

Human Rights and Methods for Human Rights Investigations
International and Area Studies
Rotary Peace Fellows
Graduate Seminar Fall 2008

Course Information

International and Area Studies 255
Mondays & Wednesdays
4:00 – 5:30 PM
Human Rights Center Conference Room
460 Stephens Hall

Course Overview

Many experts believe that peace and human rights are inextricably linked; the only way to achieve a lasting peace is to ensure the protection of fundamental human rights. This course critically examines international human rights in the context of preparing Rotary Peace Fellows to develop, implement or study mechanisms intended to promote peace and security, equality, and reduce poverty and suffering.

The first half of the course will examine emerging issues in human rights that will have a global impact over the course of the next several decades; these issues include war crimes, justice, resource allocation, climate change, access to health, and human trafficking. These issues will be examined through particular case studies and current research.

The second half of the course will introduce students to methodologies used in human rights fieldwork and prepare students to pursue further methodological coursework that may be required to engage in human rights research, or policy and advocacy work. Specifically, the course will introduce students to the fundamental principles of research as they exist across disciplines (but often with differing terminology). There is primary emphasis on active student participation in reviewing the literature in his or her area of interest, in choosing a research question and in developing a protocol to answer that research question, and if done successfully, could form the foundation of the student's summer internship.

Course Instructors

Rachel Shigekane is the Director of Programs at the Human Rights Center and Lecturer in International and Area Studies U.C. Berkeley. The Human Rights Center focuses on investigating war crimes, examining justice and post-conflict reconstruction and documenting the relationship between health and human rights. Prior to coming to the Center, Shigekane was the Managing Attorney at a non-profit legal services program where she focused her attention on welfare reform and access to health and welfare benefits for immigrants, children and those with disabilities.

Contact information: 460 Stephens Hall, (510) 643-2713, rshig@berkeley.edu.

Office hours: Tuesdays 10 AM – 12 PM or by appointment

Phuong Pham, Ph.D. is the Director of Research at the Human Rights Center and a Visiting Associate Professor in International and Area Studies. Over the past 8 years, she has been using social research methods to represent the voices of victims of war crimes and mass violence in Rwanda, Iraq, Northern Uganda, and Democratic Republic of Congo.

Contact information: 460 Stephens Hall, (510) 642-0965, ppham1@tulane.edu

Office hours: Wednesday 1:00 – 3:00 PM or by appointment

Course Requirements

Assignment 1: Paper Abstract & Literature Review (20%): Students will be asked to submit a paper abstract/literature review in preparation to write their final paper due at the end of the semester. The topic should be one that the student wishes to pursue during his/her course of study at U.C. Berkeley and has relevance to this course. The abstract/literature review should include: 1) a research question and hypothesis; 2) what is the relationship of your research question to existing knowledge (i.e., what does the current scholarship say about the issue you wish to examine?); and 3) what is the feasibility of your research question. The abstract and literature review should be no more than 5 pages (12 point font, double-spaced). This assignment is due on Wednesday October 29. Students will be asked to set up individual appointments to discuss their papers.

*You may change your paper topic at a later time, but may have to repeat the abstract and literature review for your new topic.

Assignment 2: Rough draft of your final paper (20%): A 7 – 15 page rough draft of your paper is due on Wednesday November 26. This assignment will be further discussed in class.

Oral Presentation and Final Paper (60%): A final term paper will be due on Wednesday December 17 and can be handed in at the Human Rights Center, 460 Stephens Hall. The paper is expected to be 20 - 25 pages in length and will be based on the development of your abstract, literature review and rough draft. The final two class periods will be dedicated to student oral presentations on papers.

Required Texts

Center for the Study of Human Rights/Columbia University, *Twenty-Five Human Rights Documents* (2005)

Rachel Shigekane & Phuong Pham. *Course Reader: Human Rights and Methodologies for Human Rights Investigations*. Available at Copy Central on Bancroft Ave.

Punch, Keith. *Introduction to Social Research: Quantitative and Qualitative Approaches* (Sage Publications, 2005).

Fowler, Floyd. *Survey Research Methods*, 4th Edition: Applied Research Methods Series (Sage Publications 2008).

Course Syllabus

Week of September 1

September 3: Introduction to Course

Week of September 8

September 8: Overview of International Human Rights

We will review the development of international human rights since World War II and current enforcement and monitoring mechanisms.

Richard P. Claude & Burns H. Weston (eds.) *Human Rights in the World Community* (University of Pennsylvania Press 2006) Burns H. Weston, "Human Rights: Concept and Content" 17 – 24. Burns H. Weston, "Human Rights: Prescription and Enforcement" 294 – 304.

