

# INTERNATIONAL LAW / HUMAN RIGHTS

Georgetown Law is a leader in the study of human rights, boasting a range of human rights course topics as well as a wide selection of knowledge- and skills-based learning opportunities. Our curriculum provides a solid foundation for future human rights advocates, scholars, and experts to make a meaningful contribution to the advancement of human rights in the United States and around the world.

Human rights law is traditionally understood to cover agreements between nation states to respect the rights and dignity of their nationals. Out of the devastation of World War II and the Holocaust emerged a global consensus around a revolutionary idea: that every human on the planet is entitled—not because of their nationality or relationship to the state, but simply by virtue of their humanity—to enjoy certain fundamental rights and freedoms essential to a life of dignity, and that universal respect for those rights is the best guarantor of global peace and security.

This idea—and a specific set of rights underpinning it—was articulated in the Universal Declaration of Human Rights (UDHR) and adopted without dissent by the UN General Assembly in 1948. Since then, the principles of the UDHR have been operationalized in a number of treaties spelling out specific obligations of states to respect these rights.

Much of the work of a contemporary human rights lawyer is to incorporate these rights into the domestic legal framework, strengthen the institutions and political will to enforce them, build movements of people to demand that they be respected, and monitor government compliance.

The work of a human rights lawyer takes place not only in the halls of the United Nations or in international courts of justice; human rights lawyering permeates our societies and involves coordinated efforts between governmental actors, non-governmental organizations, civil society groups, and individuals. This work is carried out in national legislatures and courts, as well as at the state and local levels of every country. In the words of Eleanor Roosevelt, a leading figure in the drafting of the UDHR:

“Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman and child seek equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world (Eleanor Roosevelt, 1958).”

The study of international human rights law at Georgetown encompasses history, theory, and texts; and it also helps students develop the tools they need to advance social change. Students have opportunities beginning in their 1L year to learn about the international law framework which governs, among other things, human rights. *International Law I: Introduction to International Law* is a first-year elective that covers the nature, sources, and operation of public international law and includes the study of treaties, the United Nations and other international and regional entities, international human rights law and international

criminal law, and the role of international law in the U.S. legal system. For students who do not elect to take *International Law I* in their 1L year, there are upper level sections of the course offered each semester. Other 1L electives that provide international law background for the study of human rights are *Criminal Law Across Borders* and *National Security Law and International Law, National Security, and Human Rights*.

Beginning in their 2L year, students can choose from a wide variety of human rights topic areas to expand their knowledge of present and emerging issues. Georgetown offers over 50 human rights courses on: business and human rights, capital punishment, international criminal justice and human rights, environment and climate change, health and human rights, humanitarian law and the law of war, international criminal law, LGBTQ rights, migration and refugees, poverty, women's rights, workers' rights, and the philosophy of human rights.

*International Human Rights Law* provides an intensive survey of international human rights law and practice, with a principal focus on interpretation and implementation of human rights obligations. Students can also develop their understanding of human rights instruments and institutions, including in regional systems (*Human Rights and the Inter-American System*), as well as incorporation of international law in domestic legal systems (*International Law in Domestic Courts*). *Research with Human Subjects: Law, Policy & Ethics* teaches students how to conduct human rights and other documentation according to ethical research principles. *International Human Rights: History, Theory, Promise and Critique* provides students with critical perspectives on the evolution and implementation of human rights. Numerous seminars also provide students with an opportunity to study particular topics in depth and produce a scholarly paper on them.

Students who are serious about pursuing careers in human rights should develop their advocacy and litigation skillsets by doing an externship or by taking a practicum or clinic. Georgetown offers the following opportunities to learn about human rights while representing a client, working on a project, or supporting an outside partner:

## Clinics

- Center for Applied Legal Studies
- Civil Rights Clinic
- International Women's Human Rights Clinic
- Policy Clinic (Harrison Institute)
- Racial Equity in Education Law & Policy Clinic

## Practicums

- Business and Human Rights
- Civil Rights and Violence Against Women
- Death Penalty Litigation
- Gender and Immigration
- Health and Human Rights
- Human Rights Advocacy in Action
- Regulating Alcohol, Tobacco & Food in International and Comparative Law
- Reproductive Health and International Human Rights Law
- Sexual Orientation, Gender Identity, Sex Characteristics, and International Human Rights Law
- Street Law: Criminal Justice and Human Rights

The clinics and practicums listed above are just a few examples of human rights experiential learning at Georgetown. Almost every clinic or

practicum at the Law Center works to advance human rights and social justice in some way. Students interested in the practical aspects of this field are encouraged to combine a relevant clinic, practicum, or externship with a combination of the basic courses in the field and some advanced offerings.

Georgetown offers two certificate programs for specialization in this field. The *Refugees and Humanitarian Emergencies Certificate* is open to J.D. and LL.M. students at the Law Center and Masters-level students at the Edmund A. Walsh School of Foreign Service and the Public Policy Institute. The *International Human Rights Law Certificate* is open to LL.M. students.

Finally, the Human Rights Institute at Georgetown Law is the focal point of human rights activity, programming, and mentorship on campus. The Institute hosts a number of events throughout the year and facilitates the Human Rights Associates Program for first year students. It supports OPICS and OGC in offering tailored career counseling for students looking to embark on a human rights career path.

Search International Law Human Rights Courses ([http://curriculum.law.georgetown.edu/course-search/?cluster=cluster\\_52](http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_52))

**LAW 1394 v00 Business and Human Rights** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201394%20v00>) (Fieldwork Practicum)

J.D. Practicum | 4 credit hours

This course will provide an overview of the field of Business and Human Rights, while affording students an opportunity to work in organizations that are addressing issues in the field in various ways. This is a rapidly emerging field characterized by viewing the adverse impacts of business operations through the lens of human rights principles. There is no single form of regulation or regulatory authority, and only a handful of potentially enforceable legal obligations. Instead, there are a variety of different types of initiatives and programs that depend upon the type of rights at issue, the business sector involved, and the nature and location of the business activities that cause adverse impacts. This means that there are significant opportunities for creative approaches to produce meaningful change.

We will examine how the modern global corporation is organized around extensive supply chains, the ways in which its formal legal structure can enable it to avoid responsibility for the full range of impacts that it creates, and the successes and limitations of attempts to address this problem through litigation. We will then turn to the emergence of the concept of human rights as a key conceptual tool in the effort to surmount the limits of conventional litigation and regulatory strategies. This will involve discussion of incidents that served as the impetus for this development, and the human rights instruments that provide the basis for human rights claims.

We will then examine in depth some of the types of impacts that can constitute rights violations, relating to concerns such as forced labor, human trafficking, unsafe working conditions and wage theft, physical abuse, forcible displacement, environmental degradation, child labor, sex discrimination, freedom of expression, privacy, and climate change. We will also examine ways in which women in the global economy may be especially vulnerable to such harms.

This will provide an opportunity to examine the range of responses to these abuses and their effectiveness, such as voluntary industry standards; mandatory human rights due diligence; guidelines established by international organizations such as the United Nations and the Organization for Economic Cooperation and Development, and the International Labor Organization; mandatory and voluntary disclosure provisions; international finance standards; international trade law, and other measures.

Students will also learn about issues that are distinctive to particular economic sectors, such as apparel, energy exploration, mining, financial services, and information and communications technology industries. Finally, we will focus on how businesses can incorporate human rights concerns into their operations in order to comply with the duty of respect articulated by the UN Guiding Principles on Business and Human Rights.

With respect to learning objectives, the seminar portion of the practicum is intended to acquaint you with:

- (1) some of the most significant types of adverse impacts that business operations can impose;
- (2) the debate over the extent to which changes in corporate production processes and liberalized trade law have contributed to such impacts;
- (3) the major sources of human rights protections for persons who suffer such impacts; and
- (4) the range of initiatives that are emerging to protect against and respond to business violations of human rights.

**FIELDWORK:** Students will be placed with organizations in the

**LAW 370 v02 Business and Human Rights in the Global Economy**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20370%20v02>)

J.D. Seminar (cross-listed) | 2 credit hours

Corporations today have a global scale as well as an impact that matches or sometimes exceeds that of governments. Their activities – from sourcing of raw materials, to processing and production of intermediate or finished goods, to distribution and sale – have major consequences not only for the human rights of their employees but also for the rights of the individuals and communities impacted by their operations. In many countries, government regulation and oversight are either absent or largely ineffective. Companies in turn struggle to define their responsibilities in the face of these “governance gaps” – particularly where requirements under national law fall short of international standards in areas such as hours of work and safety and healthy.

A robust and often contentious debate over these issues culminated in the development of the U.N. Guiding Principles on Business and Human Rights (the “UNGPs”) under the leadership of Special Representative John Ruggie. These Principles establish a framework for considering the respective roles of governments and corporations and outline core concepts of human rights due diligence and effective remedy. In doing so, the UNGPs also inform and to some extent refocus efforts that have emerged over the past 20 years to address these governance gaps and have brought together stakeholders from business, labor, civil society, the investment community, and academia.

