

Spring 2013
International Human Rights Clinic
SA.380.834.01
Professors Mohamed Mattar and Tiffany Basciano
12/17/2012

*Disclaimer: Please note that the syllabus may change before or during the class. The most up-to-date syllabus can be found in Blackboard.

The Johns Hopkins University
The Paul H. Nitze School of Advanced International Studies (SAIS)

International Human Rights Clinic

Tuesdays, 6:00PM – 8:30PM

Professor Mohamed Mattar, Executive Director
Julia Braunmiller, Director of Legal Affairs
The Protection Project
Johns Hopkins University
School of Advanced International Studies (SAIS)
BOB Building
1717 Massachusetts Avenue, N.W., Suite 501
Washington, D.C.

Professor Tiffany Basciano
Johns Hopkins University
School of Advanced International Studies (SAIS)
International Law & Organizations Program
Rome Building
1619 Massachusetts Avenue, N.W., Suite 420
Washington, D.C.

Office Hours: Mondays & Tuesdays 10:00AM – Noon

Course Description

The International Human Rights Clinic is designed to teach students skills for careers in international human rights promotion and protection. These skills will be taught through the use of simulations, discussions, case studies and clinical work. Each student taking the course has the opportunity to gain practical experience in international human rights through working on a clinical project for The Protection Project (“TPP”). Such work *may* include, writing a human rights report, drafting a model law, conducting a fact-finding mission, developing human rights education materials and programming, etc. Moreover, students in the course may have the opportunity to showcase their work in conferences and panels on international human rights issues.

The course will contain both a classroom (learning background material and skills) and clinical component (developing and working on the project). During the semester, students will have a total of seven classroom component sessions; five clinical component sessions; and one session for the project presentation. In addition to the above, students may be asked to schedule additional time for meetings with course instructors, project briefings, or to arrange for additional time to work on the project as a group. As such, students can expect to spend several hours a week preparing for this course. Moreover, this semester students will be required to conduct a fact finding mission during Spring Break 2013.

Prior Coursework

Students are encouraged to have taken one of the following courses: International Protection of Human Rights (650.736); International Human Rights (650.755); Multiculturalism & the Human Rights of Women (650.729). However, enrollment in these courses **is not** a prerequisite.

Clinic Application Process

The International Human Rights Clinic is by application only. Second year MA students in the International Law & Organizations Program may be given some preference, but all are encouraged to apply. Students are asked to submit: 1) a one page statement of interest discussing why they would like to participate in the clinic and how they hope to benefit from and contribute to the clinic; and 2) a résumé or CV highlighting any experiences that may be relevant. Applications will be due on **Friday, January 11th** and should be submitted to the International Law & Organizations Program, saisilo@jhu.edu. Selected students will be notified before the close of registration. If there are still seats open after the application deadline, then additional applications will be accepted on a rolling basis.

Assessment

Grading will be assessed as follows:

- **Participation – 10%**
 - Participation counts towards 10% of the overall grade. Attendance will be recorded. Please show up to all classes, clinical sessions, and meetings on time and prepared to discuss the assigned topic.
 - If there is an **extenuating** circumstance, and you cannot attend class on a particular day, please let us know in advance.
- **Victim Interview Simulation – 10%**
 - The Victim Interview Simulation counts towards 10% of the overall grade. Each student will be assigned both a mock victim role and a mock interviewer role to facilitate the simulation. The grade will be based on each interviewer's ability to apply discussed interviewing techniques in a mock situation.
- **Fact-Finding Mission – 20%**
 - The fact-finding mission counts towards 20% of the overall grade. The students will conduct background research on the issues, identify key stakeholders, assist in arranging meetings, and conduct meetings and interviews with the various stakeholders. The grade will be based on each student's work in preparing for and executing the fact-finding mission, including ability to apply fact-finding concepts discussed in class.
- **Comprehensive Report on NGOs Promoting and Protecting the Rights of Migrant and Domestic Workers: A Comparison and Analysis Between Kuwait and The Philippines – 50%**
 - The Comprehensive Report will count towards 50% of the overall grade. The students will work on this report as a group, outlining their findings and recommendations based on background research and fact finding missions. The report will be published.
- **Presentation of Report to SAIS Community, General Public, and Media – 10%**
 - The Project Presentation counts towards 10% of the overall grade. The students will organize the presentation as a group with each individual presenting for 5 – 7 minutes. The course instructors will provide a general overview of the projects to the audience. The grade will be based on form and substance of the presentation.

