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This syllabus is subject to revision. Please be sure to check your email and course website—at least 2 days prior to class—for updates or revisions. I am always available to answer questions and meet with you with enough notice. Please visit during office hours or email (or call) to set up an appointment.

If there is enough interest, I will also schedule regular review sessions to clarify or amplify points made in class or in readings.

If there is something you do not understand or material or reading is not available or accessible when you need it, PLEASE ASK (but not at the last minute!)

Course Overview

This course is designed to teach the prospective human rights advocate the various channels available for pursuing human rights claims as well as the methods that may be used to advocate for human rights protection. The course will cover assorted global, regional and domestic (U.S.) mechanisms and instruments available for addressing human rights abuses, as well as methods of addressing abuses by more informal means, e.g., the influence of civil society and U.S. foreign policy. We will draw on the experience of practitioners and academics from other disciplines and engage in simulations and other professional skills exercises in such areas as adjudication, negotiation, policy advocacy, investigation, reporting, monitoring and media advocacy.
Course Grading

Grades will be based on:

(1) a series of NINE short written exercises which draw from/incorporate the assigned readings, class discussion and/or guest speaker remarks (50%); and

(2) attendance and active participation in course discussion and skills exercises (50%).

You will receive further written instructions and guidance on particular assignments. Each written exercise will be worth a total of 25 points,\(^1\) based on analysis, organization, clarity, creativity, succinctness, and where appropriate, citation to/reflection on class readings.

There is no required distribution of grades, i.e. no mandatory grading curve.

Course Reading Materials


(2) Articles, cases, reports and other readings posted on the course website.

Week One: Sept. 24, 26 - Critical Activism, Strategy and Ethics

** Please submit a hard copy statement of: your background (educational, experiential, etc.) and 3 to 5 learning objectives for this course (be as specific as you can). Maximum: ½ to 1 page. Due: Sept. 27.

READ

Scott L. Cummings, The Internationalization of Public Interest Law, 57 Duke L. J. 891 (2008) [pp. 969-993 and 1006-1036].


Campaigning for Justice Chptr. 3 (Defeating the Election of Human Rights Abusers to the UN Human Rights Council).

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\(^1\) The first exercise (Oct. 3) does not count toward your grade.
Some questions to consider:

How have regulation, public participation and resistance had an impact on the achievement of public interest goals in the era of globalization—based on your own advocacy experiences?

Does the description of the “elite vanguard [of lawyers] who use domestic courts” to promote individual rights and equality also hold true for lawyers in the international human rights arena?

Cunningham writes: “While the optimistic version of the movement to bring human rights home emphasizes the dynamic potential of integrating international human rights and domestic public interest law strategies, the pessimistic view sees the progressive turn toward human rights as the capstone achievement of domestic political conservatism, punctuating the demise of U.S. law as a progressive force for social change.” Which, if either, of these views do you hold? Why? Do you have a different version?

Compare success in human rights advocacy on the domestic front and abroad.

Discuss how some of the tactics of public interest law in the global age have been utilized in your own advocacy experiences.

Now that you have read about the politics behind Human Rights Council (HRC) membership, think about the kinds of violations you think you may want to raise in a COMPLAINT or in UNIVERSAL PERIODIC REVIEW. Is there a cause you have worked on in the past—using a different forum for adjudication or other advocacy—that might have some traction if brought before the HRC?

For some “quick-and-dirty” background, log onto http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx

**Week Two: Oct. 1, 3 – Business and Human Rights**

*Guest Speaker* Prof. Anita Ramasastry, UW School of Law

**READ:**

UN Guiding Principles for Business and Human Rights:  
Pt. IV and commentary dealing with human rights:
OECD Guidelines for Multinational Enterprises.

**SKIM** OECD Watch Manual for Filing Complaints with National Contact Points.

**READ** Case Summary information of case filed by NGOs against 6 companies re use of child labor to harvest cotton – link: [http://oecdwatch.org/cases/Case_194](http://oecdwatch.org/cases/Case_194).

With our guest speaker, we will explore the recent mechanisms put into place to challenge human rights violations committed by business entities, with a focus on procedures adopted by the United Nations and the Organisation for Economic Co-operation and Dev’t (OECD), largely influenced by UN Special Rep John Ruggie. We will look closely at the OECD complaint procedures, which rely on “National Contact Points (NCPs),” and we will see the role played by NGOs such as OECD Watch in the Uzbekistan case: [http://oecdwatch.org/cases/Case_194](http://oecdwatch.org/cases/Case_194).

