



SEMESTER AT SEA®

SEMS 290: The Practice of Human Rights Protection
Summer 2009
Daily while at Sea, 10:00 - 12:00

“To maintain and transmit a value system, human beings are punched, bullied, sent to jail, thrown into concentration camps, cajoled, bribed, made into heroes, encouraged to read newspapers, stood up against a wall and shot, and sometimes even taught sociology.” —*Barrington Moore, Jr*

Instructor:

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Office Hours: Tuesdays and Thursdays, 13:30 - 14:30 and 19:00 - 20:00 in the Library

Textbooks:

Ishar, M., 2007. *The Human Rights Reader*, 2nd edition

Mertus, J., 2005. *United Nations and Human Rights: A Guide for a New Era*, 1st edition

Minnow, M., 1999. *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*, 1st edition

Course Description:

The Practice of Human Rights Protection is an introductory course in human rights law, international relations, and conflict. The seminar (PHRP) is designed to give students an introduction to the horrors that humans face around the world with particular focus on the home ports that will be visited during the Semester at Sea Summer 2009 voyage. PHRP will focus on a wide range of issues from legal protections offered by the international community, especially the United Nations

and European Union, to the role of diplomacy, norms and power in determining where human rights abuses are pursued. The seminar will tackle a plethora of problems concerning human rights: including the role of rape as a tool of war, minority rights, legal and moral arguments concerning the differences between rights, and the role of religion in protecting or harming human rights, and best practices in promoting human rights. The course will culminate with a mock trial based on the International Criminal Court's proceedings and jurisdiction. Students will be placed in the role of judge, prosecutor, defendant, or witness and will battle each other in a trial of wits and legal prowess.

Course Objectives:

This course should familiarize students with different mechanisms at the disposal of victims of human rights abuses, both at the international level, as well as the domestic level. By the end of the semester, students should be able to compare and contrast different states abilities to protect, promote, and circumvent human rights protections.

This course should also work as an introductory course for basic problems in international relations and diplomacy, international law, and conflict resolution and reconciliation. It is here, in the recesses of these fields that human rights abuses occur. Finally, The Practice of Human Rights Protection should work as a springboard for students interested in the field. By the end of the semester, students should begin to understand the complexities behind the international system of human rights protections, both the good and the bad and their own role in the system.

Prerequisites

There are no prerequisites. Although an understanding of international relations and human rights will be helpful. In order to best prepare for this course (and life), students should read international newspapers daily along with reading required class materials.

Graphic Nature of the Material

This course covers material of a very graphic nature. Discussions and audio / video presentations may contain graphic nature. Students who feel uncomfortable with this material may be excused during the duration of the presentation of such material. Yet, I do suggest students pay attention to such material. It is disturbing. However, the issues that lead up to any type of intervention are by their very nature graphic. The material is not used to shock students but is intended to educate.

Your grade will be based on the following:

Field Component (see below) 20%
Policy Analysis and Perception Paper 20%
— Each member of the class will be asked to turn in a 2-3 page paper. This paper should include the following:

1. The student's initial perception of positive and negatives concerning human rights issues for one port visited during the voyage
2. A cursory amount of background information concerning their port of choice (IE the political and legal constraints that hinder or promote human rights protection)
3. A small list of potential remedies

Final Paper 30%
— The final paper will be another policy analysis paper. However, this time instead of focusing on one of the home ports, students are asked to compare and contrast at least 4 of the states visited

on the voyage. Students should by now, be able to pick out how states are trying to circumvent human rights protections as well as best practices. An excellent paper will be able to put home ports visited in context with other states around the world, such as the United States. This paper will be 5 pages long. Participation 30%
— Besides the FDP, class participation is the most important element of a semester at sea program. That is why class participation is weighted so high. I will judge participation on the following basis:

Field Component:

Twenty percent of the contact hours for each course is provided by fieldwork.

VAR05 HUMAN TRAFFICKING PROBLEMS

Human trafficking is one of the gravest situations facing at-risk individuals in the world today. Unfortunately, it is also one of the least publicized crimes. This combination leaves individuals vulnerable to labor trafficking, child trafficking, and sex trafficking, just to name a few. After the fall of the Soviet Union, the East became a funnel for trafficking people into Western Europe. Recently, victim assistance efforts have increased but there is still a long road ahead due to government complacency and organized crime. Since the fall of the communist regime in 1989, Bulgarian society has faced many rent problems and hardships. With no salaries or funds to survive, many Bulgarian girls became victims of human trafficking while searching for a better future. Many of the victims are from Eastern Europe and the former Soviet Union Bulgaria, Romania, Poland, Russia, Ukraine, etc. We will meet with specialists from NGOs that struggle with trafficking. They will tell us about the victims psychology and ways to prevent human trafficking. This practicum will help students understand a less well-known plague in the field of human rights, particularly concerning the most vulnerable people in society women and children. Further, it will illustrate how governments must step up their efforts if they want to rid themselves of stigmas and join the Western world.