"Leaders: The politics of human rights," *The Economist*, August 18, 2001.

"Special Report: Righting wrongs – Human rights," *The Economist*, August 18, 2001.

Readings in course reader

September 10: War Crimes, Genocide and Crimes Against Humanity

What are war crimes and where are they defined? What is the difference between genocide and crimes against humanity? How do you determine which military and political officials might be responsible for which types of crimes and how far up the "chain of command" does criminal liability reach? Are rape and other forms of sexual violence considered international crimes?

Aryeh Neier. *War Crimes: Brutality, Genocide, Terror and the Struggle for Justice* (Random House, 1998). *The Laws of War*, 12 – 20.

Rhonda Copelon. Gender Crimes as War Crimes: Integrating Crimes against Women into International Criminal Law, *McGill Law Journal*, Vol. 46 (2000) 217 – 240.

Gareth Evans & Mohamed Sahnoun. The Responsibility to Protect *Foreign Affairs* Vol. 81 Iss. 6 (Nov./Dec. 2002) 99.

Alex De Waal. Darfur and the Failure of the Responsibility to Protect, *International Affairs*, Vol. 83, No. 6 (2007) 1039 – 1054.

*all these articles are found in the course reader.

Week of September 15

September 15: Mass Atrocities in Darfur, Sudan

Martha Saavedra, Center for African Studies

We will discuss genocide and crimes against humanity that are occurring in the Darfur region of Sudan. How have the history and the current politics of Sudan and the region affected armed conflict in Darfur? Who is involved in the armed conflict and why? Is genocide occurring in Darfur? And is such labeling important?

Reading TBA

September 17: Justice and Accountability

We will discuss the many mechanisms of accountability that have developed to hold perpetrators of the worst atrocities responsible, to reveal the truth and to give an opportunity to survivors to tell their stories. What are the theories behind the development of each mechanism and what challenges does each face? Is one mechanism better than another?

Alfred Allan, Maria M. Allan, Debra Kaminer, Dan. J. Stein, Exploration of the Association between Apology and Forgiveness amongst Victims of Human Rights Violations, *Behavioral Sciences and the Law* Vol. 24, (2006) 87-102.

Debra Kaminer, Dan J. Stein, Irene Mbanga, Nompumelelo Zungu-Dirwayi. The Truth and Reconciliation Commission in South Africa: relation to psychiatric status and forgiveness among survivors of human rights abuses. *British Journal of Psychiatry*, Vol. 178 (2001) 373-377.

Derrick Silove, Anthony B Zwi, Dominique le Touze. Do truth commissions heal? The East Timor Experience. *The Lancet*. Vol. 367, No. 9518 (April 15, 2006).
www.thelancet.com.

Naomi Roht-Arriaza & Javier Mariezcurrena (eds.) *Transitional Justice in the Twenty-First Century*. (Cambridge University Press 2006) Timothy Longman, Justice at the grassroots? Gacaca trials in Rwanda.

Victor Peskin. *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation* (Cambridge University Press, 2008). International War Crimes Tribunals and the Politics of State Cooperation.

Optional:

Mark Drumbl. Collective Violence and Individual Punishment: The Criminality of Mass Atrocity. *Northwestern University Law Review*, Vol. 99, No. 2 (Winter 2005) 539-610

Leslie Swartz & Gerard Drennan. The Cultural Construction of Healing in the Truth and Reconciliation Commission: implications for mental health practice. *Ethnicity & Health* Vol. 5 Nos. 3 & 4 (2000) 205 – 213.

*all articles are found in the course reader

Week of September 22

September 22: International Criminal Justice

Eric Stover, Human Rights Center

We will discuss the work of the International Criminal Court, the challenges the Court faces, its first criminal investigations and prosecutions, and its strengths and weaknesses.

World at Risk: A Global Issues Sourcebook (CQ Press, 2002) Eric Stover. International Criminal Justice. 365-385.

Eric Stover & Harvey Weinstein (eds.) *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge University Press 2004). Eric Stover & Harvey Weinstein, Introduction: conflict, justice and reclamation. 1 – 26.

Eric Stover & Harvey Weinstein (eds.) *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge University Press 2004). Eric Stover & Harvey Weinstein, Conclusion: a common objective, a universe of alternatives. 323-342.

*reading materials are in the course reader.

