

Draft: 1 Mar 2022

Legal Studies 154
Human Rights Research and Practice
Spring 2022

T / TH 2:00 – 3:29 PM
Wheeler 212 – 4 units

This course provides an overview of international human rights, including the field's historical and theoretical foundations; the jurisprudence of international human rights; empirical insights from disciplines such as sociology, psychology, history, and anthropology; and emerging trends in human rights practice.

Instructors

Alexa Koenig

Executive Director, Human Rights Center and Lecturer, School of Law

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Office hours: T 9-10 am or by appointment

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Rohini Haar

Adjunct Professor, Division of Epidemiology, School of Public Health

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Eric Stover

Faculty Director and Adjunct Professor of Law and Public Health

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

GSI Contact Information

Haley Anderson

PhD Student, Jurisprudence and Social Policy

Email: hsanderson@berkeley.edu

Sections: T 8-9am, W 8-9am

Office hours: TH 3:45-5:15pm, Free Speech Movement Café patio, or by appointment.

Raj Bhargava

PhD Student, Jurisprudence and Social Policy

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Sections: M 10-11, M 12-1

Office hours: Zoom office hours TBA or by appointment

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. Although this course is lecture format, we will spend a considerable amount of time reading and discussing the assigned topics. 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 (if available). Please consider asking another student to record the lecture for 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*. Unless you have a DSP accommodation, 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.

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 10.**
- Final Research Concept Note (40% of grade). **Due May 6.**

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 “Files” folder of the Bcourses website for the course.

SUMMARY OF CLASSES

SECTION	Classes			
FOUNDATIONS OF HUMAN RIGHTS	1	Jan 18	Introduction	Koenig/Stover/Haar
	2	Jan 20	Foundations of International Humanitarian Law (IHL)	Stover
	3	Jan 25	IHL in practice: Attacks on Health	Haar
	4	Jan 27	Foundations of Human Rights Law	Koenig
	5	Feb 1	Foundations of International Criminal Law (ICL) [Stover], Universal Jurisdiction [Koenig]	Stover/ Koenig
	6	Feb 3	Transitional Justice	Stover
	7	Feb 8	Forensic Investigation of the Disappeared	Stover
	8	Feb 10	Civil Liberties and Human Rights	Haar
	9	Feb 15	Research Ethics and Ethical Codes of Conduct	Haar
	10	Feb 17	Digital Investigations	Koenig
	11	Feb 22	Resiliency and Digital Ethics in Human Rights Practice	Koenig
	12	Feb 24	Torture	Haar
	13	March 1	Afghanistan Today	Kwaga Ghani
	14	March 3	Medical and Social Consequences of Land Mines	Stover
MIDTERMS	15	March 8	Midterm Preparations	Bhargava/ Anderson
	16	March 10	MIDTERM	Bhargava/ Anderson
RESEARCH FUNDAMENTALS	17	March 15	Research: Methods & Design, and Concept Note	Koenig/Haar/Stover
HUMAN RIGHTS PRACTICE	18	March 17	Refugees, Asylum and Persecution	Susan Gzesh
SPRING BREAK		March 21-25	SPRING BREAK	
HUMAN RIGHTS PRACTICE (continued)	19	March 29	Reproductive Rights	Koenig
	20	March 31	Climate Justice	Kelly Matheson

	21	April 5	Critical Approaches to International Law	Bhargava/Anderson
	22	April 7	TBD	Bhargava/Anderson
	23	April 12	Protest Movements and Freedom of Assembly and Speech	Haar
	24	April 14	Mis/Disinformation	Koenig
	25	April 19	Prisons and Racial Disparities Based on Health	Jennifer James
	26	April 21	Unaccompanied Children in Federal Custody and Emergency Intake Sites	Melissa Adamson
	27	April 26	Business & Human Rights	Faris Natour
SYNTHESIS	28	April 28	Wrap Up and Evaluations	Koenig/Stover/Haar

CLASSES

Tues, Jan 18: Introduction to the Course

Lecturers: Alexa Koenig, Rohini Haar, and Eric Stover

Readings: Syllabus

Thurs, Jan 20: Foundations of International Humanitarian Law

Lecturer: Eric Stover

Readings: American Red Cross, "Development of International Humanitarian Law," April 2011 and R. Slye and B. Van Schaack, "The Legal Regulation of Armed Conflict," in *Essentials: International Criminal Law* (Chapter 6).

Tues, Jan 25: International Humanitarian Law: Attacks on Health Care

Lecturer: 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.

Thurs, Jan 27: Foundations of Human Rights Law

Lecturer: Alexa Koenig

Readings: Dermot Groome, *Handbook of Human Rights Investigations*, pages 1-36

Tues, Feb 1: Foundations of International Criminal Law and Universal Jurisdiction

Lecturer: Eric Stover & Alexa Koenig

Readings: Maria Nystedt (ed.), *A Handbook on Assisting Criminal Investigations*, National Defence College, 2011 (Chapters 2-3).

Skim Storymap for [Chemical Weapons Attack in Eastern Ghouta, Syria](#) (available online)

Thurs, Feb 3: Transitional Justice

Lecturer: Eric Stover

Readings: "The Landscape Beyond Justice," in Roht-Arriaza and Marie Currena, *Transitional Justice in the Twenty-First Century*, Cambridge University Press.

