

Introduction to International Human Rights

(INTL 245-01) Macalester College, Spring 2010, 4 credits

Instructor: Nadya Nedelsky

Class: MWF 2:20-3:20

Room: Carnegie 404

E-mail: nedelsky@macalester.edu

Office: Carnegie 405

Phone: x6479

Office hours: Mon, 4:35-5:00 pm; Thurs 3:30-5:00 pm, and by appointment

Course description:

This course introduces the theoretical and practical concerns shaping the study and promotion of human rights today. Using a variety of materials and case studies, our exploration focuses on: 1) the key concepts used in the discussion of human rights; 2) the debate over whether rights are universal; 3) the regional and international institutions and organizations devoted to enforcing human rights; 4) the role states play in protecting human rights, both internally and in relation to violator states; and 5) current topics, including responses to massive human rights violations and the implications of globalization for human rights.

Texts:

- *Human Rights in the World Community: Issues and Action*, ed. Richard Pierre Claude and Burns H. Weston, Third Edition, Philadelphia: University of Pennsylvania Press, 2006.
- Julie Mertus, *Bait and Switch: Human Rights and US Foreign Policy*, New York: Routledge, 2008.
- Further readings are available on Moodle.

Assignments:

Overview

1. Weekly response papers: not graded individually, but if you do not complete them, it will be deducted from participation grade, and especially good ones will enhance it
2. Participation: 20%
3. Paper 1: 20% (proposal due Feb 26th, paper due March 10th)
4. Paper 2: 20% (proposal due Apr 5th, paper due Apr 12th)
5. Group policy presentation and paper 3: 25% (group paper due May 5th)
6. Paper 4: 15% (paper due May 7th)

1. Weekly response papers:

Each week during Parts 1 and 2, of the class you will write a one-page response paper (single spaced; it may be typed or handwritten) responding to a reading (or readings) of your choice. They are due in class the day we discuss that reading. You should begin by identifying two things. First, if the piece is making an argument, what is the **problem** that the piece is addressing, trying to help solve? And second, in a sentence of your own words, what is the **conclusion** of the author's argument (what the author is trying to convince you of, ultimately)? Identifying the conclusion should always be the first step in analyzing an argument. Thereafter, you may respond as you wish, looking, for example, at the strengths and weaknesses of its premises, its implications, its relationships to other readings, and so on. Often, I will give you a question to consider when reading a piece, so one option would be responding to that; another is to answer one of the questions offered at the end of each reading in the

Claude and Weston text. You should end the response paper with the question that most troubles or intrigues you, at the end of the day, about that reading.

The purpose of the response papers is to engage with the readings and to help you develop your own voice regarding the course's issues. This pre-class thinking and writing will also enhance our discussions (and make things easier for those who have difficulty speaking up in class). They will not be graded, but I will mark them with a check, check-minus (if the engagement level is low), or check-plus (if the engagement is particularly thoughtful or insightful). Fulfillment (or lack thereof) will be reflected in the participation grade.

2. Participation:

This is not a lecture course. Discussion is central and important because it requires active thinking and articulation of positions, and it helps clarify difficult issues via questions, challenges, and rethinking. None of the issues in this course have easy answers; everyone can contribute something. If you have trouble speaking up (a common issue), some pointers:

- As with many anxieties and phobias, a way of overcoming this is by gradually exposing yourself to your own voice in the classroom until you get used to it (and keep in mind that what you say doesn't have to be brilliant). It simply gets easier the more you do it.
- For better or worse, people tend to remember what they themselves said, and much less what others said. People don't tend to scrutinize what you said nearly as much as you do.
- That some people are more at ease with speaking up doesn't mean that they generally have better or more thoughtful things to say than those less at ease. Your contribution is important.
- The response papers are a good place to get your thoughts clear and ready yourself to make points and/or ask questions comfortably.

If you continue over time to feel uncomfortable speaking in class, please come talk to me about it and we'll consider strategies. Also, as noted above, completing the response papers counts toward participation, as does attendance. (20%)

3. Paper 1: You will take up a controversial issue of your choice covered in Part 1 of the course, articulating and assessing the contending claims and arguments on either side of the debate. Ultimately, you will take a position, supporting yourself with evidence and strong argument. The paper should be 5-to-6 pages. A one-paragraph proposal is due Feb 26th and the paper is due March 10th. (20%)

4. Paper 2: You will find a current or recent human rights issue (the topic of reporting in the last five years) and assess the pros and cons of addressing it via two types of human rights action (of your choice, each involving a different set of principle actors/institutions) covered in Part 2 of the course, concluding with an argument for the strategy you find most promising. The paper should 6 pages. A one-paragraph proposal is due April 5th and the paper is due April 12th. (20%)

