrew. "Pacifism." *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Summer 2007 edition). Available [online](#)

- * *Mertus text, Chapter 5 (Said, Lerche including the commentary by Donnelly) 7; Chapter 8 (Cerone); Chapter 13 (Nesiah).*
- *International Committee of the Red Cross. 2004. International Humanitarian Law: Answers to Your Questions. Revised Edition. Geneva: ICRC. Available [online](#) (42 pages)*
- *Evans, Gareth, Mohamed Sahnoun, et al. 2001. The Responsibility to Protect. Report of the Commission on Intervention and State Sovereignty. Ottawa: International Development Research Centre. Available [online](#). (Available on reserve.) please read the synopsis and skim the rest of this document.)*
- *Amnesty International. 1999. Universal Jurisdiction: 14 Principles on the Effective Exercise of Universal Jurisdiction. Available [online](#). (optional)*
- * *Minow, M. 1998. Vengeance and Forgiveness. Chapter 2 in Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence, 9-24, notes at 150-155. Boston: Beacon Press. (25 pages. Book on reserve in the Priestly Library)*
- *Goldstone, R. J. 2005. The Future of International Criminal Justice. Maine Law Review 57:553-568. Available [online \(pdf\)](#) (UVic netlink ID required)*
- * *Naqui, Yasmin. "Amnesty for War Crimes: Defining the Limits of International Recognition." International Review of the Red Cross 85(851) (2003): 583-626. Available [online](#).*
- **OPTIONAL BUT RECOMMENDED: Alston et al text, Chapter 14**

Documents

- * *Convention on the Prevention and Punishment of the Crime of Genocide, Adopted by Resolution 260 (III) A of the U.N. General Assembly on 9 December 1948. Entry into force: 12 January 1951. Available [online](#)*
- * *Rome Statute of the International Criminal Court. Available [online](#)*
- *Declaration on the Right of Peoples to Peace, General Assembly A/RES/39/11, 12 November 1984. Available [online](#). (approximately 2 pages)*
- **OPTIONAL:** *Convention relating to the Status of Refugees, Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950 entry into force 22 April 1954. Available [online .pdf](#). See also the *Protocol relating to the Status of Refugees*, entry into force 4 October 1967, available [online](#). (Optional: See the site of the [UN High Commissioner for Refugees](#) and the UNHCR's [pages on the 1951 Convention](#))*
- **OPTIONAL:** *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian, Law, General Assembly resolution 60/147 of 16 December 2005. Available [Online](#)*
- [Optional readings on IHL](#) and [Optional readings on massive violations](#)

3.6. Human Rights and Development

March 30, 2012 (if there is time)

Readings for this section to be assigned.

First Assignment due 11 January 2012

- **First Assignment**, due by the end of Wednesday, 11 January, 2012 by electronic submission to the instructor.
- This assignment is not graded or evaluated, but on-time completion and submission of **all required parts of the assignment is required to obtain full marks.**
- **Careful reading of the syllabus is part of this assignment.**
- **Waitlisted students are expected to complete the assignment on time.**
- The reason for requested submission on this date is to assist the instructor to prepare for the class on January 13.

1. Please carefully (a) read the assignment and course outline.

2. Then use the internet to locate a news story or a short report about a conflict with human rights dimensions anywhere in the world. You may also selected a report from a source that is not on the internet.

3. Please submit to the instructor a URL link your story or report (with a complete citation).

4. Respond to **all** of the following:

- Provide a very brief statement of the reason the story interests you (note that any personal information is kept confidential by the instructor);
- Provide a brief summary of the main issue(s) that seem to be in conflict;
- If the story or report indicates that someone is evaluating or criticizing others' actions, provide a brief statement about who or what is being evaluated/criticized, and what the story or report records about any response of those being evaluated/criticized.
- What is your opinion as to the source(s) of this conflict?
- What topic area(s) of the course outline seem(s) relevant?
- The total length should be approximately one or two pages; please no more than 500 words for this short assignment.

5. Please [submit electronically to Catherine Morris](#) by the end of 11 January 2012. Also please keep a hard copy and bring it with you to class on Friday 13 January and Friday 21 January 2012. Please type your name on the first page of your assignment. No cover sheet please.

Ideas for your final papers

Papers may consider domestic issues in Canada or elsewhere, but for this course on international human rights, all topics are to be considered in relation to an international human rights framework or discourse (and not only in relation to domestic legal, policy or social framework or discourse). You may use any disciplinary framework with which you are comfortable, e.g. history, philosophy, political science, anthropology, law, sociology, conflict studies, religious studies, etc.