Watch PBS Documentary "Tulsa: The Fire and the Forgotten" about the reckoning with the 1921 Tulsa race massacre:

<https://vimeo.com/545086636>

Password: Tulsa_PBS

Tues, Feb 8: 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*

View:

http://www.pbs.org/newshour/bb/science-jan-june07-dna_02-15/
https://www.ted.com/talks/fredy_peccerelli_a_forensic_anthropologist_who_brings_closure_for_the_disappeared?language=en.

Thurs, Feb 10: 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.

Tues, Feb. 15: 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.](#)

Illich, I. (1968) To hell with good intentions

The Hippocratic Oath. See https://www.nlm.nih.gov/hmd/greek/greek_oath.html
Declaration of Helsinki, 2018.

Thurs, Feb 17: Digital Investigations

Lecturer: Alexa Koenig

Readings: Nyer, "Forword," *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

Tues, Feb 22: Resiliency and Digital Ethics in Human Rights Practice

Lecturer: Alexa Koenig

Readings: Please explore the [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*

Thurs, Feb 24: 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>

Tues, March 1: Afghanistan Today

Lecturer: Khwaga Ghani, Visiting Practitioner-Scholar, Human Rights Center

Readings:

<https://news.berkeley.edu/2021/11/22/taliban-gunshots-echo-through-khwaga-ghanis-new-life-at-berkeley/>

Listen to:

<https://www.kqed.org/forum/2010101887009/humanitarian-crisis-in-afghanistan-raises-fears-in-bay-area-afghan-community>

Thurs, March 3:

Medical and Legal Consequences of Land Mines

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).

Tues, March 8: Midterm Preparations

Lecturer: Haley Anderson and Raj Bhargava

Readings: None

Thurs, March 10: MIDTERM

Tues, March 15: Research: Methods and Design, and Concept Note

Lecturers: Alexa Koenig, Rohini Haar, Eric Stover

Readings: Wayne Booth et al., *The Craft of Research*, "Part II: Asking Questions, Finding Answers."

The Right Toolkit: Applying Research Methods in Human Rights, Human Rights Center, UC Berkeley School of Law, April 2012.

Concept Notes Guidelines and Sample Concept Notes 1 & 2

Thurs, March 17: Refugees, Asylum and Persecution

Lecturer: Susan Gzesh, University of Chicago

Readings: TBD

SPRING BREAK: MARCH 21-25

Tues, March 29: Reproductive Rights

Lecturer: Alexa Koenig

Readings: Please listen to Reveal Podcast on reproductive justice [link to come].

Thurs, March 31: Climate Justice

Lecturer: Kelly Matheson

Readings: TBD

Please review website for Our Children's Trust at ourchildrenstrust.org

Tues, April 5: Critical Approaches to International Law

Lecturer: Haley Anderson and Raj Bhargava

Readings: TBD

Thurs, April 7: TBD

Lecturers: Haley Anderson and Raj Bhargava

Readings: TBD

Tues, April 12: Protest Movements and Freedom of Assembly & Speech

Lecturer: Rohini Haar

Readings: US BILL OF RIGHTS.

(intro, conclusion and 1 case study of your choice) International Network of Civil Liberties Organizations. Take back the streets: Repression and criminalization of protest around the world. October 2013. Available at:

<https://files.inclo.net/content/pdf/18/take-back-the-streets.pdf>

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/>

Thurs, April 14: Mis/Disinformation and Human Rights Practice

Lecturers: Alexa Koenig

Readings: TBD

Tues, April 19: Prisons and Racial Disparities Based on Health

Lecturer: Jennifer James

Readings: Richie, Beth E. & Erin Eife. "Black Bodies at the Dangerous Intersection of Gender Violence and Mass Criminalization." *Journal of Aggression, Maltreatment & Trauma* (2020).

Hayes, Crystal M, Carolyn Sufrin & Jamila B. Perritt. "Reproductive Justice Disrupted: Mass Incarceration as a Driver of Reproductive Oppression." *AJPH Perspectives* (2020).

Scott, Michele. "What It's Like To Be Trapped In A Women's Prison During A Pandemic." *Elle* (2021).

Goodwin, Michele. "The New Jane Crow: Women's Mass Incarceration." *Just Security* (2020).

Thurs, April 21:

Unaccompanied Children in Federal Custody & Emergency Intake Sites

Lecturer: Melissa Adamson

Required Reading*: *Recommend reading in this order. Please note the selected page ranges for each reading.

1. 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)
- a. Read PDF pages 5, 7-19
 2. *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>)
 - a. Read PDF pages 3-33 (*Memorandum in Support of Motion to Enforce re: Emergency Intake Sites*)
 3. *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)
 - a. Read PDF pages 47-60 (Exhibits E and F)
 4. 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/>.

Tues, April 26: Business & Human Rights

Lecturer: Faris Natour

Readings: UN Office of the High Commission for Human Rights, *Guiding Principles on Business and Human Rights*, 2011, Geneva & New York

Thurs, April 28: Wrap Up and Evaluations

Lecturers: Alexa Koenig, Rohini Haar, Eric Stover

Readings: None