Office Locations & Contact Information

The Protection Project is located in BOB, Suite 501. Professor Mohamed Mattar, Executive Director of The Protection Project, may be reached at mmattar@jhu.edu or 202-663-5887. The Director of Legal Affairs at The Protection Project, Julia Braunmiller may be reached at jb Braunmiller@jhu.edu or 202-665-5939.

The International Law & Organizations Program is located in Rome, Suite 420. Professor Tiffany Basciano may be reached at tbascia1@jhu.edu or 202-663-5982.

Texts

The following text is required:

Hurst Hannum ed., *Guide to International Human Rights Practice* [paperback](4th ed. 2004) ISBN-10 1571050639

Additional readings will be accessible *via* ERes.

Clinical Project

This semester students will work on a comprehensive report on **NGOs Promoting and Protecting the Rights of Migrant and Domestic Workers: A Comparison and Analysis Between Kuwait and The Philippines**. The report will outline the students' findings and recommendations based on background research and fact finding missions.

The students will be split up into two research and fact-finding teams. One team will focus on the promotion and protection of the rights of migrant and domestic workers from the perspective of a destination country, Kuwait and the other team will focus on the promotion and protection of the rights of migrant and domestic workers from the perspective of an origin country, The Philippines.

The project will follow the schedule below. Students will be responsible for all stages of the project: identifying key stakeholders (government officials, IGOs, NGOs, individuals, etc.); assisting in the arrangement of interviews and briefings; conducting background research on the issues in preparation for the fact-finding missions; participating in the fact-finding missions; outlining, drafting and finalizing the report; and presenting the report to the SAIS Community, General Public and Media.

- **February 12th** - Identify Stakeholders & Division of Background Research
 - Discuss Scheduling of Interviews and Briefings
 - Discuss Division and Sources of Background Research
 - List of Key Stakeholders Due, **February 19th**
- **March 5th** Background Research
 - Discussion of Background Research in Class
- **March Spring Break (18th – 22nd)** Fact-Finding Missions¹
 - Fact-Finding Team # 1 (Kuwait)
 - Fact-Finding Team # 2 (Philippines)
- **March 26th** Evaluate Information Collected During the Fact Finding Missions
 - Conducting Follow Up
 - Corroborating Research
 - Outline Report
 - Outline of Report Due, **April 2nd**
- **April 16th** Report Writing
 - Draft Report Due, **April 19th**
- **April 23rd** Discussion of Draft Report
 - Final Report Due, **April 26th**
- **April 30th** Present Report

¹ Please note that The Protection Project will partially cover travel and lodging costs for the purpose of the fact-finding missions.

Submitting Written Work

Please submit written work by email to all the course instructors (email addresses are listed above) as Word documents. Assignments are due by close of business on the date listed. If there is an **extenuating** circumstance, an extension may be requested. Late assignments may be penalized.

Honor Code Statement

Enrollment at SAIS obligates each student to conduct all activities in accordance with the rules and spirit of the school's [Honor Code](#). The Honor Code governs student conduct at SAIS. It covers all activities in which students present information as their own, including written papers, examinations, oral presentations and materials submitted to potential employers or other educational institutions. It requires that students be truthful and exercise integrity and honesty in their dealings with others, both inside SAIS and in the larger community. While the Honor Code goes well beyond plagiarism, it is important that each student understand what is and what is not plagiarism. The Turnitin software is available to faculty in detecting plagiarism. Plagiarism will definitely result in failure of the paper or exam and may result in failing the course depending on the judgment of the professor.