5 & 6. Policy proposal: In this project, which integrates all three sections of the course, you will develop a human rights foreign policy recommendation to guide the Obama Administration. It involves two parts:

- a) You will be part of a team that will draw up a set of recommendations for the focus and strategy of the administration's human rights policy; this will involve a presentation, followed by questions, and produce a 10-12-page group paper, due May 5th. (25%)
- b) Each team member will also act as an expert on one element of the policy proposal, and write a separate, supporting paper, offering a deeper and more detailed analysis on that narrower topic. 5 pages, due May 7th. (15%)

More detailed prompts for the papers will be distributed during the semester.

Grading scale:

100-94: A	89-86: B+	79-76: C+	69-60: D
93-90: A-	85-83: B	75-73: C	59-55: D-
	82-80: B-	72-70: C-	

Note: Plagiarized work will **not** be accepted and will incur significant penalties. If you are using someone else's ideas, words, or research, you **MUST** cite them properly.

The Macalester Academic Excellence (MAX) Center, located in Kagin Commons, has peer tutors available for assisting students in all stages of their writing.

I am committed to providing assistance to help you be successful in this course. Reasonable accommodations are available for students with documented disabilities. Please meet with the Associate Dean of Students, Lisa Landreman, who will serve as the coordinator for services for students with disabilities. It is important to meet with her at the beginning of the semester to ensure that your accommodations are approved and in place to begin the semester successfully. The Associate Dean can be reached in the Office of Student Affairs, 119 Weyerhaeuser, by phone at 651-696-6220, or email llandrem@macalester.edu.

Schedule: Subject to revision as necessary; readings not in Claude and Weston's edited volume (noted below as CW) are on Moodle (noted below as M)

Mon, Jan 25: Welcome to the class

Part 1: Issues

A. Introduction

Wed, Jan 27:

- International Human Rights: Issues Overviews (pp. 3-16 in (CW))
- Burns H. Weston, Human Rights: Concept and Content (CW)

Fri, Jan 29:

- Martha Nussbaum, Capabilities, Human Rights and the Universal Declaration (CW)
- Nussbaum, *Women and Human Development: The Capabilities Approach* (excerpt, M)
- *Universal Declaration of Human Rights* (pp. 464-8 in CW)

Mon, Feb 1:

- Burns H. Weston, The Universality of Human Rights in a Multicultural World (CW)
- Shashi Tharoor, Are Human Rights Universal? (M)

B. International Law, Grave Violations of Human Rights, and Civil and Political Rights

Wed, Feb 3: Background on International Law

- Oscar Schachter, *International Law in Theory and Practice* (1990) (excerpts) (M)
- Basic Decencies and Participatory Rights (pp. 65-77 in CW)
- Nuremberg Trials (1945) Charter of the International Military Tribunal; read articles 6-8 (M)
- Judgment at Nuremberg (1946) See shaded excerpts (M)
- Debate on Jurisdiction over Crimes against Humanity, 121-125; start with note (M)

Fri, Feb 5: Genocide and Torture (both in CW)

- Diane Orentlicher, *Genocide*
- Lisa Hajjar, *Torture and the Future*

Mon, Feb 8: Civil and Political Rights (all in CW)

- *Covenant on Civil and Political Rights* (ICCPR), Articles 1-27 (pp. 476-top of 483)
- Richard B. Lillich, *Civil Rights*
- Rachel Neild, *Human Rights and Crime*
- Paul Gordon Lauren, *First Principles of Racial Equality*

Wed, Feb 10: Women's Rights as Human Rights

- Eva Brems, *Protecting the Rights of Women* (CW)
- *International Covenant on the Elimination of All Forms of Discrimination Against Women* (CEDAW, 1979), skim whole thing, but read carefully Articles 2, 5, 7, 10, 12, 13, and 14 (M)
- *Declaration on the Elimination of Violence Against Women* (General Assembly, 1993) Articles 1-2; 4 (M)
- UN Human Rights Commission, *Preliminary report submitted by the Special Rapporteur on violence against women, its causes and consequences*, Radhika Coomaraswamy. E/CN.4/1994/42. Read paragraphs 49, 54, 64, 67. (M)

Fri, Feb 12: Challenges to Women's Rights (all on M)

- Reservations to CEDAW: skim whole, but give special attention to Niger, Algeria, and Singapore
- Amnesty International, *Female Genital Mutilation: A Human Rights Information Pack*
- From Jomo Kenyatta, *Facing Mount Kenya* (1965)
- Yael Tamir, *Hands Off Clitoridectomy*