Requirements for the FDP

Students are required to undertake one FDP, which will constitute 20% of their final grade for The Practice of Human Rights Protection. The requirements for successfully completing the FDP are as follows:

- Students must attend the FDP offered above. If students cannot attend one of the FDP above, it must be for a legitimate reason.
- If students cannot attend the Trafficking FDP, they must meet with me to discuss appropriate alternatives, as soon as possible.
- Students are required to prepare a 5 minute presentation to be presented in seminar. A successful presentation will incorporate at least some of the following components: materials found during their field study, photographs, anecdotes, and if needed, a theoretical framework.
- In preparing for their presentations, students should turn in an outline (roughly 1 page) on the day of or before their presentation

Grading:

This is a seminar course. Therefore, class participation is very important. Please come to class prepared to critically address the materials assigned. If you do not come prepared, it will be obvious to both the professor and your peers and you will fail to make the most of this opportunity. Since this is a summer course, the readings have been reduced. You will be assigned roughly 60 pages

per night, sometimes more, sometimes less. You do not have to read every page, the point is get the general ideas.

Academic Honesty:

Students must sign the Honor Pledge on each assignment. Cheating of any kind will be punished according to the dictates of the Honor Code of the University of Virginia.

Course Outline:

18 June 2009 (C01) - Introduction to the modern roots of human rights protection

Major themes and questions: Analyze where legal human rights protections came from and where these protections are going in the future. What is the role of WWI and WWII in the human rights paradigm?

- Ishay, *The United States Declaration of Independence (1776)*, pp. 488-489
- Ishay, *The Declaration of the Rights of Man (1789)*, pp. 490-491
- Ishay, *The United Nations Universal Declaration of Human Rights*, pp. 493-496
- *Human Rights World Report 2009*, pp. 1-33 on electronic reserve

19 June 2009 (C02) - Where human rights protection is waged

Major themes and questions: What is the nature of non-treaty body protections offered by the United Nations? Are these mechanisms effective? Compare the charter bodies to the declarations from C01. What do you see? What role does competition and international relations play in the United Nations?

- Mertus, Chapter 1 required (pp. 1-8) and chapter 2.
- Michael Barnett and Raymond Duvall, *Power in International Politics*, International Organization, January 2005, pp 39-57, 62-66, suggested, on electronic reserve
- P. Alston, "Conjuring Up New Human Rights: A Proposal for Quality Control," 78 *Am J. Int'l. L.* 607, 1984, suggested, on electronic reserve

20 June 2009 (C03) - International legal protections: An overview

Major themes and questions: Compare the Charter bodies to the treaty-based bodies what are the differences What are the strengths and weaknesses of the treaty-based bodies? Which do you believe is more effective?

- Mertus, Chapter 4
- M. Joel Voss, RUDs on electronic reserve
- <http://www2.ohchr.org/english/law/> - Please take a brief look at all of the different protections offered by the United Nations

21 June 2009 (C04) - Case Study 1: Italy and the CESCR

Major themes and questions: After reading two annual reports by the CESCR, do you think conditions have improved or worsened in Italy, especially concerning the Roma population? What suggestions does the CESCR offer to Italy? What actions can Italy undertake to implement the suggestions by the CESCR in good faith?

- Ishay, *International Covenant on Economic, Social, and Cultural Rights (1976)*, 513-518
- Substantive Issues on electronic reserve
- CESCR Report from 2000 on electronic reserve
- CESCR Report from 2004 on electronic reserve

22 June 2009 (C05) - Case Study 2: Spain and the CESCR

Major themes and questions: Compare Spain's two reports (1996 and 2004) what are your general conclusions? How does Spain compare to Italy? Do you think that being a member of the European Union greatly alters human rights conditions within member countries (remember your stance on this for the future)?

- CESCR Report from 1996 on electronic reserve
- CESCR Report from 2004 on electronic reserve
- Special Guest Lecturer David Gies

23 June 2009 (C06) - Wrap up theory and practice thus far - debate (s) what do you think will be the most effective location for protecting human rights?