At the same time, in recent years there has been an increased push from civil society groups and certain governments to go beyond these “voluntary” efforts and develop a binding business and human rights treaty mechanism; this has met with strong opposition from business and many other governments, including the United States.

Even as “non-regulatory” approaches remain the predominant means of addressing various business and human rights challenges, there also has been a growing focus in recent years on tools through which national governments and international institutions could exercise greater leverage. This includes advocacy for stronger labor and other human rights language in trade agreements, one-way trade preference programs, procurement standards, and the rules and guidelines applied by international financial institutions – coupled with more aggressive enforcement of those criteria. Expanded efforts to advance that “regulatory” approach in trade policy and elsewhere in some cases has been met with resistance from governments and business, but there also have been examples of emerging consensus among a diverse range of stakeholders.

This course introduces students to this quickly-evolving business and human rights landscape, including the diverse set of multi-stakeholder initiatives – some, but not all, of which include government participation. We will discuss the guidance provided by the UNGPs and other instruments, the range of stakeholders and how they engage with one another, tools utilized by governments and corporations to implement human rights standards, and how all of these interact in the context of both sector-specific and cross-cutting legal and policy challenges.

Among the questions the course will examine are:

- Which human rights standards are most relevant to business?
- What are the appropriate linkages between business policies and practices and the promotion of human rights?
- Which business and human rights approaches are emerging as “best practices” and perhaps even as recognized norms?
- What tools to support those are being used by governments and corporations?
- Who are the principal stakeholders and what are their roles and objectives?

**LAW 3060 v00 Business, Human Rights and Sustainability** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203060%20v00>)

LL.M Course (cross-listed) | 1 credit hour

The relationship between business, human rights, and sustainability has gained momentum in recent years with the private sector, governments, civil society, and international organizations, owing largely to the passage of the United Nations Guiding Principles on Business and Human Rights (UNGP) in 2011, the 2012 UN Rio + 20 Sustainable Development Conference and the UN Sustainable Development Goals (2015). These developments were preceded and followed by a series of multi stakeholder (governments, private sector, investors, civil society networks and organizations) and specific industry driven initiatives looking at how to integrate these international standards into both self and binding regulatory processes. As a result, many of these initiatives led to an emerging international soft law system of business, human rights and sustainability that is based in the internationally acknowledged body of hard law principles.

Regardless of being industry, sector specific or multi stakeholder in nature, the regulation, de-regulation, policy, practice and ever growing global litigation in this new field of practice is multifaceted, dynamic, interactive, complex and challenges business leaders, markets and even lawyers to think outside the box in order to address a challenging relationship between business, markets and society. This is where business strategy meets risks. Or instead, this is where risks eat a business strategy. As a result, business leaders, shareholders and their advisors are now required to integrate a 3D internal and external view and assessment on how to address, prevent, mitigate and remediate the social and environmental impacts (risks) of private sector operations in complex environments and with a collaborative and systems thinking approach.

Bar Associations in America and abroad have begun issuing specific guidance on how corporate lawyers should advise their clients incorporating human rights and sustainability standards. For instance, in a Mergers and Acquisitions (M&A) transaction, corporate lawyers are most likely to encounter questions dealing with social, environmental, human rights and environmental concerns. Those advocating on behalf of environmental and human rights organizations will find their work directly intersects with company law, securities law, investment law, governance, compliance, company law and alternative dispute resolution mechanisms to name a few sub areas.

Fast-forward 2020. The global COVID-19 pandemic has suddenly entered this space. It has done so highlighting the vulnerabilities and opportunities in the relationship between business, governments and society across the globe. Furthermore, the global pandemic is challenging all stakeholders not only to become relevant but to re-think, re-imagine and re-envision new models that seek engagement, resilience, addressing grievances, investment, economic recovery and accountability frameworks.

In practice, these global and ever growing litigation trends are also challenging traditional company-led corporate social responsibility (CSR) and ethics programs that have been associated with both philanthropic, corporate citizenship and company-sponsored activities that give back to societies. While many of these programs have achieved several levels of success, for many sectors in society they remain as corporate public relations or green wash exercises and demand more transparent, accountable and remediation responses. The stakes are high.

Litigation, a growing movement towards mandatory human rights and environmental due diligence and reporting requirements and other types of social demands are challenging companies to be very purposeful and accountable on how they address the environmental, social and governance negative impacts (for some) or violations (for others) of their

**LAW 500 v00 Center for Applied Legal Studies** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20500%20v00>)

J.D. Clinic | 10 credit hours

See the Center for Applied Legal Studies website (<https://www.law.georgetown.edu/experiential-learning/clinics/center-for-applied-legal-studies>) for more detailed information about the clinic.

For registration-specific supplemental materials, please see the Center for Applied Legal Studies PDF (<https://georgetown.app.box.com/s/v3mnpzvr23uccy5swr01tjfoacljb4oq>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88>).

**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

**LAW 1901 v00 Economic, Social, Cultural, and Environmental Rights in the International Human Rights System Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201901%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Human rights are humanity's greatest ethical, moral, and legal capital. Seventy-five years ago, reeling from the devastation of world war, States came together to agree on a blueprint for preventing future cataclysms—respect for human rights—and codified that plan in foundational documents like the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights. The rights detailed in the UDHR—which encompass civil and political rights, like the right to free expression and a fair trial, and economic, social, and cultural rights, like the right to adequate food and housing—were seen as interdependent, indivisible, and mutually reinforcing: no right should be privileged above another.

But it wasn't long before the ideological divide of the Cold War fractured this consensus, with the West generally prioritizing civil and political rights and the Soviet bloc generally emphasizing economic and social rights.

This course will explore the negative impact of that artificial division, which resulted in the demotion of economic, social, and cultural rights (ESCR) to "second generation" rights, with scant enforceability and justiciability, and the urgency of repairing the breach, particularly in the context of the climate emergency. The course will situate economic, social, cultural, and environmental rights (ESCER) in the international and regional human rights systems, with a special focus on the Inter-American system. The course will then examine in detail a number of specific ESCER, with an emphasis on the impact violations of these rights have on women, indigenous people, people of African descent and other populations in situations of vulnerability or historically discriminated against. The course will examine the contours of the right to a healthy environment and will explore the role and responsibilities of business and other economic actors in upholding such rights.

#### **Learning Objectives:**

Students will gain a comprehensive understanding of economic, social, cultural, and environmental rights, including current developments and controversies surrounding these rights. Students will be able to identify tools and gaps in the national and international realization of rights such as the rights to clean water and sanitation, health, education, housing, work, and a healthy environment.

The course will also train students to craft persuasive arguments for the legal defense of these rights at national and international levels and to advocate on key issues, such as the climate emergency and the obligation of corporate due diligence.

Students will learn to apply the principles of universality, indivisibility, and interdependence, with a gender and intersectional approach, to the analysis of ESCER.

Students will get a unique insider's look at high-level advocacy for ESCER. I will share some of my own field experiences during the course and students will also have the opportunity to hear from some distinguished guest speakers.

Finally, this course aims to provide students not only with exposure to the legal principles underlying ESCER but a deep understanding of the impact of violations of these rights on the most historically discriminated populations. Exploration of each course topic will include the perspectives of people and communities most impacted by the lack of access and enjoyment of ESCER. This approach is designed to help build a community of practice and solidarity that will live on beyond the course.



**LAW 1673 v00 Effective Human Rights Advocacy in Polarized Environments Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201673%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Human rights advocacy can be an uphill battle, even in the best of times. And these are not the best of times. Progress is possible, but the problems we tackle need serious, hard-nosed strategies and activists with the skills to execute them. In this course we will explore and analyze key elements of successful human rights advocacy campaigns—goal-setting, messaging/communications, coalition-building, resource allocation—and develop the practical skills advocates need, especially in today's politically polarized environment, to win.

The course will be grounded in real-world examples. We will explore and evaluate different theories of social change and study how those work (or don't) in practice. Each week we will do a deep dive into a different element of successful campaign strategy.

**Student Learning Goals:** As a result of completing this course, students will be able to draft a strategic campaign plan for an issue or policy campaign. Students will learn how to evaluate advocacy strategies and how to choose which advocacy techniques are likely to succeed in which contexts. Students will be exposed to leading experts in human rights advocacy, including staff from human rights organizations, congressional offices, messaging and communications experts, litigators and veteran human rights campaigners. Students will develop the analytical and practical skills necessary to build a successful campaign strategy.

In addition, students will be alerted to opportunities for participating in human rights activities and events outside of class. Students interested in a career in human rights will gain a richer understanding of the theories of change and the portfolio of advocacy tactics used successfully by practitioners in the field.

**LAW 611 v01 Extradition Simulation: International Law, Human Rights, and Effective Advocacy** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v01>)

J.D. Seminar | 1 credit hour

This course is designed to complement the rest of the 1L curriculum in several ways. First, it will expose you to selected elements of international and foreign law, beyond the usual concentration on the U.S. domestic law system. Second, our focus will be principally upon treaty texts, rather than judicial decisions, within a system that does not rely upon binding precedents in the same ways you have already encountered. Third, we hope to nurture your sensitivity to facts, as much as to law, as key elements in legal practice. Finally, through a series of collaborative simulation exercises, we intend to engage you in active, experiential learning in a direct, powerful way.