Course Schedule

WEEK 1 – JANUARY 29TH – INTRODUCTION – WHAT IS A HUMAN RIGHT?

- Course Overview
- Course Requirements
- What is a Human Right?
 - Categories of Human Rights
 - 1st generation (**blue**); 2nd generation (**red**); 3rd generation (**green**)
 - Cultural Relativism
 - Are human rights universal?
 - Should human rights be universal?
 - “Margin of Appreciation”
 - *Handyside v. United Kingdom* (ECHR)
 - Interdependence of Human Rights
 - Does the right to vote have any meaning, if one cannot read (right to an education)?
 - Core International Human Rights Treaties
 - ICCPR, ICESCR
 - CERD, CEDAW, CAT, CRC, CMW, CRPD
 - Regional Human Rights Instruments
 - ECHR, ACHPR, ACHR
 - Arab Charter
 - ASEAN Human Rights Declaration
- Readings:
 - Hurst Hannum, Chapter 1, *An Overview of International Human Rights Law*
 - International Covenant on Civil and Political Rights, <http://www2.ohchr.org/english/law/ccpr.htm>
 - International Covenant on Economic, Social, and Cultural Rights, <http://www2.ohchr.org/english/law/cescr.htm>
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, <http://www2.ohchr.org/english/law/cmw.htm>
 - Arab Charter on Human Rights, <http://www1.umn.edu/humanrts/instree/loas2005.html>

- ASEAN Human Rights Declaration, <http://www.asean.org/news/asean-statement-communiqués/item/asean-human-rights-declaration>

WEEK 2 – FEBRUARY 5TH – THE ARCHITECTURE OF THE INTERNATIONAL HUMAN RIGHTS SYSTEM

- UN Human Rights Procedures
 - UN Human Rights Council
 - Universal Periodic Review
 - Special Procedures
 - Complaint Procedure
- UN Treaty Bodies
 - Committees that Adjudicate Complaints
 - Human Rights Committee (ICCPR)
 - CEDAW Committee
 - CERD Committee
 - CAT Committee
 - CRPD Committee
 - ESCR Committee
 - CMW Committee
- European System
- Inter-American System
- African System
- Arab System
- ASEAN Working Group on Human Rights Mechanism
- Domestic Judicial Systems
- **Readings:**
 - Hurst Hannum, Chapter 2 *Implementing Human Rights: An Overview of NGO Strategies and Available Procedures* 19 – 39; Chapter 4 *United Nations Nontreaty Procedures for Dealing with Human Rights Violations* 75-87; Chapter 10 *International Reporting Procedures* 200 – 203; 211 – 215; Chapter 13 *The Role of Domestic Courts in Enforcing International Human Rights Law* 267 – 289 in *Guide to International Human Rights Practice*.
 - Anne F. Bayefsky, *How to Complain to the UN Human Rights Treaty System* (2002), Chapter II pages 37 – 55.
 - Henry J. Steiner, Philip Alston, Ryan Goodman, *International Human Rights in Context: Law Politics Morals* (3rd ed. 2008), Chapter 9 *The United Nations Human Rights System, Part D The UN Human Rights Council* 791 – 823.

WEEK 3 – FEBRUARY 12TH – PROJECT DISCUSSION - IDENTIFYING STAKEHOLDERS FOR THE FACT FINDING MISSION & DIVISION OF BACKGROUND RESEARCH

Students should be prepared to brainstorm and identify key stakeholders. Key stakeholders may include NGOs, IGOs, government officials, individuals, etc. Students will discuss and decide which stakeholders should be contacted to schedule interviews and briefings. Furthermore, students should be prepared to discuss topics for background research and division of the research. Topics for research should include, international law framework addressing the rights of migrant and domestic workers, domestic laws in the origin and destination countries, substantive research on how NGOs and other key actors protect and promote the rights of migrant and domestic workers, and any other areas of relevance to the project.