Major themes and questions: Should human rights protections be top-down or bottom-up? What are the strengths and weaknesses of each approach? Is the international human rights system heading in the right direction?

- Ife, Chapters 2, pp. 29-34, 44-47; Chapter 5, pp. 89-103 (skim); Chapter 6, 128-134; 8, pp 135-139; 145-150
- Hand out paper 1 due 30 June 2009

28 June 2009 (C07) - The role of war and human rights; human rights as a foreign policy tool

Major themes and questions: Is there a place for morality in foreign policy? If so, should morality and norms take precedence over other rational considerations?

- George F. Kennan, "Morality and Foreign Policy," *Foreign Affairs*, Winter 1985/86, pp. 205-218 on electronic reserve
- Kenneth Watkin, Controlling the Use of Force: A Role for Human Rights Norms in Contemporary Armed Conflict, *The American Journal of International Law*, Vol. 98, No. 1. (Jan., 2004) pp. 11- 14. 34 (conclusion) on electronic reserve
- R2P pp. XI XII, 1-8, 11-17, 69-77 on electronic reserve

29 June 2009 (C08) - More on war and human rights atrocities; special focus on women and children

Major themes and questions: Even though numerous organizations and instruments including the Geneva Conventions, call for protection against non-combatants, atrocities are routine. In fact, in some cases, women and children are targeted because of their inability to fight back. What is being done to protect women and children now? What more should be done?

- United Nations General Assembly Document calling for protection for Women and Children in War on electronic reserve
- Ishay, pp. 373-388; 497-99
- Human Rights Watch Report, Serb Gang-Rapes in Kosovo Exposed <http://www.hrw.org/en/news/2000/03/2/gang-rapes-kosovo-exposed>, suggested
- Human Rights Watch Report, DR Congo: Tens of Thousands Raped, Few Prosecuted <http://www.hrw.org/en/congo-tens-thousands-raped-few-prosecuted>, suggested

30 June 2009 (C09) - Case Study 3: Croatia, the former Yugoslavia and the ICTY

Major themes and questions: During the fall of the former Yugoslavia, different states were affected in different ways. Each state responded in different manners, ranging from full complicity with the demands of the international community (ICTY) to full recalcitrance. What role did Croatia play? How has the war changed Croatia?

— Alistair Finlin, *The Collapse of Yugoslavia 1991-1999* (Essential Histories) sections on Croatia and the beginnings of the Conflict on electronic reserve
— <http://www.icty.org/> - The International Criminal Tribunal for the Former Yugoslavia Please take a look at the history of the Tribunal and its mandate
— 2004 Statement by the Minister of Foreign Affairs for Croatia on electronic reserve — Paper 1 Due

6 July 2009 (C10) - Wrap up theory and practice thus far - debate (s) on the role of the state in protecting human rights

Major themes and questions: This class deals with the role of humanitarian intervention. Should states intervene in another states sovereign territory? If so, on what grounds and to what degree? Is there a tipping point?

— Parekh, Bhikhu (1997). *Rethinking Humanitarian Intervention*. *International Political Science Review*, 18(1):49 (skip pp. 60-65) on electronic reserve

— Aryeh Neier, "The New Double Standard," in *Foreign Policy* (Winter 1996-1997), pp. 91-106 on electronic reserve

— Special Guest Lecturer Loretta Sanchez

11 July 2009 (C11) - Case Study 4: Greece, Turkey and the EU / Present Practica Presentations (Tentative)

Major themes and questions: Greece is a member of the EU. Turkey wants to become a member. Cyprus is a member of the EU. What role did each of these states play in the Conflict over Cyprus? At what point (if any) should bygones be bygones? What role does the European Union play in mediating conflicts? Is Turkey European?

— Joseph S. Joseph, *Cyprus: Ethnic Conflict and International Politics From Independence to the Threshold of European Union* New York: 1997, on electronic reserve

— George S. Harris, *The European Union and Turkey* on electronic reserve

— The Annan Plan pp. 8-18 on electronic reserve

— Read the historical overview of Cyprus, paying particular attention to the Conflict. (brief reading), suggested

17 July 2009 (C12) Ethnic minorities and religious practice versus the State and the role of the UN

Major themes and questions: The international community is a quandary. Does the freedom to practice religion outweigh the freedom against discrimination? How does the international community rank freedoms? Is it possible?