The four-day simulation is based upon a hypothetical attempt by the United States to secure the extradition of two accused terrorists, who have been indicted in federal court for participating in terrorist acts on U.S. soil, but who are currently resident in Russia and in France. The leaders in those countries appear willing to return the two suspects to the United States, but the effort may be blocked by those countries' membership in the European Convention on Human Rights, which may bar extradition in cases where the accused would face the prospect of capital punishment or indefinite detention in harsh conditions.

Students will be assigned the role of counsel for one of the defendants or one of the governments, and will work in small teams on two primary tasks. The first exercise is to prepare for and conduct a fact-gathering interview of one of the clients. The second exercise is to plan, practice, and conduct a simulated hearing before the European Court of Human Rights. Throughout, students will be guided by the instructor and by a team of teaching fellows in the development of essential lawyering skills, including fact development and analysis, problem solving, strategic planning, and effective oral advocacy.

**Note:** FIRST-YEAR WEEK ONE COURSE: This course will meet on the following days: Monday, January 8, 2024, through Thursday, January 11, 2024.

This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students. This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations>). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by **Monday, November 27, 2023 at 3:00 p.m.** After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

**LAW 1836 v00 Global Health Security and the Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201836%20v00>)

LL.M Seminar (cross-listed) | 1 credit hour

This course analyzes the subject matter of global health security as it is shaped by international agreements and national implementation and preparedness laws. As societies and economies are increasingly interwoven and interdependent, new forms of health security threats have arisen, and nations are now contending with such implications through established agreements like the International Health Regulations (2005), a draft new pandemic agreement, and various forms of “soft power” diplomacy to mitigate infectious disease risks. In recent years, the realm of health security has expanded greatly with more governments, companies, and NGOs working to solve problems and pursue opportunities. Most prominently, the COVID-19 pandemic has shattered existing paradigms of stability and security, with ramifications from the global perspective down to that of nearly every world citizen. Over an immersive weekend of overview and interaction, this course highlights prominent threat categories, namely the “3-D threats” of Disaster, Disease, and Disorder. This seminar will be devoted as an active legal laboratory in which student ideas are solicited and shaped with the participation of the class.

The objective of the course is to crystallize student understanding at the international, national, and local legal level, the perspective viewed by national and organizational leaderships, and to frame student thinking by developing a broad, contextual understanding of the situation of health security. The course will draw connections between direct experience with purposeful intent through class exercises. Practical frameworks will be employed to simplify the dynamics within complex situations, and to organize student thinking about actions and options. An overnight simulation activity assessing a humanitarian crisis between the first and second day invites analysis about cause-effect, goals-intentions, and interventions-consequences. Two special guest speakers will share experiences on the policy frontlines, further enriching classroom dialogue. The course relies on active participation that feeds a mutual learning environment and that catalyzes and reveals students' ideas as they occur, thereby fostering an at-the-ready style of nimble thinking and conversing.

**LAW 1828 v00 Health, Law and Islam** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201828%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

The Muslim view is that the origins of Islamic legal code are rooted in the Muslim holy text (the Quran) and Sunna (the portion of Muslim law based on the prophet Mohammed's words or acts), and it is this jurisprudence that gives Islamic religious practice its connection and sustainability in everything including health law and policy. This seminar provides an overview of where Islam as a rule of law and global health intersect through subject specific segments. The seminar will start by exploring Islamic law and the history of healthcare under Islamic law and move into segments that discuss food hygiene jurisprudence, prophetic medicine as Sunna, bioethics and Islam, mental health and Islamic law, migrant health and Islamic law, and finally sexual, reproductive and human rights under Islamic law. It presupposes the Quran and Sunna as the legal documents and where relevant, the seminar will discuss comparative aspects to western perspectives. This seminar supports the notion that global health law is part of a growing health diplomacy where it becomes vital to understand key aspects of how culture and religion can influence health, policy and the law locally and globally.

**LAW 034 v10 Human Rights Advocacy in Action Practicum** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20034%20v10>) (Project-Based Practicum)

J.D. Practicum | 7 credit hours

### Course Overview

How can lawyers advocate effectively for solutions to pressing human rights challenges?

This project-based practicum enlists students in tackling real-world human rights challenges and creates a learning environment that equips students to analyze a problem, assess the legal and policy situation, and propose and execute strategies for change.

Students in this practicum receive intensive instruction from law professors and subject matter experts on both the relevant human rights law as well as effective strategies and tactics for human rights advocacy. Professor Massimino has a distinguished record of human rights advocacy and led Human Rights First, one of the nation's leading human rights advocacy organizations, as president and CEO before coming to Georgetown Law. Michelle Liu is an adjunct professor and has supported partner NGOs in several countries to promote women's and children's human rights through litigation and legislative reform. Catherine Cooper is the Dash-Muse Senior Teaching Fellow and Supervising Attorney and has supported civil society organizations in Myanmar, Iraq, and East Africa on issues including transitional justice and the rights of ethnic and religious minorities. Ashlynn Kendzior is a Supervising Attorney and Teaching Fellow and has worked on issues related to gender equity with a focus on reproductive rights. Together with their professors and fellow classmates, students collaborate on a project that supports the mission and objectives of a chosen NGO partner of the Human Rights Institute (HRI). This collaboration gives students a unique opportunity to conduct legal and factual research, craft legal solutions, and develop an advocacy campaign with real-world impact.

For the 2023-2024 academic year, the practicum will focus on justice and accountability for victims of human rights violations in Egypt. HRI's partner is a group of organizations dedicated to holding abusers to account through innovative tactics.

The practicum is a **year-long** course and comprises three **mandatory** components: a two-hour weekly seminar, project-related teamwork performed in and outside of class, and a week-long field investigation (likely involving international travel) during Week One in January 2024.

### Seminar

The seminar portion of the practicum will cover the substantive law and legal framework as it pertains to a particular human rights issue. For the upcoming year, students will learn about the international human rights framework on arbitrary detention, torture, and other human rights abuses, as well as the international and domestic legal avenues for pursuing justice and accountability. Students will also use seminar time to propose and assess what legal remedies and accountability mechanisms may be appropriate and viable to address the human rights violation. Guest speakers with subject matter expertise may be invited to seminars to hold workshops and offer critique of student work. Finally, the seminar will also be the training ground for students to develop their critical thinking, public speaking, and persuasive writing skills through the formulation of a human rights advocacy campaign.

### Project Work

Students will work in teams to complete a human rights project that furthers the mission of HRI's partner organization. Depending on the particulars of the project, students may engage in any or all of the following:

**LAW 1777 v00 Human Rights Advocacy: Lessons from the Campaign to End the Death Penalty and other Human Rights Campaigns** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201777%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

While the public tends to think about capital punishment in relation to a high court's ruling to prevent or allow an execution to go forward, the broader campaign to expose the flaws in the practice of capital punishment and to end the death penalty involves a complex interplay of strategies—federal and state legislative advocacy, strategic communications, and community organizing and litigation. Indeed, nearly every human rights challenge requires a combination strategy, with many moving parts that have different targets, different tactics, and require different skills. How does an advocate know which strategies are appropriate for which challenges? How can you best prepare for some of the thorniest, most entrenched challenges to human rights? What tools are available to you? And what if the combination of strategies creates ethical or other tensions? This course will explore the various ways in which litigation and policy advocacy can work together to bring about transformative change on complex and difficult human rights concerns. The discussion will be grounded in the long-term effort to end capital punishment in the United States and it will draw on lessons learned from other human rights campaigns.

This seminar will 1) introduce students to multidisciplinary campaigns for human rights and 2) explore how litigation and policy advocacy can be combined and leveraged to create opportunities to advance human rights. Students will explore the range of strategies and tactics available and learn when and how to deploy them.

At the end of the seminar, each student or team of students will have led fellow students through a logic model exercise, prepared a high level multidisciplinary strategy memorandum and led a mock coalition meeting to achieve alignment and engagement on their plan.

There is no textbook for the seminar. Readings will include legal, academic, and general articles and materials on the subjects being covered.

**Learning Objectives:** The primary objective of this course is for students to understand the range of disciplines and tools available to them to implement a successful campaign and to identify synergies that can be achieved between litigation; policy advocacy, strategic communications and organizing. Students completing the course will understand which strategies to use when and how to navigate the potential conflicts between them.

**LAW 034 v09 Human Rights Fact-Finding** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20034%20v09>) (Project-Based Practicum)

J.D. Practicum | 7 credit hours

This project-based practicum course will give students the unique opportunity to participate in the Human Rights Institute (HRI) Fact-Finding Project. Through this course, students will gain the substantive background and skills needed to carry out a human rights investigation from beginning to end. Each year, the HRI Fact-Finding Project has focused on a policy-relevant human rights issue, including migrants' rights, children's rights, LGBT rights, and the role of human rights in the global economy. In the fall, students will participate in a two-hour weekly seminar and carry out at least 5 hours per week of project work. Over Week One students will carry out a virtual fact-finding investigation. In the spring, students will participate in a two-hour seminar every other week and carry out an average of 10 hours of project work per week. Students work closely with the Professor and Dash-Muse Teaching Fellow in conceptualizing and implementing each step of the Project.