Given the above OECD Case, and the UN and OECD mechanisms for filing complaints against business entities (in this case, the cotton dealers), you will meet in small groups to decide whether you might also file a complaint against Uzbekistan with the Human Rights Council (HRC) for forced labor policies and practices. You will want to look again at HRC procedures. And, you will want to take into account the present HRC membership (see above link) and recall the HRC election mechanics from your earlier reading.

You will have the whole class period on Thursday to meet in groups and come up with a group plan (2-page max). This can be in OUTLINE form or bullet points. You must also come to class on Thursday with your own INDIVIDUAL tentative plan before you meet with your group--also in the form of an outline or bullet points (2-page max).

**Week Three: Oct. 8, 10 – United Nations Human Rights Treaties and United States Ratification**

We will explore the United States’ position on becoming a party to some key United Nations human rights treaties. We will begin with a lecture discussion on Tuesday, followed by a simulation exercise on Thursday.

For our simulation, the class will convene as the Senate Foreign Relations Committee that has scheduled hearings to determine whether the U.S. Senate should consent to ratification of the UNCPD. The Committee will hear from NGO (non-governmental organizations) witnesses in favor and against and from the U.S.
Administration. You will be assigned a particular role on Tuesday and asked to come to class with written bullet points on Thursday.

**Written Assignment: TESTIMONY /TALKING POINTS (25 points)**

**SKIM:**


**READ:**


**SKIM:**

Secy of State/Pres. Transmittal Package

http://www.state.gov/documents/organization/211100.pdf
Week Four: Oct. 15, 17 - The Inter-American System

Guest Speaker Alejandra Gonza, Esq., Due Process of Law Fndn.

Our discussion begins with a review of the Inter-American procedures and law, and segues into the simulation exercise, based on a real U.S. case brought before the Commission (protection for families victimized by domestic violence). For the discussion and role play:

SKIM:

American Declaration on the Rights and Duties of Man; American Convention on Human Rights.

IACHR Rules of Procedure .


READ:


Inter-American Commission on Human Rights (IACHR) Case No. 12.626 Jessica Lenahan (Gonzales) v. United States.

Caroline Bettinger-López, Human Rights at Home: Domestic Violence as a Human Rights Violation, 40 COLUMBIA HUM. RTS. L. REV. 19 (2008) [Part II (pp. 29-34) & Part II(C)(pp. 38-50); Parts III & IV (pp. 50-66)].

For our simulation, we will focus on the merits of the case; the Commission has already determined the case is admissible. You will be testifying before Commissioners Gonza and Rosenbaum—as petitioners, respondent State or amici curiae. Please be ready to argue your points, to respond to your opponents and to answer questions from the Commissioners.

Written Assignment: WITNESS TESTIMONY TALKING POINTS (25 points)

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2 Optional: Read Parts I & II(A) & II(B) if you want to reinforce/review the information contained in IACHR Case No. 12.626 report.
Week Five: Oct. 22, 24 - Other Regional Human Rights Protection Procedures

READ:


For our simulation exercise, we will focus on the lack of a regional commission or court in Asia and will return to the disability rights “theme.” We will convene as an international working group considering whether to draft procedural guidelines for a new Asian regional tribunal.

RE-READ/SKIM:

UN Convention on the Rights of Persons with Disabilities and Optional Protocol.

Written Assignment: STAKEHOLDER TALKING POINTS (25 points)

CITE TO READINGS


Guest Speaker Prof. Beth Rivin, UW Schools of Medicine & Law, Global Health & Justice Project

SKIM:


READ:

General Comment 14 (ICESR)


After a presentation by Prof. Rivin on women’s health issues and general discussion on CEDAW, ICESCR, and implementation, monitoring and enforcement, we will convene as two fact-finding planning groups. One group, Las Americas Watch, will be making a site visit to Brazil in Winter 2014. The other group, Hemispheric Project on Reproductive Health will visit Peru in Winter 2014.

Americas Watch will be investigating the status of health care (not just reproductive health care) for women in Brazil and the Hemispheric Project group will be investigating the same for Peru. Each group should develop a plan for choosing delegation members, determining areas of focus, site visits, possible interviewees, methodology, interpreters, concerns about credibility, etc.