WEEK 4 – FEBRUARY 19TH – HUMAN RIGHTS FACT FINDING & MONITORING

- Fact-Finding
 - Accuracy

- Confidentiality
- Impartiality
- Gender-sensitivity
 - Interviewing Victims
 - Informed Consent
 - Confidentiality
- Documenting
 - Reports
 - Record-Keeping
- Monitoring
- **Readings:**
 - David Weissbrodt, et.al *International Human Rights Law, Policy and Process* (3rd ed 2001), Chapter 9 *International Human Rights Fact-Finding*, **455 – 482; 502 – 511**
 - Amnesty International and CODESRIA, *UKWELI: Monitoring and Documenting Human Rights Violations in Africa: A Handbook*, (2000), <http://www.hrea.org/erc/Library/Ukweli/ukweli-en.pdf>
 - C. Zimmerman, *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women* (World Health Organization, 2003) <http://www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf>

WEEK 5 – FEBRUARY 26TH IN CLASS SIMULATION – INTERVIEWING VICTIMS OF HUMAN RIGHTS VIOLATIONS

WEEK 6 – MARCH 5TH PROJECT DISCUSSION – PRESENTING AND DISCUSSING BACKGROUND RESEARCH ON THE PROJECT

Students should be prepared to present and discuss their background research. Students will discuss and evaluate the background research with an eye towards areas for further background research and gaps in research to be addressed during the fact-finding missions. Students will develop a list of key questions and issues to explore during the fact-finding missions.

WEEK 7 – MARCH 12TH ADVOCACY TECHNIQUES: PERSUASIVE WRITTEN & ORAL ADVOCACY

- Persuasive Writing Techniques
 - Organization
 - Sentence Structure
 - Repetition
 - Quotations
- Some examples of Persuasive Writing
 - Letters to Policy Makers
 - Media (Op-Eds, Press Releases)
- Considerations
 - What is your advocacy objective?
 - Who is your targeted audience?
- **Readings**
 - A Sample Lobbying Letter
 - <http://www.icbl.org/index.php/icbl/What-You-Can-Do/Write-a-Lobbying-Letter/USA-Letter>
 - Op-ed
 - Jimmy Carter, “A Cruel and Unusual Record,” NY Times, June 24, 2012, <http://www.nytimes.com/2012/06/25/opinion/americas-shameful-human-rights-record.html>
- Persuasive Oral Advocacy Techniques

- Know your audience
- What do you want the audience to do?
- Present illustrative examples
- Specificity
- Accuracy
- Credibility
- Simplicity
- Consistency
- Active Voice vs. Passive Voice
- Style
 - Tone
 - Body language
 - Pace
- Some examples of Persuasive Oral Presentations
 - Briefings before deliberative bodies
 - Launching reports
 - Testimony before legislative bodies
 - Hearings before tribunals

SPRING BREAK (MARCH 18TH – MARCH 22ND) – FACT FINDING MISSION

WEEK 8 – MARCH 26TH PROJECT DISCUSSION – EVALUATION OF INFORMATION GATHERED DURING THE FACT-FINDING MISSION; BEGIN AN OUTLINE OF THE REPORT

Students should be prepared to present and discuss the information that they gathered during the fact-finding mission. Students will evaluate the information with an eye towards areas for follow-up research and corroboration. Students will also begin to outline the report and decide on division of labor.

WEEK 9 – APRIL 2ND REPORT WRITING TECHNIQUES

Readings TBD

WEEK 10 – APRIL 9TH INTERNATIONAL HUMAN RIGHTS ADVOCACY TOOLS & STRATEGIES

- Challenging Cultural Norms
- Community Education & Engagement
- Use of Social Media to Advance Human Rights
- Advancing Economic, Social and Cultural Rights
- **Readings:**
 - Bell, D. & Carens, J., “*The Ethical Dilemmas of International Human Rights and Humanitarian NGOs: Reflections on a Dialogue Between Practitioners and Theorists*,” *Human Rights Quarterly* 26 (2004) 300-329. http://muse.jhu.edu/journals/human_rights_quarterly/v026/26.2bell_d.pdf
 - Eric Tars, *Who Knows What Lurks in the Hearts of Human Rights Violators? The Shadow (Reporter) Knows: Human Rights Shadow Reporting: A Strategic Tool for Domestic Justice*, 42 *Clearinghouse Rev.* 475 (Jan./Feb. 2009).
 - “Using Social Media to Promote Human Rights,” Office of the High Commissioner on Human Rights (10 Aug. 2011). <http://www.ohchr.org/EN/NewsEvents/Pages/InternetFreedom.aspx>