See some topic ideas below, or feel free to propose your own topic:

- Access to Justice in Canada (e.g. international human rights obligation to provide legal aid)
- Anti-terrorism laws/policies and international human rights
- An ASEAN human rights body? Progress and prospects
- The African human rights system (successes, challenges and prospects ... or other topic of choice)
- The inter-American human rights system (successes, challenges and prospects ... or other topic of choice)
- Torture and international human rights
- Challenges of Implementing International Human Rights in a Federal State (such as Canada)
- Child Rights and Education (in Canada or elsewhere, or a comparative perspective)
- Child Rights and Health Care (in Canada or elsewhere, or a comparative perspective)

- Child Rights and Labour (in Canada or elsewhere, or a comparative perspective, focused on a particular issue, e.g. labour standards, sexual exploitation, slavery, child soldiers)
- Child Rights and Poverty (in Canada or elsewhere, or a comparative perspective)
- Corporate Responsibility and International Human Rights
- Corporations, Trade and International Human Rights (focused on a business, industry of your choice in a country of your choice)
- Country report on the situation of human rights defenders, judicial system or other human rights situation in a particular country (from an international human rights perspective)
- Development and Human Rights (focused on a topic or country of your choice)
- Disability and International Human Rights
- "Do No Harm": Aid, conflict and international human rights
- Environment and Human Rights (focused on a topic and country of your choice)
- The European human rights system (topic of choice)
- Extradition and International Human Rights
- "Extraordinary Rendition"
- Extra-territorial crimes and International Human Rights (e.g. sexual crimes against minors, crimes committed by corporations)
- Faith-Based or Traditional Dispute Resolution Mechanisms (from an international human rights perspective)
- Feminist perspectives on an international human rights issue of your choice.
- Freedom of Expression and the use of defamation, insult or lese majeste laws (country of choice)
- A "Gender Lens" on an international human rights topic of your choice
- Health Care and international human rights (in Canada or elsewhere, or a comparative perspective)
- Humanitarian Action, Sovereignty
- Human rights education
- Human rights and reconciliation (in Canada or other place that interests you)
- Indigenous peoples and international human rights (Canada or another country of your choice, or a comparative perspective)
- International Human Rights Law and Peaceful Protest
- International Human Rights of Prisoners (this topic could, if you wish, incorporate current issues regarding International Humanitarian Law)
- International Human Rights considerations in implementation of alternative dispute resolution processes (arbitration and mediation schemes and processes)
- Juvenile Justice and International Human Rights (in Canada or elsewhere)
- Labour Rights (in Canada or elsewhere)
- Child Labour (in Canada or elsewhere, or a comparative perspective)
- Language and human rights
- Freedom of expression and human rights (in Canada or elsewhere, or a comparative perspective)
- Mediation of human rights complaints (in Canada or elsewhere, or a comparative perspective, from an IHR point of view, e.g. consideration of roles of National Human Rights Commissions)
- Millenium Development Goals and International Human Rights
- Minority Rights (in Canada or elsewhere, or a comparative perspective)
- National Human Rights Commissions
- Non-state armed groups and international human rights/international humanitarian law
- Poverty and International Human Rights (in Canada or elsewhere)
- Canada's ratification of or record under a particular UN or Regional Convention
- Regional human rights systems (e.g. the inter-American, African, European or the emerging Asian system) - focused on a specific topic of choice related to Canada or another country of choice)
- Religious rights and freedoms (focused on a topic of choice related to Canada or another country of choice)
- "Responsibility to Protect": Challenges, contradictions

- Right to Food
- Right to Housing
- Right to life (focused on a topic of choice in a country of choice.)
- Self-determination of peoples
- Sexual Orientation and International Human Rights
- UN human rights system: How well is it working?
- War and Children
- War and Women

Research resources

Some sources of reports or articles on international human rights include:

- [Human rights research resources](#) compiled by Catherine Morris for Peacemakers Trust.
 - [Child Rights Information Network \(CRIN\)](#)
 - [ESCR-Net](#)
 - Sahl, Silke. [Researching Customary International Law, State Practice and the Pronouncements of States regarding International Law](#). New York: GlobaLex, New York University Hauser Global Law School, 2007
 - Some possible sources of reports or articles on human rights and business, or corporate responsibility are:
 - [Business Ethics: The Magazine of Corporate Responsibility](#)
 - [Collaborative for Development Action, Inc., Corporate Engagement Project](#)
 - [CSR Wire Canada](#)
 - [Corporate Social Responsibility in Asia](#)
 - [Business and Human Rights Resource Centre](#)
 - Castan Centre for Human Rights Law, Monash University, Australia: [Cases](#). [More cases](#).
 - [Center for Business Relationships, Accountability, Sustainability and Society \(BRASS\) Research Centre](#)
 - Earth Rights International: [Publication](#) and [Cases](#)
 - [Human Rights Brief](#), publication of the Washington College of Law, USA
-

AV equipment

Students are responsible for arranging for any special AV equipment they need for a class presentation (overheads, screens, flipcharts, VCRs, Powerpoint projectors, etc.) This should be done at least one week before the presentation. Most classrooms are equipped with LCD projectors, overhead projectors, screens and whiteboards or chalkboards. If you use whiteboard make sure in advance that there are erasable pens available for your use. **The instructor for this course uses powerpoint on a regular basis, however, please notify her in plenty of time if you wish to make a presentation that requires any special powerpoint tools or other special audiovisual equipment (including films intended to be shown).** The UVic Audio Visual Services located in the basement of the Clearihue Building C051 (beneath the Computer Store) rents some equipment to students (250-721-8292, <http://web.uvic.ca/av/>).