**14 January 2023**

**Legal Studies 154**

**Human Rights Research and Practice**

**Spring 2024**

T / TH 2:00 – 3:29 PM

Physics Building 2

 4 units

This course provides an overview of international human rights, including the field’s historical and theoretical foundations and current norms. The course then focuses on the practice of human rights:research, investigations, advocacy and policy-making. Guest speakers and instructors will draw from their experiences to discuss topics such as torture, immigration, climate justice, public health policies, prison rights, protest laws, housing rights, gender rights, and artificial intelligence.

**Instructors**

Rohini Haar

Adjunct Professor, Division of Epidemiology, School of Public Health

rohinihaar@berkeley.edu

Office hours: See <https://calendly.com/rohinihaar> for virtual and in-person availability

Eric Stover

Co-Faculty Director and Adjunct Professor of Law

Human Rights Center, School of Law

Email: stovere@berkeley.edu

Office hours: T 4:30-5:30 PM, 793 Simon Hall

**GSI Contact Information**

Mahwish Moazzam
Doctoral Candidate (JSD), UC Berkeley, School of Law

Email: mahwishmoazzam@berkeley.edu
Sections: M 2-3 PM, W 3-4 PM

Office hours: M 3:00-4:00 pm, Cafe Zeb (Law School), or by appointment.

Ralph Madlalate

PhD Student, Jurisprudence and Social Policy

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Sections: T 11-12, TR 4 - 5 PM -

Office hours: T 4 PM - 5:30 PM held via Zoom sign up on [Wejoin in](https://www.wejoinin.com/sheets/muuxq/edit)

**Learning Outcomes**: After completing this course, students will be able to:

* Understand the basics of human rights law, international humanitarian law, international criminal law, and civil liberties.
* Be able to describe the human rights framework within a historical landscape.
* Use a problem-based approach to defining, researching, and developing policy-based solutions to human rights issues in domestic and international settings;
* Gain new insights into the proper professional and ethical responsibilities which should be followed when interacting with vulnerable groups; and
* Using legal and investigative skills to solve real-world problems and to create a more just society.

**Course Materials/Readings**

All readings will be posted on BCourses. Each session has required readings, with some video and audio assignments, which are expected to be completed *before* class.

**Class Attendance and Participation**

Students are required to attend all classes from start to end and to actively participate in class discussion. Students are expected to read all the assigned readings and be prepared to participate in class discussion. Attendance in lectures will be tracked using a sign-in sheet, and it is students’ responsibility both to follow the honor system when signing themselves in and to ensure their attendance is appropriately reflected. If you are unable to attend in real-time, including due to COVID diagnosis or quarantine, you must provide us with advance notice (or subsequent notice of an unanticipated emergency). As a substitute for real-time attendance and participation, you will be required to watch the video of the class and write a brief reflection. Please consider asking another student to share notes with you if you will miss a class as a backup to the lecture room’s course capture system.

**No-Technology Policy**

In order to encourage engagement with our lectures and guest speakers we have a strict *no-technology policy*. Laptops, ipads and cell phones may not be used in class. Instead, we encourage you to take notes with pen and paper. Research confirms that this helps you retain more information from the class and reduces distractions for yourself and those around you. We will post the slides from our lectures onto bCourses after class so that you will have those as an electronic resource to supplement your notes. Students with a DSP must have a particular documented need for in-class technology and email the instructors beforehand if there is a specific need for in-class technology.

**Grading and Assignments**

* Participation (30% of grade): This includes class attendance and participation in the lecture sessions and the discussion sessions.
* Midterm exam (30% of grade). **In class on March 5**.
* Final examination (40%)

**Syllabus Updates**

The syllabus may be updated during the course of the semester, so please check BCourses for updated reading assignments. All readings will be included in the Bcourses website for the course.