WEEK 11 – APRIL 16TH PROJECT DISCUSSION - REPORT WRITING

Students should be prepared to continue discussing and writing the report.

WEEK 12 – APRIL 23RD PROJECT DISCUSSION - DISCUSSION OF DRAFT REPORT

Students should be prepared to discuss the draft report and respond to feedback.

WEEK 13 – APRIL 30TH – PROJECT DISCUSSION - PRESENT REPORT

Students should be prepared to present the final report at an event open to the SAIS Community, General Public, and Media. The students will organize the presentation as a group with each individual presenting for 5 – 7 minutes. The course instructors will provide a general overview of the projects to the audience. ***If schedules allow, we may ask that this event take place as a luncheon rather than the regularly scheduled class time in the evening.***

International Human Rights
Helpful Websites

- The Protection Project at The Johns Hopkins University SAIS
 - www.protectionproject.org
- American Society of International Law – Electronic Resource Guide for International Law
 - <http://www.eisil.org/>
- Center for Human Rights Documentation and Research – Columbia University
 - <http://www.columbia.edu/cu/lweb/indiv/humanrights/guide.html>
- University of Minnesota – Human Rights Library
 - www1.umn.edu/humanrts
- HuriSearch – Human Rights Search Engine
 - <http://www.hurisearch.org/>
- Human Rights Professionals
 - <http://www.humanrightspersonals.org>
- United Nations
 - www.un.org
- UN Human Rights Council
 - www.ohchr.org/english/bodies/hrcouncil
- UN Human Rights Committee
 - <http://www2.ohchr.org/english/bodies/hrc/>
- European Court of Human Rights
 - <http://www.echr.coe.int/echr/>
- Inter-American Human Rights Commission
 - www.iachr.org
- Inter-American Court of Human Rights
 - www.corteidh.or.cr/index.cfm
- African Court on Human and Peoples’ Rights
 - http://www.aict-ctia.org/courts_conti/achpr/achpr_home.html
- African Commission on Human and Peoples’ Rights
 - <http://www.achpr.org/>
- International Criminal Tribunal for Yugoslavia
 - www.un.org/icty
- International Criminal Tribunal for Rwanda
 - www.un.org/ictc
- The Department of State – Bureau of Democracy, Human Rights and Labor
 - www.state.gov/g/drl/hr/
- Amnesty International
 - www.amnesty.org
- Human Rights First
 - www.hrweb.org
- International Helsinki Federation for Human Rights
 - www.ihf-hr.org/index.php
- Human Rights Watch
 - www.hrw.org
- Iran Human Rights Documentation Center
 - <http://www.iranhrdc.org/httpdocs/English/faq.htm>
- The Human Rights Research and Advocacy Consortium

- <http://www.afghanadvocacy.org.af/>
- Global Rights
 - www.globalrights.org
- Center for Economic and Social Rights
 - www.cesr.org
- Human Rights Internet
 - www.hri.ca
- World Press Freedom Committee
 - www.wpfc.org
- Article 19
 - www.article19.org
- Human Rights Education
 - www.humanrightseducation.org
- Center for Constitutional Rights
 - <http://ccrjustice.org/>
- International Commission of Jurists
 - www.icj.org
- Universal Rights Network
 - www.universalrights.net
- Freedom House
 - www.freedomhouse.org
- Human Rights Education Associates
 - <http://www.hrea.org/index.php>
- The United Nations Human Rights Treaties
 - <http://www.bayefsky.com/>
- African Human Rights Case Law Analyser
 - <http://caselaw.ihrda.org>