**SEMINAR:** In the fall, the seminar will cover the substantive law and policy relating to health and human rights of migrant and refugee populations, as well as human rights fact-finding skills and methodology. In the spring, seminar classes will meet every other week and focus on the production of a human rights fact-finding report. Seminar sessions will be designed to guide students through each step of the human rights fact-finding process, including project design, interviewing, and reporting writing.

**PROJECT WORK:** Students will research a human rights problem in depth, conduct extensive outreach and interviews on the subject, and draft a comprehensive report on their findings. In January 2021, during "Week One," the group will conduct interviews with victims or potential victims of human rights abuses and relevant stakeholders. The fact-finding investigation during the 2020-2021 academic year will be conducted virtually and take place from Monday, January 11 through Thursday, January 14, 2021 with a mandatory orientation on Friday, January 8, 2021. Students will be expected to work both independently and in teams.

**Prerequisite:** Prior or concurrent enrollment in International Law I: Introduction to International Law or International Human Rights Law no later than the Fall 2020 semester.

J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

**Note:** This course is open to both J.D. and LL.M students.

This practicum course may be suitable for evening students with flexible work schedules. Interested evening students should contact current Dash-Muse Fellow Melissa Stewart ([Melissa.Stewart@georgetown.edu](mailto:Melissa.Stewart@georgetown.edu)) to discuss their particular situation. **THIS COURSE REQUIRES HUMAN RIGHTS INSTITUTE PERMISSION TO ENROLL.** J.D. student applications (comprised of a statement of interest, a resume, and a writing sample) are due by noon on Thursday, April 16, 2020. Admitted J.D. students will be informed of HRI's decision on their application before they are required to make a clinic decision on April 20, 2020. Selected students will be required to accept or decline an offer to join the project by COB on Monday, May 4, 2020. **J.D. students who have missed this deadline should contact Dash-Muse Fellow Melissa Stewart ([Melissa.Stewart@georgetown.edu](mailto:Melissa.Stewart@georgetown.edu)) to inquire whether seats are still available.** Selection criteria include but are not limited to: a demonstrated

**LAW 1858 v00 Human Rights, Then and Now Seminar: Philosophy, History, Prospects** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201858%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

"Human rights" names both a body of law and a moral ideal. The French revolutionaries issued a "Declaration of the Rights of Man" and the U.S. Declaration of Independence proclaimed rights that are both self-evident and unalienable. The British jurist Jeremy Bentham replied that the idea of unalienable rights is nonsense – indeed, "nonsense on stilts." Today we confront similar philosophical debates. Millions believe that international human rights take priority over national politics and legislation. Is that true? Where do human rights come from? What are their limits? Most human rights treaties and declarations ground human rights in human dignity. But what is human dignity, and how does it ground rights? Which matters more, security rights or economic and cultural rights? – These are philosophical questions, and the first part of the seminar will focus on them.

Today the human rights movement faces grave political challenges. Human rights NGOs are under attack in many countries; the same with the International Criminal Court. Scholars warn of "the twilight of human rights law" and "endtimes of human rights," and some argue that human rights treaties have made little practical difference. Others respond that the human rights movement has tangibly and measurably improved human well-being. Conservative critics warn of rights inflation and threats to state sovereignty; some on the left see the human rights movement as a minimalist substitute for global justice that fits too comfortably with neoliberalism.

This seminar will sample some of this writing and explore major philosophical and political issues about human rights today.

**LAW 1286 v00 Human Trafficking and Modern Slavery in the 21st Century: Legal Perspectives** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201286%20v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Slavery has been a phenomenon that has existed since before written history, yet it is only in the last 200 years that efforts to abolish it have gained traction. Today, increasing mobility, global supply chains, and continued social discrimination have created the environment for ongoing human exploitation, even though the formal practice of chattel slavery, or the legal ownership of one human being by another, is illegal virtually everywhere. Indeed, some estimate that there are more slaves today than at any other time in human history. Most recently, efforts to eliminate severe forms of human exploitation are being made under the banner of ending human trafficking (or more formally, trafficking in persons).

This course will provide students an overview of the multiple legal perspectives on combating human trafficking and modern slavery. This will include the definitional tensions between different perspectives, alternative approaches to addressing severe human exploitation, and an overview of the current U.S. legal framework for eradicating human trafficking and modern slavery and its weaknesses. Attention will be paid to commonly recognized principles in human rights, criminal and labor law, but also in such areas as corporate responsibility and immigration law. The class will use a range of materials, including international treaties, decisions of international and foreign tribunals, and more familiar U.S. statutory materials and legislative history (such as committee reports).

**Learning Objectives:**

At the conclusion of the class, students should be able to

- recognize many of the forms of and pervasive nature of human trafficking and modern slavery;
- identify risks of human trafficking and modern slavery in most areas of practice they may choose in the future; and
- have familiarity with emerging issues in the area of human trafficking and modern slavery.

**Recommended:** A prior course in public international law or international human rights.

**Mutually Excluded Courses:** Students may not receive credit for both this seminar and Human Trafficking in International and Transnational Law.



**LAW 3114 v00 Industry Epidemics: NCDs, Commercial Risk Factors and the Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203114%20v00>)

LL.M Seminar (cross-listed) | 2-3 credit hours

This seminar will examine the role of law and policy in addressing modifiable risk factors that contribute to the rising prevalence of non-communicable diseases (NCDs). Risk factors to be addressed include: tobacco use, unhealthy diets, and the harmful use of alcohol. Materials and discussions will probe questions such as: What are the best regulatory practices to deal with NCDs risk factors? How do transnational corporations contribute to the spread of non-communicable diseases? How different international legal regimes come into play in addressing risk factors? What are the opportunities and challenges of using law & policy to address NCDs' commercial risk factors? Throughout this course we will have opportunities to consider how law and policy shape contemporary legal discussions related to NCDs, such as tobacco plain packaging, alcohol sponsorship, childhood obesity, commercial speech and food labelling, and targeted marketing strategies.

The course will take a global approach grounded in constitutional law and different international legal regimes (WTO, Human Rights Systems – Regional & Universal–, among others). The course will explore how the rise in NCDs prevalence in both developed and developing countries is mainly driven by transnational corporations, globalization and foreign direct investment. Additionally, case studies will explore a variety of examples from jurisdictions spanning the United Kingdom, South Africa, and Latin American countries, including taxes to discourage consumption of unhealthy products, laws restricting advertising and promotion, and laws and policies to promote access to information to consumers.

Students will be equipped with an understanding of specific issues, such as the role of law compared with policy, the strengths and weaknesses of different regulatory strategies and the role and responsibilities of the relevant industries in promoting the right to health. After exploring a series of foundational themes and issues through the first half of the course, the remainder will focus on in-depth case studies and experiences in regulating the risk factors from a comparative perspective and future challenges.

This seminar requires attendance and participation in seminar discussions, preparation for class, writing response posts, and the submission of a final paper.

**Course goals:**

- Understanding of the various risk factors contributing to non-communicable diseases (NCDs).
- Understanding of various models of regulation of NCDs risk factors.
- Understanding of complex risk factors regulatory issues across various constitutional systems and international legal regimes.
- Understanding the interaction between regulation of NCDs risk factors and issues like gender and freedom of speech.
- Understanding the role of transnational corporations in the increased prevalence of NCDs.

**LAW 230 v00 International and Comparative Law on Women's Human Rights** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20230%20v00>)

J.D. Course (cross-listed) | 2 credit hours

In many parts of the world, women are discriminated against, abused, treated as property, and even murdered because they are women. But today, there is a substantial body of international and regional human rights law that can be used to change the national laws that permit these practices or fail to protect women against them. In addition, many countries have begun to give women equal rights in many fields. Thus, there is now a body of human rights and comparative law that advocates can use to advance equal human rights for women.

This course provides students with an overview of that law. It introduces them to the many forms of discrimination and violence women still face and teaches them about the major human rights treaties that can help women achieve equality with men. These include the Convention on the Elimination of All Forms of Discrimination against Women; the International Covenant on Civil and Political Rights; and the regional human rights treaties from Africa, the Americas, and Europe. Students study the work of the human rights bodies that measure state compliance with these treaties, including their guidelines and case law on issues affecting women. The course also examines comparative law on human rights issues such as sex-based discrimination in employment, inheritance, and family law rights, domestic violence and female genital mutilation, polygamy and its impact on women and children, and women's lack of reproductive rights.

National court decisions from countries in both common law and civil law jurisdictions show how courts are using international and regional human rights law to help resolve domestic law issues. As some issues pose difficult conflicts between women's right to equality with opposing assertions of religious and cultural rights to discriminate, the course also examines how human rights bodies resolve those conflicts and asks how they should be resolved.