**SUMMARY OF CLASSES**

| ***SECTION*** | ***Classes*** |
| --- | --- |
| FOUNDATIONS OF HUMAN RIGHTS | 1 | Jan 16 | Introduction | Stover/Haar |
| 2 | Jan 18 | Foundations of International Humanitarian Law (IHL) | Stover |
| 3 | Jan 23 | International Criminal & Human Rights Law | Stover |
| 4 | Jan 25 | IHL in practice: Attacks on Health  | Haar |
| 5 | Jan 30 |  Thinking Like an Investigator | Stover |
| 6 | Feb 1 | Medical and Social Consequences of Land Mines | Stover |
| 7 | Feb 6 | Civil Liberties and Human Rights  | Haar |
| 8 | Feb 8 | Research Ethics and Ethical Codes of Conduct | Haar |
| 9 | Feb 13 | Forensic Investigation of the Disappeared | Stover |
| 10 | Feb 15 | Torture | Haar (\*Eric away) |
| 11 | Feb 20 | Digital Investigations | Alexa Koenig |
| 12 | Feb 22 | Digital Investigations in Practice  | Brian Nguyen  |
| 13 | Feb 27 | Resiliency and Digital Ethics in Human Rights Practice | Alexa Koenig (+/- students) |
| MIDTERMS | 14 | Feb 29 | Midterm Preparations | TAs |
| 15 | March 5 | MIDTERM | TAs |
| HUMAN RIGHTS PRACTICE | 16 | March 7 | Climate data and AI | Ritwik Gupta |
| 17 | March 12 | Unaccompanied Children in Federal Custody | Melissa Adamson\*Rohini away |
| 18 | March 14 | The Right to Housing | Ralph Madlalate\*Rohini away |
|  | 19 | March 19 | Climate Change, Wildfires and Human Rights in California | Linda Gordon |
|  | 20 | March 21 | Climate, health and human rights | Cara Schulte |
| SPRING BREAK |  | March 25-29 | SPRING BREAK |  |
| HUMAN RIGHTS PRACTICE(continued) | 21 | April 2 | Reproductive Rights  | Ndola Prata\*Rohini away |
| 22 | April 4 | US program at HRW | Alison Parker\*Rohini away |
| 23 | April 9 | Development and Enforcement Gaps in Domestic Violence Laws in Pakistan | Mahwish Moazzan |
| 24 | April 11 | Safety for Women Workers in Global Garment Supply Chains | Sanchita Saxena\*Rohini away |
| 25 | April 16 | Protest Movements and Freedom of Assembly and Speech | Haar |
| 26 | April 18 | Trafficking | Cathy Zimmerman |
| 27 | April 23 | Local change in California: rights to reality | John Lindsay-Poland (AFSC) |
| 28 | April 25 | HR and Artificial Intelligence | Betsy Popken |
| 29 | April 30 | Women’s Rights in Afghanistan Before and After the Taliban | Khwaga Ghani |
| SYNTHESIS | 30 | May 2 | Wrap Up and Evaluations | Stover/Haar |

**CLASSES**

**1- January 16: Introduction to the Course**

Speakers: Rohini Haar, and Eric Stover

Readings: Syllabus

**2- January 18: Foundations of International Humanitarian Law**

Speaker: Eric Stover

Readings:

* American Red Cross, “Development of International Humanitarian Law,” April 201
* R. Slye and B. Van Schaack, “The Legal Regulation of Armed Conflict,” in *Essentials: International Criminal Law* (Chapter 6).

**3- January 23: Foundations of International Criminal and Human Rights Law**

Speaker: Eric Stover

Readings:

* Dermot Groome, *Handbook of Human Rights Investigations*, pages 1-36
* Maria Nystedt (ed.), *A Handbook on Assisting Criminal Investigations*, National Defence College, 2011 (Chapters 2-3).
* “The Landscape Beyond Justice,” in Roht-Arriaza and Marie Currena, *Transitional Justice in the Twenty-First Century*, Cambridge University Press.