September 24: The U.S. “War on Terror:” Detention at Guantanamo Bay

Eric Stover, Human Rights Center

In the wake of the September 11th tragedies and during the U.S.’s ensuing conflict with the Taliban, and now with Iraq, numerous questions have been raised about the curtailment of fundamental human rights in the U.S. Hundreds of individuals captured in Afghanistan and Pakistan have been held under U.S. control in Guantanamo Bay, Cuba. Some have been held since 2002 without being charged or tried and have been subjected to torture and other abusive forms of interrogation. There have been calls from some to indict the architects of the U.S. “war on terror” for the commission of war crimes. We will discuss the development of the military prison at Guantanamo Bay, the treatment of detainees at Guantanamo Bay and what the future may hold for them.

Jane Mayer. The Battle for a Country’s Soul. *The New York Review of Books*, Vol. 55 No. 13 (August 14, 2008).

Phillippe Sands. The Green Light. *Vanity Fair* Vol. 50, Issue 5 (May 2008) 218.

(all readings are in the course reader)

*Phillippe Sands will be speaking at U.C. Berkeley/Boalt Hall School of Law as part of the Rotary Peace Fellows lecture series on Tuesday, November 18. More information will be available as the date draws closer.

Week of September 29

September 29: The U.C. Berkeley Library and Research Resources

Jim Church, International Documents Librarian

U.C. Berkeley has an incredible, if not overwhelming, holding of academic resources, one of the many benefits of studying here. To gain a solid start on developing your area of research and writing your final paper, Jim will introduce you to the vast resources of the U.C. Berkeley library, particularly the international documents available, and how you can effectively utilize these resources. Jim will also be available during the semester for individual consultations.

Harris Cooper & Larry V. Hedges. *The Handbook of Research Synthesis* (Russell Sage Foundation, New York, 1994), 57 – 94.

Jeffery G. Reed & Pam M. Baxter, *Using Reference Databases*, Chapter 5, 57 – 70.

Kay Dickersin, *Research Registers*, Chapter 6, 71 – 83.

Marylu C. Rosenthal, *The Fugitive Literature*, Chapter 7, 85 – 94.

(available in course reader)

Punch, Keith. *Introduction to Social Research: Quantitative and Qualitative Approaches*. Sage Publications (2005). Chapter 3, p. 32-43.

October 1: Human Rights and Climate Change

John Chiang, Department of Geography

In March 2008, UN Human Rights Council passed a resolution recognizing that climate change is not just a threat to the global environment and economy but to the right to life. UN Secretary-General Ban Ki-moon indicated that tackling climate change is one of his top priorities. How is the global climate changing and why? Which human rights are imperiled by climate change? How can climate change be addressed through a human rights framework?

James Hansen, Defusing the Global Warming Time Bomb. *Scientific American*, March 2004, 7.

IPCC, 2007: Summary for Policymakers. *Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, M.L. Parry, O.F. Canziani, J.P.

Palutikof, P.J. van der Linden and C.E. Hanson (eds.) Cambridge University Press, 7 – 22.

Human Rights and Equal Opportunity Commission, Australia. *Human Rights and Climate Change*, 2008.

Litigation: A Response to Policy Failures. International Council on Human Rights, *Climate Change and Human Rights: A Rough Guide*. 2008. 41 – 48.

Readings in course reader

Optional:

International Council on Human Rights, *Climate Change and Human Rights: A Rough Guide*. 2008. www.ichrp.org/files/reports/36/136_report.pdf.

Week of October 6

October 6: Human Rights and Oil: “The Resource Curse”

Michael Watts, Department of Geography

Many of the least developed and conflict-ridden states are also the most well-endowed with natural resources – oil, natural gas, timber, minerals and gems. We will examine this phenomenon through the lens of Nigeria and the Niger Delta region that is rich in oil. What is the area’s colonial and neo-colonial history and how has this affected the distribution of oil revenues? What are the human rights abuses that flow from oil extraction? What are the current movements in place to counter-act these inequities?

Michael Watts, Petro-Insurgency or Criminal Syndicate: Conflict & Violence in the Niger Delta. *Review of African Political Economy*, No. 114.

Human Rights Watch. Politics as War: The Human Rights Impact and Causes of Post-Election Violence in Rivers State, Nigeria, Vol. 20, No. 3 (A), March 2008.

Uwafiokun Idemudia. *Corporate Partnerships and Community Development in the Nigerian Oil Industry*. (U.N. Research Institute for Social Development, March 2007).

International Crisis Group, *Nigeria: Want in the Midst of Plenty*, Africa Report No. 113, July 19, 2006.