**Note:** For J.D. Students: Students Enrolled in the International Women's Human Rights Clinic must take this course as a pre- or co-requisite, but it is also open to other J.D. students and to LL.M. students.

**LAW 3132 v00 International Development, Humanitarian Assistance and Global Health** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203132%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

The course provides an overview of the international and domestic legal and policy framework applicable to the delivery of foreign assistance and global health for the following: bilateral development partners, international/multilateral institutions, and recipient countries; non-governmental and civil society organizations; and private sector actors.

By the end of this course, students will be able to:

- Identify and interpret the key relevant documents that define whether and how to provide different types of foreign assistance (including foreign assistance statutes and regulations, annual appropriations, bilateral treaties, and international treaties).
- Predict and explain policy decisions based on knowledge of areas of government discretion and restrictions.
- Identify and outline potential options to implement foreign assistance, global health and other projects based on knowledge of cross-cutting, generally applicable rules.
- Identify what you would need to know and the resources an organization will need in order to implement a project in response to a newly identified humanitarian aid or global health crisis or foreign assistance challenge.
- Differentiate between ideals and goals that are achievable under the relevant legal and regulatory framework from activities that are restricted or prohibited.
- Express the values or rationales that most influence or shape your interest in this field and how they inform your ability to assess the likelihood of success of an assistance activity.

**LAW 227 v04 International Human Rights** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20227%20v04>)

J.D. Course (cross-listed) | 3 credit hours

This course examines the law, institutions, and advocacy strategies designed to protect international human rights. We will analyze civil and political rights and economic and social rights, as well as international humanitarian law, and explore key enforcement mechanisms at the national, regional, and international levels. The evolving role of NGOs and civil society actors in advancing human rights, and the responsibility of corporations, will also be examined. Both progress and enduring challenges in making human rights real “on the ground” will be a focus of this course, together with the need for effective enactment of legal standards, enforcement of those standards, and empowerment of affected communities. Current legal issues and strategies concerning climate change and human rights will also be highlighted.

**Recommended:** International Law I: Introduction to International Law.

**Mutually Excluded Courses:** Students may not receive credit for both this course and the graduate course, International Human Rights Law.

**LAW 814 v00 International Human Rights Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20814%20v00>)

LL.M Course (cross-listed) | 3 credit hours

This course provides an intensive survey of international human rights law and practice, with a principal focus on interpretation and implementation of human rights obligations, commitments, and norms in the practice of states. The course has three main components: in the first unit, we examine the development of the substantive law of human rights and its sources (including treaties, customary international law, and non-binding international instruments). In the second unit, we examine implementation of international human rights in the international, regional, and domestic systems, focusing on UN organs such as the Human Rights Council and treaty bodies as well as regional systems such as the European and Inter-American Courts of Human Rights. Finally, in the third unit we look at the application of the substantive law and implementation mechanisms in the context of current issues in international human rights, including in the context of atrocities, and the refugee crisis. The course highlights selected contemporary ethical problems in international human rights law such as genocide, crimes against humanity, and torture; application of human rights obligations, commitments, and norms to non-state actors (including corporations); positive duties on states to protect individuals from abuses by non-state actors; universality of human rights and cultural relativism; and the need to protect human rights while countering terrorism, including issues relevant to U.S. law and practice. Along the way we examine issues related to international immunities, impunity, human rights litigation under the U.S. Alien Tort Claims Act and Torture Victim Protection Act, and international criminal tribunals.

**Recommended:** International Law I: Introduction to International Law.

**Mutually Excluded Courses:** Students may not receive credit for both this course and International Human Rights Law, or the J.D. course, International Human Rights.

**LAW 814 v02 International Human Rights Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20814%20v02>)

LL.M Course (cross-listed) | 3 credit hours

This course provides an intensive survey of modern international human rights law. Tracing the historical evolution of human rights norms, we will first explore look at how and they became a dominant feature of the post-World War II, post-colonial, and post-Cold War international orders. We will cover the doctrinal and institutional mechanisms of the modern human rights system, including the core treaties and international and regional bodies, with a particular focus on how courts, both international and domestic, can give human rights the force of law—or deprive them of it. We will examine how international human rights law defines specific rights (e.g., the right to life, the prohibition of torture, freedom of expression), struggles to overcome structural and historical biases (e.g., discrimination on the basis of sex, gender, or race), and adapts to different contexts (e.g., climate change, armed conflict, social media and surveillance). Throughout the course, we will study why states and businesses respect human rights, why they don't, and how lawyers, NGOs, and other actors can work to ensure that most human rights norms are honored most of the time. Our readings will draw from case law, treaties, academic works, legal briefs, and other sources that offer a real-world sense of how 21st Century human rights law is articulated, litigated, and adjudicated.

#### Learning Objectives:

- Strengthen legal research, writing, and editing.
- Draft brief and bench memorandum.
- Deliver oral argument.

**Recommended:** Prior enrollment in International Law I: Introduction to International Law (or equivalent).

At a minimum, students who have not previously studied public international law should read at least one treatise on the subject before the first week of class, e.g., *Public International Law in a Nutshell* 6th Ed, by Thomas Buergenthal and Sean Murphy.

**Mutually Excluded Courses:** Students may not receive credit for both this course and International Human Rights Law and Practice.

**Note:** Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

**LAW 1755 v00 International Human Rights: History, Theory, Promise and Critique** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201755%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This course will examine the philosophical and historical underpinnings of international human rights law. Students will encounter early conceptions human rights protection, alternative visions for the modern human rights framework, the development of international human rights law, and critical perspectives on the evolution and implementation of human rights.

Students will be encouraged to critically examine the successes and failures of the normative framework for the protection of human rights, whether we have achieved the universal realization of human rights, and ways in which the system might be reimagined or strengthened. Particular attention will be paid to the legal framework applicable to the protection of the rights of non-citizens, including migrants, refugees, and stateless persons. Contemporary case studies will be used to illustrate the challenges in resolving protracted situations of statelessness or displacement, and how gaps in international legal protection may exacerbate looming human rights crises, including those related to global climate change.

There are no required prerequisites for this course. However, students may find it beneficial to have taken International Law I: Introduction to International Law and/or the introductory course to International Human Rights.

#### Learning Objectives:

- Students will gain an understanding of some of the historical movements in the creation of human rights and political forces driving outcomes.
- Students will learn how to assess the strengths of the international human rights regime and identify key areas and methods of critique.
- Students will gain the ability to think critically about our assumptions about the structure of international law and human rights in order to imagine ways in which international human rights can be strengthened towards the universal realization of rights.
- Students will strengthen their written and verbal communication skills through written reflections, papers, and classroom discussion.
- Students completing a paper for the writing requirement will gain mastery over their chosen topic related to international human rights law, enhance the clarity and precision of their writing, and sharpen their skills in conveying their understanding through an oral presentation.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement. The 3 credit section is open to J.D. students only and non-degree students may not enroll.

**LAW 1863 v00 International Justice for War Crimes and Atrocities**

**Practicum** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201863%20v00>) (Project-Based Practicum)

J.D. Practicum | 10 credit hours

This project practicum will provide an opportunity for students to be involved in two projects designed to further accountability for war crimes and other atrocities.

Most of the work will be on the Atrocity Crimes Advisory Group (ACA), which is a project established by the United States, European Union, and United Kingdom to assist the Ukraine Office of Prosecutor General (OPG) in investigating and prosecuting war crimes and atrocities committed during the conflict that began with Russia's full-scale invasion of Ukraine in February 2022.

A second project is the Innovation Council for International Justice (ICIJ), which is an initiative that will bring together experts from a wide variety of fields to analyze efforts to achieve accountability for war crimes and atrocities in order to draw lessons for innovative future approaches to this challenge.

In the project portion of the course, students will be involved in activities with the ACA and the ICIJ that will give them a ground-level view of how institutions to provide accountability for atrocities operate in practice. These activities will enable them to acquire skills that go well beyond the typical law school experience, and may include:

- (1) coordinating, developing agendas for, attending, and summarizing meetings involving ACA subject matter experts;
- (2) helping organize visits to the US by Ukrainian prosecutors, investigators, and officials, as well as ACA events;
- (3) working on initiatives requested by the OPG such as a victim and witness support protection and support program;
- (4) supporting the collection of information on the Ukrainian population's experience of the war and their conceptions of what would constitute accountability for harm; and
- (5) conducting occasional research for the OPG.

The seminar portion of the course will:

- (1) provide students with a solid understanding of how substantive international law attempts to ensure accountability for war crimes and other atrocities;
- (2) give them an appreciation of the jurisdictional issues that arise in international criminal law and their implications for seeking justice;
- (3) illuminate political and social challenges in creating mechanisms to seek justice for war crimes and atrocities;
- (4) prompt consideration of the conceptual and jurisprudential issues involved in ascribing criminal liability to individuals who may have engaged in significantly different activities, through discussion of concepts such as command responsibility and joint criminal enterprise;
- (5) invite reflection on ethical questions that arise in seeking accountability for war crimes and atrocities, such as potential tensions between obtaining an end to conflict and securing justice; the concept of a just peace; the extent to which political considerations should inform prosecutorial decisions; the appropriate role in prosecution decisions of local communities who have been harmed by atrocities; and the relative weight in prosecution decisions of considerations such as the gravity of an offense, strength of evidence, public attention, specific deterrence of allegedly culpable individuals, and general deterrence of future perpetrators.