**4- January 25: International Humanitarian Law: Attacks on Health Care**

Speaker: Rohini Haar

Readings:

* Physicians for Human Rights. "Because We Are Doctors": How Syrian Health Workers Became a Target for Arrest and Torture. Video available at: <https://phr.org/our-work/resources/syria-detention-video-because-we-are-doctors/>
* *Chapter 8: Challenges in Making Norms Matter in* Rubenstein, Leonard. *Perilous Medicine: The Struggle to Protect Health Care from the Violence of War*. Columbia University Press, 2021.

**5- January 30: Thinking Like an Investigator & Working In Situ**

Lecturer: Eric Stover

Readings:

* Elise Baker et al., “Joining Forces: National War Crimes Units and the Pursuit of International Justice,” *Human Rights Quarterly*, 42(3), August 2020, 594-622.

**6- February 1: Medical and Legal Consequences of Landmines**

Lecturer: Eric Stover

Readings:

* *Landmines in Cambodia: The Coward’s War*. Asia Watch; Physicians for Human Rights.
* Neil Anderson et al, “Social Cost of Land Mines in Four Countries: Afghanistan, Bosnia, Cambodia, and Mozambique,” *British Medical Journal* (1995).
* Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction (1997).

**7- February 6: Civil Liberties & Human Rights**

Lecturer: Rohini Haar

Readings:

* John Stuart Mill. On Liberty. 1859. Chapter 1
* Ronald Bayer. "The continuing tensions between individual rights and public health." EMBO reports 8.12 (2007): 1099-1103.

**8- February 8: Research Ethics and Ethical Codes of Conduct**

Lecturer: Rohini Haar

Readings:

* [Pinto AD, Upshur REG. Global Health Ethics for Students. *Developing World Bioethics*. 2009;9(1):1-10.](https://doi.org/10.1111/j.1471-8847.2007.00209.x)
* Illich, I. (1968) To hell with good intentions
* *(Podcast) The New Humanitarian.* Is Decolonizing Aid an oxymoron? With Degan Ali. https://www.youtube.com/watch?v=te4EgwE1WOM

**9- February 13: Forensic Investigation of the Disappeared**

Lecturer: Eric Stover

Readings:

* Stover, Shigekane, “The missing in the aftermath of war: When do the needs of victims’ families and international war crimes tribunals clash?” *International Review of the Red Cross*

**10- February 15: Torture**

Lecturer: Rohini Haar

Readings:

* Ira Glass. “An invitation to tea”. This American Life. October 31, 2021. Available at: <https://www.thisamericanlife.org/752/an-invitation-to-tea>
* Anna Sale and WNYC Studios. What Money Can't Solve. Death Sex and Money Podcast. November 16, 2016. Also available at: https://www.wnycstudios.org/podcasts/deathsexmoney/episodes/darrell-cannon-death-sex-money

**11- February 20: Digital Investigations**

Lecturer: Alexa Koenig

Readings:

* Nyer, “Forward,” *Digital Witness*; Koettl, Murray, Dubberley, “Open Source Investigations for Human Rights Reporting: A Brief History,” *Digital Witness*
* Optional: Koenig, “Open Source Evidence and Human Rights Cases: A Modern Social History,” *Digital Witness;* Berkeley Protocol on Digital Open Source Investigations

**12: February 22: Digital Investigations in Practice**

Lecturer: Brian Nguyen

**Readings:**

* “Open-Source Intelligence in Piercing the Fog of War in Ukraine,” *The Economist*, 13 January 2023
* Sam Mednick, “Burkina Faso Investigates Alleged Abuses by Security Forces,” *Associated Press*, 21 April 2023
* Sam Mednick & Michael Bisecker, “ ‘We’ll Kill You’: Troops Film Boys’ Killings in Burkina Faso,” *Associated Press*, 3 April 2023

**13: February 27: Resiliency and Digital Ethics in Human Rights Practice**

Lecturer: Alexa Koenig

Readings:

* Please explore the [Human Rights Resilience Project](https://chrgj.org/focus-areas/human-rights-movement/human-rights-resilience-project/) Website and read Satterthwaite, Knuckey, Sawhney, Wightman, Bagrodia, and Brown, “From a ‘Culture of Unwellness’ to Sustainable Advocacy: Organizational Responses to Mental Health Risks in the Human Rights Field,” *Review of Law and Social Justice*.
* Optional: Dubberley, Satterthwaite, Knuckey, and Brown, “Digital Human Rights Investigations: Vicarious Trauma, PTSD, and Tactics for Resilience,” *Digital Witness*

**14: February 29: MIDTERM PREPARATIONS**

**15: MARCH 5: MIDTERM**

**16- March 7:**

**17- March 12: Unaccompanied Children in Federal Custody**

**Lecturer: Melissa Adamson**

**Readings:**

*\*Recommend reading in this order. Please note the selected page ranges for each reading.*

* Introductory Excerpt from *Guidance for Mental Health Professionals Serving Unaccompanied Children Released from Government Custody* (**link**: <https://youthlaw.org/wp-content/uploads/2021/11/2021_Guidance-for-Mental-Health-Professionals-Serving-Unaccompanied-Children-Released-from-Government-Custody.pdf>)
	+ Read PDF pages 5, 7-19
* *Flores* Motion to Enforce re: Emergency Intake Sites (**link**: <https://youthlaw.org/wp-content/uploads/1997/05/Flores-v.-Garland-Pls-Motion-to-Enforce-8.9.2021.pdf>)
	+ Read PDF pages 3-33 (*Memorandum in Support of Motion to Enforce re: Emergency Intake Sites*)
* *Flores* Response to ORR Juvenile Coordinator Report (**link**: <https://youthlaw.org/wp-content/uploads/1997/05/1136_Resp.-to-ORR-JC-Report-and-Exhibits.pdf>)
	+ Read PDF pages 47-60 (Exhibits E and F)

Camilo Montoya-Galvez, *Migrant children endure “despair and isolation” inside tent city in the Texas desert*, CBS News, June 22, 2021, <https://www.cbsnews.com/news/immigration-migrant-children-fort-bliss-tent-city-texas/>.

**Trafficking and human rights**

**Lecturer: Cathy Zimmerman**

**Readings:**

**18- March 14: The Right to Housing**

**Lecturer: Ralph Madlate**

**Readings:**

* Wilson, S. (2020). The right to adequate housing. *Research Handbook on Economic, Social and Cultural Rights as Human Rights*, 180-201.
* Tars, E. (2018). Housing as a human right. *National Low-Income Housing Coalition*.
* UN The Right to Adequate Housing Fact Sheet No. 21 (Rev. 1)

**19- March 19: Climate Change, Wildfires, and Human Rights in California communities**

**Lecturer: Linda Gordon**

**Readings:**

* Barry Levy et al., “Climate Change, Human Rights, and Social Justice,” *Annals of Global Health*, Vol. 81, No. 3, 2015
* Annie Rosenthal, Eric Stover, and Rohini Haar, “Health and social impacts of California wildfires and the deficiencies in current recovery resources: An exploratory qualitative study of system-level issues,” *Plos One*, 26 March 2021
* Abraham Lustgarten & Meredith Kohul, “How Climate Migration Will Reshape America,” *New York Times*, 15 September 2020

**20: March 21: Climate, health and human rights**

**Lecturer: Cara Schulte, Climate Rights International; Berkeley DrPH Candidate**

**Readings: TBD**

* [**Challenges to Protecting the Right to Health under the Climate Change Regime**](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8694293/)
* [**Birth-in-a-Burning-World.pdf (whiteribbonalliance.org)**](https://whiteribbonalliance.org/wp-content/uploads/2023/11/Birth-in-a-Burning-World.pdf)
* [**Swiss Seniors Are Suing Over Climate Change's Threat to Their Health | Smithsonian Magazine**](https://www.smithsonianmag.com/smart-news/swiss-seniors-are-suing-over-climate-changes-threat-to-their-health-180982676/)
* [**Protecting People from Extreme Heat | Human Rights Watch (hrw.org)**](https://www.hrw.org/news/2022/07/21/protecting-people-extreme-heat)