Readings in course reader

October 8: Humanitarian Aid and Human Rights

How do human rights and the distribution of humanitarian aid intersect? In recent years, there has been a call to distribute humanitarian aid in accordance with human rights principles, utilizing a rights-based approach. This idea has been embraced by the UN,

state governments and NGOs but has been met with criticism as well. What are the pros and cons to this approach; how does this approach compare to traditional principles of humanitarianism? Should humanitarian aid be distributed in countries where the aid will invariably support corrupt, human rights violating regimes? Should humanitarian aid be distributed on a purely “needs” basis?

David Chandler, The Road to Military Humanitarianism: How the Human Rights NGOs Shaped A New Humanitarian Agenda, *Human Rights Quarterly*. Vol. 23, 2001, 678-700.

Eric Stover, Rachel Shigekane, Andrew Moss. The Politics of Foreign Aid. Human Rights Center & Center for Public Health and Human Rights/John Hopkins Bloomberg School of Public Policy, *The Gathering Storm: Infectious Diseases and Human Rights in Burma*, July 2007, 33 – 51.

Eric Stover & Patrick Vinck, Cyclone Nargis and the Politics of Relief and Reconstruction Aid in Burma (Myanmar), *Journal of the American Medical Association*, Vol. 300, No. 6, August 13, 2008, 729 – 731.

Mohammed Haneef Atmar. Politicisation of Humanitarian Aid and Its Consequences for Afghans, *Disasters*, Vol. 25 No. 4, 2001, 321-330.

Readings in course reader

Week of October 13

October 13: Health and Human Rights

Harvey Weinstein, Human Rights Center

Health and human rights are closely linked. What is the benefit to developing health policy and programs from a rights-based perspective? What are the health implications of gross human rights abuses and violations of International Humanitarian Law? How are the human rights of health practitioners violated?

Sofia Gruskin and Daniel Tarantola, Health and Human Rights

Paul Farmer. Rethinking Health and Human Rights: Time for a Paradigm Shift. Paul Farmer (ed.) *Pathologies of Power: Health, Human Rights and the New War on the Poor*, (University of California Press, 2003) 213 -246.

Readings in course reader

October 15: Access to Essential Medicines

Krista Osmundson, law student/Boalt Hall School of Law

An emerging issue in the area of health and human rights is the distribution of the benefits of technological advances between the global north and the global south,

including the availability of essential medicines. Krista Osmundson spent the summer working with World Health Organization, South East Asian Regional Office in New Dehli, India. She will discuss her work in the area of health and human rights.

Reading TBA

Week of October 20

October 20: Science and Human Rights: DNA, the Disappeared and the Search for Justice

Desaparecidos or the disappeared is a term that was first coined in Latin America to identify gross violations of human rights and/or international humanitarian law in which the state, through extra-judicial processes, abducted or disappeared persons, oftentimes to achieve a political purpose. We will discuss the forced disappearances of children by the military in El Salvador's civil war (1980 – 1992) and current attempts to identify these disappeared persons through DNA testing in order to hold the government to account.

Reading: TBA

October 22: Human Trafficking

Human trafficking is a growing international phenomenon and is receiving increased attention at the U.N., state government and NGO levels. What is human trafficking? Why does it occur? Who are trafficked persons and who are traffickers? How can it be addressed and prevented? What are the challenges faced in combating trafficking and what models have been put into practice?

Rachel Shigekane. Human Trafficking (draft article)

Grace Chang & Kathleen Kim, Reconceptualizing Approaches to Human Trafficking: New Directions and Perspectives from the Field(s). *Stanford Journal of Civil Rights & Civil Liberties*, Vol. 3 (August 2007) 317 – 344.

Frank Laczko & Marco A. Gramegna, Developing Better Indicators of Human Trafficking. *Brown Journal of World Affairs*, Vol. 10 (2003/2004) 179 – 194.

Kamala Kempadoo, Joyti Sanghera & Bandana Pattanaik, (eds.) *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work and Human Rights*. (Paradigm Publishers, 2005). Jan Boontinand. Feminist Participatory Action Research in the Mekong Region, 175 – 197.

Readings in course reader

Week of October 27

October 27: Science, Research and Paradigms

What is science? What are scientific methods? What is research? What is a researchable question and how do you ask a researchable question?

Reading

Punch, Keith. *Introduction to Social Research: Quantitative and Qualitative Approaches*. Sage Publications (2005). Chapter 1-2, p. 1-31.