Written Assignment: FACT-FINDING INVESTIGATION PLAN (25 points)

Each of you should develop a FACT-FINDING INVESTIGATION PLAN (2 page max., 25 points; to be turned in on Oct. 31)—explicitly relying on Orenlichter, IBA Guidelines, the Brazilian or Peruvian factual situations as background as related in Kismödi article (and anything you learned in class on Tuesday and/or from personal experience) addressing delegation composition, areas of focus, site visits, possible interviewees, methodology, interpreters, concerns about credibility, etc.

Come to class Thursday with your plan and be prepared to discuss it with your fellow team mates. After each team has had a chance in class to synthesize plans,
you will present your plans to each other ORALLY (including questions and answers) and then we will debrief. Everybody on the team is expected to participate in the oral presentation.

**Week Seven: Nov. 5, 7 – SPECIAL RAPPORTEURS**

**READ:**

**CAMPAIGNING FOR JUSTICE** Chptrs. 2 (*Organizing for Decent Work for Domestic Workers*) & 4 (*Working with UN Special Rapporteurs*).


Nadim Houry, “Migrant Worker Rights Ahead of the 2022 World Cup,” *Perspectives* 24 (Nov. 2012);

**SKIM:**

*Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health* (UN, Anand Grover, 2012).

You will meet in 3 groups* to examine the status of migrant workers in Qatar. Each group is an international NGO with a focus on labor/employment conditions throughout the world. You do not have any particular perspective or role beyond being an advocate/lawyer staff member with a background in law. Each group also believes it has enough reliable information to conclude that there are violations occurring on the part of government and private employers and each group will consider whether identifying violations occurring in Qatar is best accomplished through: the appointment of a UN Special Rapporteur; an on-site fact-finding investigation; a communication or periodic review shadow report filed with a treaty monitoring body (e.g., CEDAW, ICCPR Committee) or with the Human Rights Council; or a filing with a National Contact Point (NCP) under the OECD Guidelines.

This is based on what you have read since the beginning of the quarter and what we have discussed in class.
On Thursday, each group will meet for about 20 minutes to reach consensus on 1-2 forum and to give a 15-minute presentation to the other 2 groups explaining its choice(s). Everyone in the group is expected to participate, so plan your time accordingly.

*Group A: Focus on all migrant workers in Qatar.

*Group B: Focus only on migrant women domestic workers in Qatar.

*Group C: Focus only on migrant workers employed outside of private households.

**Written Assignment: (25 points).** You do not need to review each available forum/option. But, you should write an analysis (not an outline) explaining the variables that favor the most viable option(s) and disfavor the most unsuitable option(s). There is no right answer. Just be prepared to support your choices.

**Week Eight: Nov. 12, 14 – Alien Tort Statute Litigation & Media Advocacy**

*Guest Speakers Steve Berman, Esq. and Shayne Stevenson, Esq. Hagens Berman LLP*

**Nov. 12:**

**READ:**


SKIM/READ (Optional):

*Kiobel v. Royal Dutch Petroleum Co.* [USSC Transcript]; 133 S.Ct. 1659 (2013) [opinion]

On Tuesday, the Hagens Berman attorneys will join us for a discussion of the prospects of litigation under the Alien Tort Statute (ATS) in light of the *Kiobel* case, decided by the US Supreme Court this past April. They will focus on pre- and post-*Kiobel* litigation strategies, including the potential of state court litigation. We will also discuss how a media strategy can be an important supplemental human rights advocacy tool.

Nov. 14

READ:

CAMPAIGNING FOR JUSTICE, Chptr. 9 (*Using New Technologies in the Campaign to Free Tibet*).

“Media Tools for Activists” ([http://activist-toolkit.wikispaces.com/Media+Tips](http://activist-toolkit.wikispaces.com/Media+Tips))


SKIM:


Written Assignment: MEDIA TALKING POINTS/PRESS RELEASE (25 points)

Please prepare a press release (1-1/2 page max.) regarding any of the human rights issues we have discussed to date in this class. You are writing on behalf of an NGO in order to focus on “the merits” (e.g., the plight of migrant workers in Qatar, pregnant girls in South America, Uzbeki child laborers, LGBTI community in Uganda, prisoners at Abu Ghraib) as part of an overall advocacy strategy. Use the on-line tips and samples and the Tibet experience recounted in chapter 9. “Media” can include social media.

You should also include 2-3 sentences explaining how the press release is part of your overall advocacy strategy. Finally, draft 3-5 questions you expect to be asked by a reporter and include your brief answers.
On Thursday you will present in class a couple sound bites, drawn from your press release, and your classmates will play the role of reporters asking questions. You will have 2-3 minutes to present and respond to 1-2 questions. Be ready to listen to your peers with your “reporter’s ears” (or hat) when they are doing presentations. Obviously, not everyone will ask questions for every presentation.