**21: April 2: Reproductive Rights**

**Lecture: Ndola Prata, School of Public Health, Berkeley**

**Readings: TBD**

**22: April 4:**

**23: April 9: Development and Enforcement Gaps in Domestic Violence Laws in Pakistan**

**Lecturer: Mahwish Moazzam**

**Readings:**

* Chapter 2. Characteristics of Domestic Violence, Domestic Violence Law, D. Kelly Weisberg, ©2019 West Academic Publishing
* Part V (D), Violence Against Women, Women’s Rights are Human Rights, United Nations Publications, Page 73-85

<https://www.ohchr.org/sites/default/files/Documents/Events/WHRD/WomenRightsAreHR.pdf>

**24: April 11: Safety for Women Workers in Global Garment Supply Chains**

**Lecturer: Sanchita Saxena**

**Readings:**

* Sanchita Banerjee Saxena et al., Chapter 15: How the Pandemic Has Impacted the Various Layers of the Global Garment Supply Chain
* Institute for Human Rights and Business, *Rana Plaza 10 Years On: Lessons for Human Rights and Business*

**25: April 16: Protest movement and Free Speech**

**Lecturer: Rohini Haar**

Readings:

* US BILL OF RIGHTS.
* Executive Summary and explore: Lethal In Disguise: lethalindisguise.org
* Marantz, Andrew. "How social-media trolls turned UC Berkeley into a free-speech circus." *The New Yorker* (2018). Available at: https://www.newyorker.com/magazine/2018/07/02/how-social-media-trolls-turned-uc-berkeley-into-a-free-speech-circus
* Explore: <https://freespeech.berkeley.edu/>

**26: April 18: Mass Incarceration & Immigration Rights**

**Speaker: Alison Parker**

**Readings:**

* Texas’ chaotic and deadly response to migration: <https://www.hrw.org/report/2023/11/27/so-much-blood-ground/dangerous-and-deadly-vehicle-pursuits-under-texas-operation>
* Racial discrimination in the United States (maybe focus on the chapter: “Racial Discrimination in Public Services and Social Protection”) <https://www.hrw.org/report/2022/08/08/racial-discrimination-united-states/human-rights-watch/aclu-joint-submission>

**27: April 23: HR and Artificial Intelligence**

**Speaker: Betsy Popken**

**Readings:**

* UN Human Rights Office of the High Commissioner, *Taxonomy of Human Rights Risks Connected to AI*, 2023.

**28: April 25: Local change in California on use of force in prisons**

**Speaker:** John Lindsay-Poland

**Readings:**

* Brett Sholtis, “In county jails, guards use pepper spray, stun guns to subdue people in mental crisis,” National Public Radio, January 2, 2023, at: https://www.npr.org/sections/health-shots/2023/01/02/1137208190/in-county-jails-guards-use-pepper-spray-and-stun-guns-to-subdue-people-in-mental
* Executive Summary and explore: *Equipped for War: Exposing Militarized Policing in California*, <https://afsc.org/equipped-war-exposing-militarized-policing-california>
* Letter to California Attorney General Rob Bonta on law enforcement compliance with AB481, January 2023: <https://afsc.org/newsroom/january-2023-followup-letter-attorney-general-bonta-issue-guidance-ab481-compliance>

**29: April 30: Women’s Rights in Afghanistan Before and After the Taliban**

**Speaker: Khwaga Ghani**

**Readings:**

* UN Women, “Women in Afghanistan from everywhere to nowhere,” 15 August 2023
* UN Human Rights Office of the HighCommissioner, UN Experts Say 20 Years of Progress and Girls’ Rights Erased Since Taliban Takeover, 8 March 2023
* Muzhada Akbari, “17-Year-Old Activist Writes about Growing Up in Afghanistan and Her Hopes for the Future,” Malaia Fund, 14 June 2023

**30: - May 2: Wrap Up and Evaluations**

Lecturers: Rohini Haar, Eric Stover

Readings: None