Optional Reading

Trochim, W.M. (2001). Chapter 1: Foundation

October 29: Constructing a Theory – Introduction to Qualitative and Quantitative Research

What is a proposition; a hypothesis; a theory? What are the various philosophical arguments in search of the truth? Is there such a thing as the truth? What are multiple hypotheses?

Punch, Keith. *Introduction to Social Research: Quantitative and Qualitative Approaches*. Sage Publications (2005). Chapter 4, p. 44-60.

Chamberlin, T.C. The Method of Multiple Working Hypothesis. *Science* (1965), 145, 755-758. (in course reader)

**First Assignment: Abstract/Literature Review is due in class.

Week of November 3

November 3: Study Design

What are the different stages of conducting research? What are the two different types of data collection approach? Is one better than the other? What is study design?

Reading: Punch, Keith. *Introduction to Social Research: Quantitative and Qualitative Approaches*. Sage Publications (2005). Chapter 5, p. 62-83.

Robinson, W.S. Ecological Correlations and the Behavior of Individuals. *American Sociological Review* (1950), 15, 351-357. (in course reader)

November 5: Qualitative Research

How do you design qualitative research? How is qualitative research different from quantitative research? What are the strengths and weaknesses of qualitative research?

Punch, Keith. *Introduction to Social Research: Quantitative and Qualitative Approaches*. Sage Publications (2005). Chapter 8, 133-165

Week of November 10

November 10: Quantitative Research

How do you design a quantitative research? What are some of the advantages and disadvantages of quantitative study? How do you develop an analysis strategy for quantitative research?

Punch, Keith. *Introduction to Social Research: Quantitative and Qualitative Approaches*. Sage Publications (2005). Chapter 6, p. 85-100.

Green, Maria. What we talk about when we talk about indicators: current approaches to Human Rights Measurement. *Human Rights Quarterly* (2001), 23, 1062-1097. (In course reader)

OPTIONAL READINGS

Trochim, W.M. (2001). Chapter 1: Foundation

Trochim, W.M. (2001). Chapter 6: Study Design

November 12: Mixed Methods

What are mixed methods? How can mixed methods help overcome some of the weakness of other approaches? What kinds of resources are needed to implement mixed methods?

Reading: Punch, Keith. *Introduction to Social Research: Quantitative and Qualitative Approaches*. Sage Publications (2005). Chapter 11, p. 234-258

Week of November 17

November 17: Survey Research

What are the stages of survey research? What kinds of research questions are appropriate for survey research?

Fowler, Floyd. *Survey Research Methods*, 4th Ed: Applied Research Methods Series. Sage Publications (2008). Chapter 1 and Chapters 4-11.

November 19: Introduction to Sampling

What are the two major categories of sampling? Which sampling method is appropriate for which research question?

Fowler, Floyd. *Survey Research Methods*, 4th Ed: Applied Research Methods Series. Sage Publications (2008). Chapter 2-3.

Magnani, Robert. *Sampling Guide*. Food and Nutrition Technical Assistance Project (FANTA). Academy for Educational Development (1997). (in course reader)

Week of November 24

November 24: Ethics of Research and the Committee for the Protection of Human Subjects

What are the ethical considerations in conducting research? How does one go through Human Subject Committee? When do you need to apply? Who need to apply for human subject research approval?

Readings

The National Commission for Human Protection of Human Subjects of Biomedical and Behavioral Research. *The Belmont Report*. Office of the Secretary (1979).

Leaning, Jennifer. *Ethics of Research in Refugee Population*. *The Lancet* (2001), 352: 1432-1433.

CFR Chart

Committee for Protection of Human Subjects (CPHS), Office for the Protection of Human Subjects (OPHS), University of California, Berkeley. *Protecting Human Subjects: Are you conducting research using human subjects?*

Committee for Protection of Human Subjects (CPHS), Office for the Protection of Human Subjects (OPHS), University of California, Berkeley. *CPHS INFORMED CONSENT GUIDELINES*.

*all readings are in course reader

November 26: Research Writing

Reading: Punch, Keith. *Introduction to Social Research: Quantitative and Qualitative Approaches*. Sage Publications (2005). Chapter 12, p. 259-279.

**Assignment 2: Rough Draft of Paper is due in class.

Week of December 1

December 1: Conducting Research in an Ongoing Conflict Situation

Patrick Vinck, Ph.D., Human Rights Center

Reading: Living with Fear (<http://hrc.berkeley.edu/pdfs/LivingWithFear-DRC.pdf>)

December 3: Student Presentations

Week of December 8

December 8: Student Presentations

December 10: Student Presentations

**Final Paper is due on Wednesday December 17.