— United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief on electronic reserve

— United Nations Declaration on the Elimination of all forms of religious intolerance on electronic reserve — Islam: Governing under Sharia on electronic reserve

— CEDAW and Responses to Questions. Read for Sharia law contentions on electronic reserve

— Huntington, Samuel (1993). "Clash of Civilizations." *Foreign Affairs*. Summer, 72(3):22-49, on electronic reserve

— Tentative: Guest Speaker Randal Archibold on immigration and border issues

23 July 2009 (C13) Trafficking in Persons: Bulgaria and South East Asia

— *The Ties that Bind*, pp. 20-33, 36-44, 55-70 (in general, skim for areas of interest as well) on electronic reserve

- TIP 2009, pp. 89-90 on Bulgaria, I highly suggest skimming the introduction. This is an amazing document. On electronic reserve
- The Facts.html, on electronic reserve
- Moldova Assessment May 2007, suggested, on electronic reserve

28 July 2009 (C14) - International relations and human rights: hypocrisy in action?

Major themes and questions: Terrorism, torture, and human rights are words hot on the lips of everyone lately. This class analyzes the position of the United Nations and the United States (particularly since the invasion of Iraq). Is torture justifiable?

- United Nations Convention Against Torture on electronic reserve
- Jordan Paust, "Human Rights, Terrorism and Efforts to Combat Terrorism"
- The Ticking Time Bomb Scenario on electronic reserve
- CFR analysis on Guantanamo on electronic reserve

29 July 2009 (C15) - Case Study 7: Egypt

Major themes and questions: Taking into account class C14, today's seminar focuses on the role of torture in Egypt. What is Egypt's position? Is this position to be taken seriously given the evidence? Compare Egypt with the United States what do you think?

- 2003 Amnesty Report on Egypt and Torture on electronic reserve
- Human Rights Watch Report on Egypt and Torture on electronic reserve

4 August 2009 (C16)- Intervention and human rights atrocities (off the beaten path) /

Major themes and questions: So far we've focused mainly on states that were visited during Semester at Sea. However, it's important to broaden our knowledge even further. That's the point of Semester at Sea, right? Today, we will focus on some of the major human rights catastrophes of the 20th century. How do they relate to problems we've studied thus far? Is there a structural issue at hand or are violations contextual?

- Philip Gourevitch, "Letter from Rwanda: After the Genocide," *The New Yorker* (Dec. 18, 1995) pp. 78-95 on electronic reserve
- Samantha Power, *A Problem from Hell: America and the Age of Genocide* (Perennial paperback); Chapter 6 on electronic reserve

5 August 2009 (C17) Reconciliation and Rebuilding Part I

- Martha Minow, *Between Vengeance and Forgiveness*, Chapters 1-2, skim 3

6 August 2009 (C18) - Reconciliation and rebuilding

Major themes and questions: The majority of this voyage has dealt with horrible abuses, perpetrated by individuals and states. The next two days will focus on the good in human rights protection. Today's class will focus on what happens in a post-conflict scenario. Are there best practices to solving long term problems? If so, what do you suggest? What do these practices mean for the international community?

- Martha Minow, *Between vengeance and forgiveness*, Chapters 6, skim 4-5
- <http://www.trcsierraleone.org/drwebsite/publish/index.shtml> Sierra Leones TRC "Shaw"
- United States Institute for Peace analysis on electronic reserve

8 August 2009 (C19) - Investigating human rights abuses, war crimes, and crimes against humanity

Major themes and questions: The core of today's class is learning how the ICC works and then

preparing for the mock trial, which will take place over the next three days. Students should familiarize themselves with the ins and outs of admissibility and rules of procedure for the trial.

- International Criminal Court homepage Read the statute; pay special attention to admissibility criteria (pp. 3-16) on electronic reserve
- The Rules of Procedure for the ICC on electronic reserve
- Go over the general process

13 August 2009 (C20) - Best practices in human rights protections

Major themes and questions: Today will focus on best practices, including grassroots movements. What can we learn from Ife? What are examples that you've read about? Are grassroots movements better or complementary to top-down human rights protections?

- Ife, Chapters 9 - 12
- Hand out final paper

14 August 2009 (C21) FDP Presentations Day 1

15 August 2009 (C22) FDP Presentations Day 2

16 August 2009 (C23) Finish up FDP Presentations. General Overview: What have you learned? Final thoughts?

Major themes and questions: Now that the course has come to a close and you've learned as much as you can in a brief setting about the protection of human rights, the final class will debrief each member, asking you, "What have you learned? What do you think the future holds? Are we moving in the right direction?" Further, will recap the ups and downs of the ports of call that we've visited; the best and worst practices.

- Mertus conclusions
- Final Paper Due