**LAW 761 v03 International Law, Human Rights & Fighting Impunity**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20761%20v03>)

LL.M Seminar (cross-listed) | 1 credit hour

This course will explore the global fight against impunity – specifically, as it pertains to curbing war crimes, human rights violations, grand corruption and looted antiquities – through class discussions, lectures and guest speakers with personal experience in fighting the impunity that is so often associated with war crimes and economic crimes. It is based on the premise that those that are willing to slaughter thousands of innocents, are also willing to steal millions of dollars and loot our collective cultural heritage – and that the fight against impunity includes both war crimes and economic crimes (and often, the international trend to focus on the former, ignores the domestic interest in prosecuting the latter). Over the semester, students in a seminar-size class will be exposed to the basics of international criminal law, international human rights law and international economic crimes, as well how the fight against impunity impacts national security and foreign policy issues. The class will focus on issues related to war crimes, crimes against humanity, and genocide, as well as the recent global efforts to fight grand corruption and recover looted assets and antiquities, including UN Convention Against Corruption and the new UN-World Bank Stolen Asset Recovery (StAR) Initiative. Students will be allowed to write a paper of their choice regarding international law and the fight against impunity. Class grades will be a combination between class participation (20%) and a seminar paper (80%). Required readings (cases, statutes, articles, book excerpts, on-line treaties, etc.) will be illuminated by lecture and discussion from a professor with first-hand experience in the global fight against impunity through his personal experience with the Slobodan Milosevic, Saddam Hussein and Omar al-Bashir matters, as well his background with the UN war crimes tribunal, the White House, the Pentagon, and the World Bank's StAR Initiative, and helping recover stolen assets on behalf of various governments. In order to take advantage of Georgetown's unique position in the intersection of law, politics, and international affairs, the course will feature high-profile guest speakers who will highlight their own personal efforts to fight impunity and how such international efforts impact national security and foreign policy matters.

**Prerequisite:** International Law I or equivalent.

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.



**LAW 1323 v00 International Law, National Security, and Human Rights**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201323%20v00>)

J.D. Course | 3 credit hours

This course teaches international law by focusing on two bodies of law and how they protect the right to life and the right to liberty. These are international human rights law and international law governing the use of military force.

Governments provide protection against threats to human rights, but also themselves may pose such threats. Law therefore must both enable states to protect human rights and prevent states from violating them.

Relevant to our course, states have an obligation under human rights law to protect individuals from violation of their rights to life and liberty by other individuals and groups. Human rights law also, however, limits how far government may go in infringing rights to life and liberty when fulfilling this obligation.

States also have a responsibility under human rights law to protect their populations from serious threats to life and liberty by other states, and by large nonstate organized armed groups. What we think of as national security law regulates when and how countries may use military force to infringe these rights when fulfilling this obligation. The domestic law component of this body of law regulates when the government has authority under its own laws to invoke national security power when using force. The international law of war governs when the state has authority to use military force under international law, and how a state may use such force when it does so.

As this course will illustrate, the international regulatory framework for protecting life and liberty was designed for a world in which threats to life and liberty arose from either private individuals or small groups on the one hand, or other countries on the other. In this world, police provide protection against the first threat, and international human rights law governs how far they may infringe on life and liberty to do so. The military provides protection against the second threat, and the international law of war governs how far it may infringe on life and liberty in meeting this obligation.

In recent years, however, most serious hostilities have been between countries and large nonstate organized armed groups. When a threat by private persons should be addressed under human rights law and when it becomes so significant that it should be addressed under the law of war therefore has become a source of significant controversy. This course will provide you with a foundation in the basic principles of international law, international human rights law, and the domestic and international law governing the use of military force, with the goal of equipping you to analyze this pressing modern challenge.

Learning objectives for the course are for you to become familiar with:

- (1) basic concepts in international law, especially relating to treaties, customary law, and how international law interacts with domestic law in the United States;
- (2) basic concepts in international human rights law, United Nations and European Conventions on basic human rights, and their impacts on domestic law;
- (3) basic provisions of domestic and international law that deal with when states may use military force, and international law governing how such force may be used in armed conflict; and
- (4) based on your understanding of the subjects described above, for you to appreciate how many contemporary national security concerns present challenges that do not fall squarely within either international human rights law or the international law governing military force – which means that you must be able to think creatively about modern challenges

**LAW 1877 v00 International Law, the Global Arms Trade and Human Rights**

([http://curriculum.law.georgetown.edu/course-search/?](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201877%20v00)

keyword=LAW%201877%20v00)

J.D. Course (cross-listed) | 1 credit hour

The global trade in arms is estimated to be worth at least \$127 billion dollars (in 2021, the most recent year for which data is available), and has been increasing since 2015. This trade involves not only major powers such as the USA, Russia, and China but also many countries in the global North and South. It also involves a range of technologies, from light weapons and ammunition to aircraft, missiles, drone systems, weapon launchers, through intelligence, information and cyber systems. Recent human rights activism and investigative journalism have drawn public attention to the devastating human rights implications of the trade in what are deemed “conventional” arms. Civil society actors decry the fact that small arms and light weapons have caused the death of millions of individuals in civil wars in the last two decades. Yemeni and European human rights lawyers have initiated legal proceedings against European corporations for complicity with war crimes committed by Saudi Arabia in Yemen with weapons purchased in Europe. Seventeen news organizations joined hands with Amnesty International to investigate Israeli spyware Pegasus, revealing how it has provided authoritarian rulers with the means to surveil their populations and concentrate power.

Indeed, beyond the taking of life, the arms purchased legally by states around the world directly and indirectly harm a wide range of human rights protected in international law, including health, liberty, privacy, free speech and association, and religious freedom. In this course we will explore how international law regulates the global arms trade, focusing on the place of human rights considerations in this regulation. This international regulation is fractured. While weapons of mass destruction and weapons deemed particularly cruel or destructive are subject to specific bans or stringent transfer restrictions, the trade in the bulk of conventional weapons is subject to norms deriving from international humanitarian law, international criminal law, international human rights law, international trade law, non-binding multilateral regimes coordinating export controls, and binding and non-binding rules on business and human rights. After an introduction to the history, trends and political science of the global arms trade, we will discuss the above legal norms and their enforcement mechanisms. In addition to legal sources such as treaties and case-law, we will read scholarship in international law and international relations critically assessing the law from a human rights perspective. The course’s overarching aim is to understand whether international law limits the global arms trade’s harms to human rights, or to the contrary facilitates them. In the process, by examining how various subfields of international law address the arms trade, we will explore the relative strengths and weaknesses of these subfields to protect human rights, of formally binding rules and soft law, and of regulation targeting states, individuals and corporations.

**Learning Objectives:**

The main learning objective is for students to understand the various international norms regulating the arms trade, including the emerging body of scholarly literature in international law and international relations discussing those norms. Until recently, the international regulation of the conventional arms trade was severely under-studied and under-researched. The course will introduce students to the principal scholars in the field, enabling them to continue researching these issues should they wish to do so in the future. This course will also introduce students to the global arms trade, its main economic and geo-political characteristics, and its human rights implications. They will also learn about the main sources of reliable information about this trade.

More broadly, through discussions in class drawing on legal and international relations literature, the course aims to help students develop critical perspectives on international law, in particular on questions of norm fragmentation, norm enforcement, North-South relations, and

**LAW 520 v00 International Women's Human Rights Clinic** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20520%20v00>)

J.D. Clinic | 10 credit hours

Please see the International Women's Human Rights Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/international-womens-human-rights-clinic>) for more detailed information about the program.

For registration-specific supplemental materials, please see the International Women's Human Rights Clinic PDF (<https://georgetown.app.box.com/s/rq9mhfjda1jrp8sa5bvhctvzjgc8ivnt>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.box.com/s/y9f8wg3jvqcuynevip3ytyrl6nj9pyv6>).

**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

**LAW 1334 v00 Justice and Accountability for International Atrocity Crimes: Bridging Theory and Practice Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201334%20v00>)

J.D. Seminar (cross-listed) | 3 credit hours

This seminar examines both progress and ongoing challenges in seeking meaningful justice and accountability for serious international crimes, including crimes against humanity, genocide, and war crimes. We'll begin with an overview of the challenges of effective atrocity prevention and an examination of fundamental developments over the last few decades establishing international and hybrid criminal tribunals and other mechanisms of transitional justice, including truth and reconciliation commissions. Building on this foundation, and drawing upon legal scholarship, social science research, and country case studies, we will then explore a range of responses to key justice challenges recurring in a number of countries emerging from conflict. These challenges include: (1) the often complicated relationship between peace processes and justice initiatives; (2) the question of whose justice goals are being pursued and how national, regional, and international stakeholders interact in such efforts; and (3) the complexities of building enduring justice on the ground through meaningful domestic rule of law reform, outreach, cultural engagement, and other means. Students will write a substantial seminar paper within the subject matter scope of the seminar.