**Week Nine: Nov. 19, 21 LEGISLATIVE ADVOCACY**

**Guest Speaker** Prof. William Covington, UW School of Law

**READ:**


How a Bill Becomes Law
http://www.leg.wa.gov/legislature/Pages/Bill2Law.aspx

Tips for Effective Lobbying:
http://www.theoec.org/sites/default/files/HowTo_Checklist_09.pdf

**CAMPAIGNING FOR JUSTICE Chptr. 11 (Abolishing Sentences of Life Without Parole for Juvenile Offenders).**

**Written Assignment: LEGISLATIVE TESTIMONY BULLET POINTS**

(25 points, approx. 2 page max.)

You want to sponsor a bill in the State Legislature to address one of the US-based issues we have examined to date in class (e.g., domestic violence and state obligations; rights under the UN disability convention not otherwise covered in state or federal law; suing foreign corporations or gov’t. officials in federal court) or another issue near and dear to you.

Draft the main elements of the bill; you do not need to write the actual legislation — just bullet points about what you want the bill to accomplish. In addition to the bullet points, write 1-2 paragraphs about why a state representative or state senator should carry this bill (the “rationale”) and write 3-5 questions you may be asked by the representative or senator, or by their staff aide (and include your brief answer).

Be prepared to: (1) give 2 minutes of oral testimony in support of the bill (drawing from your written statement) before a Committee of the Legislature or by
“pitching” the bill to staff; and (2) role play a legislator or staff aide asking questions about another person’s bill.

**Weeks Ten & Eleven: Nov. 26, Dec. 3 – THE ROLE OF NGOs & CIVIL SOCIETY**

**Guest Speaker** Prof. Mary Kay Gugerty, UW School of Public Affairs (Nov. 26)

**Nov. 26**

**READ:**


**CAMPAIGNING FOR JUSTICE** Chptr. 10 (*Organizing for LGBTI Rights*).

Think particularly about what is a “transnational agency network?” Why and how do they emerge and how do they operate? Under what conditions can they have the most influence? When are they most likely to be effective, i.e., to achieve their goals? Be prepared to discuss how the questions raised about transnational advocacy networks can be applied to the Nepali and Jamaican case scenarios.

**Dec. 3**

**READ (Dec. 3):**


Chptr. VII, paras. 263-304 (pp. 95-109) “Discrimination Based on Sexual Orientation and Gender Identity”

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3 There is no class on Thur., Nov. 28 (Thanksgiving); instruction ends Dec. 4.
In light of the readings assigned for Nov. 26 and our class discussion on transnational NGO effectiveness, what do you think about the possible effectiveness of the IACHR report or the letter to the Prime Minister? For example, by situating violence against sexual minorities in the general context of police killings and overall discrimination, are more gains likely to be achieved than by focusing on the LGBTI community or individuals? How can this report be utilized? Is targeting the repeal of a sodomy (“buggery”) law a more achievable goal than eradicating anti-LGBT discrimination and homophobic policies and practices?

**RE-READ:**


- Sec. I(A)(1): “Human Rights Advocate as Western Imperialist” [pp. 386-89]
- Sec. II(A) “Multi-Cultural Client-Centered Lawyering” & (A)(1)(a)-(d): “Identifying Goals” [pp. 394-99]

**Written Assignment: REFLECTION (25 points) Due: Fri. Dec. 5**

Our recent examinations have focused on NGO-to-NGO contact and the status of communities or populations, more than individual clients. In a return to a theme we dealt with at the beginning of the quarter, please reflect on the Haynes excerpt on client-centeredness with respect to the LGBTI human rights situations in Nepal or Jamaica.

In general, reflection pieces explore a reading in light of your personal experience (with co-workers, clients, adversaries, supervisors and/or other third parties). It is about the connection you make between the assigned material (generally abstract, conceptual, and/or objective) and your experience (typically concrete, contextual, and/or subjective). For purposes of this reflection assignment, you can interpret “reflection” and “personal experience” more broadly. That is, make some connection between any of the ideas/concepts Haynes discusses and how you would tie that to an effective human rights campaign that you might wage as an advocate/lawyer examining the abuses in Nepal or Jamaica.
You should not just summarize the readings or critique them—except in relation to your own experience. Focus your reflection on one or two experiences. Explicit consideration of, and reference to, the assigned reading is expected.