**LAW 440 v04 Refugee Law and Policy** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20440%20v04>)

J.D. Course (cross-listed) | 2 credit hours

This course examines domestic refugee law and policy, with particular focus on asylum and other refugee-related claims for protection that arise in the U.S. legal system. Students will become familiar with the key actors in the asylum and refugee law arena, including the U.S. Congress, the Department of Justice, the Department of Homeland Security, the federal courts, and international entities.

The course objectives are: (1) to equip students with an understanding of the principles of refugee policy, asylum law, and the United States' procedures for refugee protection, and (2) to provide students with a practical appreciation for how refugee policy is formed and a working knowledge of asylum law, which will serve as a foundation for academic research, clinical study, employment, pro bono work, and/or internship opportunities within the U.S. government and the NGO community.

In addition to focusing on the refugee definition as interpreted by U.S. courts, we will examine the processes for adjudicating asylum claims – where the system works and where it fails. We will also seek to understand the limits of asylum law and explore the toughest issues facing asylum adjudicators and policy makers today.

**LAW 1071 v00 Reproductive Health and International Human Rights Law**  
(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201071%20v00>) (Fieldwork Practicum)

J.D. Practicum | 4 credit hours

This fieldwork practicum course, focusing on the interaction between international human rights law and reproductive health and rights. The course will provide an overview of international reproductive health and rights, while affording students an opportunity to work in organizations that are addressing issues in the field in various ways.

As such, students participate in a two-hour weekly seminar and work for 10 hours/week for at least 11 weeks during the semester at an outside organization.

**SEMINAR:** The seminar will begin by providing an overview of international human rights law as it pertains to reproductive rights. The course will then focus on access to reproductive and sexual health from an international perspective, examining States' obligations on a variety of issues, such as maternal mortality and coerced sterilization. Analyzing recent decisions emerging from regional and international human rights bodies, such as the European Court of Human Rights, the Inter-American Commission and Court on Human Rights and the CEDAW Committee (UN Committee on the Convention on the Elimination of All Forms of Discrimination against Women), the seminar component will provide a necessary foundation for the students to conduct their fieldwork.

**Fieldwork:** Students will be placed with organizations working in the area of reproductive rights. Most likely, the work will be conducted remotely, as several of these organizations are not based in the Washington D.C. area. The work conducted for this portion of the course will be supervised by the external organization

Some of the projects may include drafting amicus briefs for cases currently pending before international bodies, and drafting briefs assessing a particular State's compliance with human rights law regarding sexual and reproductive rights to be filed in front of UN bodies (shadow reports). Through these projects, students will learn how to conduct an analysis of existing legal and regulatory frameworks for sexual and reproductive health from a human rights perspective. By working with external civil society organizations, the course will give students the opportunity to develop practical projects using international human rights law to advocate for the advancement of reproductive health rights. In the past, external partners have included organizations working on women's rights issues, such as: the O'Neill Institute for National and Global Health Law, the Center for Reproductive Rights, Women's Link Worldwide, Human Rights Watch (Women's Rights Division), IPAS, the Women's Equality Center, and the Southern Africa Litigation Centre, among others.

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Mutually Excluded Courses:** Students may not concurrently enroll in this course and an externship or a clinic or another practicum course.

**Note:** This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar ([lawreg@georgetown.edu](mailto:lawreg@georgetown.edu)) to request admission.

Evening students who work during the day are encouraged to reach out to the professor to discuss whether this practicum course would be compatible with their schedules. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately 10 hours of fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The two-credit seminar portion of this practicum will be graded. The two credits of fieldwork are mandatory

**LAW 837 v00 Research with Human Subjects: Law, Policy & Ethics**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20837%20v00>)

LL.M Seminar (cross-listed) | 1 credit hour

This course provides an opportunity to explore issues related to the use of humans as research subjects. The course will begin by examining the history of human subject research, including the abuses that led to the creation of our modern legal protections. Following a discussion of the ethical principles of research involving humans, we will carefully explore the legal treatment of human subjects, focusing on US regulations and international instruments. Core sources will include: the Common Rule (45 CFR 46), Belmont Report, Declaration of Helsinki, Nuremberg Code, and CIOMS. After exploring a series of foundational themes and issues through the first half of the week, the remainder of the class will focus on in-depth case studies. Topics may include: international research, research involving vulnerable populations (children, prisoners, and pregnant women), informed consent, research on subjects with impaired decision-making abilities, genetic/genomic research, risk-benefit analysis, coercion/undue inducement, use of placebos, and IRB governance.

**Note:** WEEK ONE COURSE. This course will meet for one week only on the following days: Monday, January 9, 2023 through Thursday, January 12, 2023, 9:00 a.m. - 12:20 p.m. The course will have a take-home exam that must be completed between January 20 and January 27, 2023.

This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students. ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. **NOTE: Mandatory attendance rules will be enforced for this class for the Spring 2023 semester. Graduating students are encouraged to ensure they have enough credits should they be prevented from attending due to COVID-19 symptoms, isolation, quarantine, or other disruptions.**

**LAW 1353 v00 Sexual Orientation, Gender Identity, Sex Characteristics and International Human Rights Law** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201353%20v00>) (Fieldwork Practicum)

J.D. Practicum | 4 credit hours

This fieldwork practicum course focuses on issues of sexual orientation, gender identity, gender expression and sex characteristics from an international and national human rights law perspective. The course will provide an overview of the main human rights issues in these fields, while affording students an opportunity to work with organizations that are addressing human rights violations of people based on sexuality, gender and sex characteristics, in various ways.

As such, students participate in a two-hour weekly seminar and work for 10 hours/week for at least 11 weeks during the semester at an outside organization.

**Background:** Every day, lesbian, gay, bisexual, transgender and queer (LGBTQI) people are victims of multiple human rights violations, which are directly linked to the lack of acceptance (by society and the State) of their non-normative sexualities, gender identities or gender expressions. Some of the most common human rights violations of LGBTQI people include killings, torture, ill-treatment, "corrective" or punishing rape, "conversion therapy," discrimination in schools, in the workplace and in accessing health services, among many others. Intersex persons face human rights violations because of the general lack of acceptance of their bodies that differ from the socially accepted standards of "female" and "male" bodies. Because of their sex characteristics, intersex people often face human rights violations including irreversible non-consented and non-medically necessary genital surgery at the early stages of infancy and throughout childhood, as well as forced sterilization, among others.

**SEMINAR:** The course will take a close look at some of the human rights violations faced by lesbian, gay, bisexual, trans, queer and intersex (LGBTQI) people, or other people perceived as such, as well as the corresponding States' obligations under international human rights law. The students will analyze landmark and recent decisions emerging from regional and international human rights monitoring bodies, which have developed standards around these categories. This analysis will provide a solid legal foundation for students to develop their projects for external partners.

**FIELDWORK:** Students will be placed with organizations working in the area of sexual and reproductive rights. Most likely, the work will be conducted remotely, as several of these organizations are not based in the Washington D.C. area. The work conducted for this portion of the course will be supervised by the external organization.

In the past, the work with external partners specific human rights issues faced by LGBTQI people, included collaborating on several policy and legal projects, including preparing shadow reports to present before international human rights bodies, conducting analysis of legislation or a related case, among others. External partners vary every year, and include international and domestic leading human rights organizations working on the promotion and protection of the rights of LGBTQI people at the international and domestic level.

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Recommended:** International Human Rights Law. Women's Rights. Gender and Sexuality and the Law.

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course

**LAW 3139 v00 The International Health Law Infrastructure - Building Resilience from the COVID Crisis** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203139%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

This course will provide an overview of the international and domestic legal and policy frameworks relating to Global Health. It will explore the critical tools used by the international community and donor governments to respond to the COVID crisis. Using the International Health Regulations, Sustainable Development Goals 2030, WTO Doha Declaration, COVAX Agreements, and International and Regional Human Rights Treaties we will provide a foundation of policy deployment at the international level. Against this backdrop we will focus on the challenges and the tension of international organizations to operate in crises and the sovereignty of the country members resulting in a hardening of nationalism and making their citizens a top priority. Cross-border challenges and threats had been a concern before COVID-19; climate change, fragility and conflict, migration and infectious disease are all increasing in frequency. We will address and examine how these tensions impacted the COVID crisis and other global health emergencies.

The course is designed to impart practical skills for students interested in exploring careers focused on these international issues/global health in government, nongovernmental organizations or the private sector, providing a complementary perspective to *Preventing, Detecting and Responding to Global Health: The International Health Regulations and the U.S. Government Interagency Process* from the international perspective.

By the end of this course, students will be able to:

- Identify and interpret the key relevant authorities and limitations that underpin the global response to the COVID crisis and other global health emergencies in the international community.
- Identify and interpret the key regulations, guidance, and other laws applicable to providing COVID response as well as broader global health assistance by the countries at the national level.
- Draw lessons learned from the international and country-level response to the COVID crisis.
- Predict and explain policy decisions based on knowledge of areas of international organization, donor governments and private actors discretion and restrictions.
- Critically analyze the application of the international global health infrastructure, the IHR and Global Health Security Agenda to COVID and other real life scenarios.
- Identify and recommend changes to the international legal framework for global health to respond more efficiently and effectively to the next global health crisis.
- Differentiate between ideals and goals that are achievable under the relevant legal and regulatory frameworks from activities that are restricted, restrained or prohibited.

**Recommended:** International Law; Administrative Law; Global Health Law Seminar



**LAW 3085 v00 The Nuremberg Trials, the Doctors Trials** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203085%20v00>)

LL.M Seminar (cross-listed) | 2 credit hours

The Doctors Trial considered the fate of twenty-three German physicians who either participated in the Nazi program to euthanize persons deemed "unworthy of life" (the mentally ill, mentally retarded, or physically disabled) or who conducted experiments on concentration camp prisoners without consent. The Doctors Trial lasted 140 days. Eighty-five witnesses testified and almost 1,500 documents were introduced. Sixteen of the doctors charged were found guilty. Seven were executed.

The Doctors Trial provides a significant and important example of human rights violations and serves as a lesson in law and bioethics vital to understanding how law evolved from an initial eugenics policy to and including the horrible examples that framed human atrocities during WW II.

This course will highlight examples from Jeanne Guillemin's "Hidden Atrocities, Japanese Germ Warfare and American Obstruction of Justice at the Tokyo Trial", Joel Dimsdale's "Anatomy of Malice" examining the psychological assessments necessary for the trials, and Vivien Spitz's "Doctors from Hell", delving deep into the actual court transcripts from the proceedings. Ben Ferenz's work, one of the actual prosecutors at the trials, will also be included as insight into this tragic period.

**LAW 1741 v00 The United States and Human Rights Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201741%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This seminar examines the role of the United States in shaping international human rights law and advancing the realization of these rights both at home and abroad. The US role since World War II is significant but also complicated, marked by leadership but also ambivalence. The US stance toward international human rights has always been deeply shaped by human rights struggles at home -- over racial injustice, gender discrimination, and economic inequality -- and by US ambivalence about participating in various multilateral treaties and institutions. Increasingly, advancing human rights at home and abroad are profoundly interconnected, especially as the United States and the world confront urgent problems of climate change, Covid 19, economic inequality and other threats to human dignity that cross borders and affect us all.

With the United States so deeply divided politically, how can US leaders best move ahead to protect human rights at home and to advance human rights abroad? Do the foundations of international human rights law -- rooted in the universal affirmation of inherent human dignity and equality -- provide new promise going forward, and can greater empathy and common purpose be nurtured across political divides at home and abroad? What tangible mechanisms and strategies can best address the most urgent human rights challenges today? Who will be the key actors in these efforts, and what roles can state and local governments, civil society organizations, individuals and local groups and others play, in addition to the longstanding role of the federal government? Does the US system of federalism offer promising avenues for progress on urgent human rights issues or do deep divisions within the United States today undercut the prospects for consistent US leadership abroad? This seminar will explore these questions systematically. Students will write a substantial seminar paper within the subject matter scope of the seminar.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1833 v00 Transitional Justice in the 21st Century** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201833%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This course examines how societies address widespread atrocities and serious crimes, e.g., crimes against humanity, genocide, human rights violations, and other abuses, through transitional justice mechanisms.

These violations often occur in conflict situations, but also can arise through repression, particularly of marginalized groups. Broadly defined, transitional justice mechanisms are processes that provide acknowledgment, recompense and solace to victims through various accountability measures, with a long-term goal of reconciliation and/or an acknowledgement of the abuses and the adoption of measures to address the victims and steps to prevent the recurrence of the abuses/violations. The mechanisms are labeled “transitional” because they are typically implemented during or following atrocities and widespread abuses. In this regard, the crimes committed are of a scale that the judicial system, by itself, is unable to address. The abuses require a broader and different approach. The focus in transitional justice processes is both on victims and on accountability measures that address the society as a whole. Transitional justice mechanisms can include the criminal justice system (e.g., international, national, local), as well as other non-legal approaches to justice and accountability, including truth-telling processes, reparations, reforms, memorialization. In particular, we will examine approaches to abuses and atrocities through a gender lens as well as a specific consideration of children and marginalized groups (e.g., racial, indigenous groups). In some cases, amnesties have been utilized (controversially in, e.g., South Africa). We will critically examine the underlying issues of how peace processes and transitional justice interact and support each other – and in some cases are not productive or fail.

**Learning Objectives:** The course has multiple objectives; these include:

- Understanding how transitional justice mechanisms work in practice and how they may support victims and also lead to reforms that target human rights abuses on a societal scale. Examining some of the 40+ transitional justice processes that have occurred and the methods that have been employed. We will evaluate the efficacy of these processes. Ultimately, do these processes move the society to adopt and ensure human rights standards are protected/enforced?
- Understanding consultation processes that are engaged for societal input, particularly among marginalized groups, as a means of determining what process and/or mechanisms, e.g., truth commissions, prosecutions, reparations, reforms, memorialization, will be adopted and adapted to the country. There will be, in some cases, proposals of the use of amnesties (e.g., South Africa) or innovative approaches, e.g., the Colombian Special Jurisdiction for Peace.
- Examining implementation problems and roadblocks/difficulties/challenges regarding the role of truth commissions or truth-seeking processes, the adoption of reparations, reforms and various criminal justice approaches (see below).
- Assessing strategies for working with victims and affected communities to address the violations that they have suffered. In this regard, memorials that recognize abuses, discrimination or the struggle for justice for victims and recall the violations, which may support memory and stand as markers to prior violations – how important are these efforts?
- Finally, assessing the role of transitional justice in the United States, given the deep fissures in American society, what relevance do these experiences, both in a range of countries, but also in the United States, e.g., the Truth Commission in Greensboro, North Carolina.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling

**LAW 1900 v00 Victim-Centered Justice and Security Practicum**

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201900%20v00>) (Project-Based Practicum)

J.D. Practicum | 4 credit hours

Mass atrocities and conflicts have an enormous impact on victims and civilians. The voices and concerns of such people, however, tend not to be solicited or given sufficient weight and attention in fashioning responses to atrocities, and in the law of war (or international humanitarian law (IHL)). Responses to atrocities often prioritize criminal prosecution, which is not always informed by victims' perspectives and priorities for meaningful justice and accountability. The disproportionate focus on criminal prosecution omits other measures—like reparations, truth-telling, memorialization, and searching for missing persons—that may also accord with victims' views of justice and help them and the larger society come to terms with horrific events. Furthermore, IHL balances the principles of military necessity and humanity in ways that systematically give greater weight to military necessity, which results in lawful uses of force that cause a large number of civilian casualties. Decisions about responding to atrocities therefore can fail to provide meaningful justice for victims, while decisions during wartime based on national security concerns can leave the civilian population at serious risk of ongoing substantial harm.

This course will provide students the opportunity to participate in two projects conducted by Georgetown's Center on National Security (CNS) whose common goal is to help redress these imbalances. Our fundamental aim is to recalibrate how decision-makers set justice and security priorities so that innocent people caught amidst conflict and mass atrocities are not an afterthought, but are placed at the center. The projects share a common focus on: (1) mitigating, preventing, and redressing the impact of armed conflict and atrocities on civilians and victims; and (2) enhancing the likelihood that decision-makers will hear victim's voices as they make decisions about justice and security.

**The Innovation Council for International Justice (ICIJ)** is an initiative that brings together experts from multiple disciplines and experiences across the world to analyze and strategize efforts to redress and respond to war crimes and other atrocities for victims and civilians in order to draw lessons for innovative future approaches to this challenge. The project will survey the rich empirical literature on the achievements, limitations, and potential counterproductive effects of different types of approaches to this issue, and will engage with many of the scholars who have conducted these studies. It will complement this by consulting leaders and organizations in areas that have suffered atrocities and violent conflict to draw lessons based on their practical experiences. The goals will be to: (1) formulate best practices that are rooted in these experiences but informed by insights that permit some generalization and (2) develop a protocol that provides a blueprint for how to engage in consultation with victims and civilians to understand their perspectives so that they are taken into account in decisions regarding justice and security.

**The Cumulative Civilian Harm (CCH)** project aims to illuminate and rectify a critical blindspot in international law: the law of war focuses on whether civilian harms are excessive in each individual attack, but fails to adequately account for cumulative civilian harm over the course of a conflict. This project involves: (1) research on the law of war; states' policies and procedures regarding the use of force; state armed forces manuals on the use of force and formulation of rules of engagement; and international best practices on civilian protection; (2) interviews with high-level civilian and military officials involved in the decision-making process regarding the use of force in the United States, the United Kingdom, and Israel; and (3) interviews with populations in Gaza, Israel, and Iraq to understand their experience of harm during conflicts and their perceptions of what constitutes a just decision-making process regarding civilian harm. The project will culminate in recommendations