Mon, Feb 15: Religion and Human Rights

- ICCPR, Re-read Article 18 (CW p. 474)
- Human Rights Committee, *General Comment 22, Article 18* (48th Session, 1993), Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 35 (1994) (M)
- Constitution of the Islamic Republic of Iran (1979), Articles 1-4, 6-8, 12-14, 19-24, 57-61, 107-110. (M)
- State, Religion and Personal Law in Israel (2000). Steiner, 493-498. (M)
- Kaadan v. ILA, P.D. 54(1), H.C. 6698/95. Israeli High Court of Justice. (M)

Wed, Feb 17: Children's Rights (all on M)

- UNICEF. *Guide to the Convention on the Rights of the Child*.
- **Skim** the *Convention on the Rights of the Child* (1989), Articles 1-41.

- **Skim** Human Rights Watch, *Kenya Spare the Child: Corporal Punishment in Kenyan Schools* (September 1999).
- Kalashnikov Kids, *The Economist*, July 10, 1999, Vol. 352, No. 8127.

C. Social, Cultural, and Economic Rights

Fri, Feb 19: Economic, Social and Cultural Rights

- *International Covenant on Economic, Social and Cultural Rights* (1966), Articles 1-16, 136-146.
- Basic Human Needs as Security Rights, (CW) pp. 161-169.
- Asbjørn Eide, Economic, Social, and Cultural Rights as Human Rights (CW)
- Constitution of the Republic of South Africa (1996) Read Chapter 1, Section 1; Chapter 2, Sections 7, 10-11, 27, 39. (M)
- Soobramoney v. Minister of Health (KwaZulu-Natal) (1997) ICHRL 118 (27 November 1997) Summary. (M)

Mon, Feb 22: Food and Education as Human Rights (both in CW)

- George Kent, Food Is a Human Right
- Paul Hunt, The Right to Health: Key Objectives, Themes, and Interventions

Wed, Feb 24: The Relationship between Civil/Political and Social/Economic Rights (both M)

- Amartya Sen, Democracy as a Universal Value
- Cass Sunstein, Against Positive Rights

Fri, Feb 26: Culture (proposal for paper 1 due)

- Stephen A. Hansen, The Right to Take Part in Cultural Life (CW)
- American Anthropological Association, *Statement on Human Rights by the Executive Board*, 49 Am. Anthropologist 543 (1947) (M)

Mon, March 1: Indigenous Peoples' Rights

- Maivân Clech Lâm, Indigenous Peoples' Rights to Self-Determination and Territoriality (CW)
- Draft United Nations Declaration on the Rights of Indigenous Peoples (1994), Articles 3-4, 16, 19-20, 25-27, 31-36. (M)

D. Group Rights

Wed, March 3: Overview, and the Right to Self-Determination

- Community or Solidarity Rights—Groups Rights, (CW) pp. 235-242
- Hurst Hannum, The Right of Self-Determination in the Twenty-First Century (CW)
- Review ICCPR, Article 1
- List of active autonomist and secessionist movements (M)
- United Nations General Assembly, *Declaration on the Granting of Independence to Colonial Countries and Peoples* (1960), Declarations 1-7 (M)

Fri, March 5: Minorities and Self-Determination

- *Declaration on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, General Assembly Resolution 47/135 (1992), Articles 1-6. (M)
- Refugees International, *Left Behind: Stateless Russians Search for Equality in Estonia* (2004) (M)

- Review ICCPR, Articles 27

Mon, March 8: The Rights to Development and Environment (CW)

- Arjun Sengupta, The Right to Development
- Luis E. Rodriguez-Rivera, Is the Human Right to Environment Recognized Under International Law?

Wed, March 10: The Right to Peace; **Paper 1 due**

- Douglas Roche, Peace: A “Sacred Right” (CW)

Part II: Action

Fri, March 12: An Overview of Human Rights Action (CW)

- International Human Rights: Action Overviews (pp. 287-294)
- Burns H. Weston, Human Rights: Prescription and Enforcement

March 13-21: **SPRING BREAK!**

Mon, March 22: Enforcement and the Role of Treaties (CW)

- Harold Koh, How Is International Human Rights Law Enforced?
- Anne F. Bayefsky, Making the Human Rights Treaties Work

Wed, March 24: International Action, esp. the United Nations (CW)

- International Approaches to Human Rights Implementation (325-341)
- Stephen P. Marks, The United Nations and Human Rights

Fri, March 26: Regional Human Rights Systems, esp. the European System

- Dinah Shelton, The Promise of the Regional Human Rights System (CW)
- FAQ: The 9 Most Frequently Asked Questions About the European Social Charter (M)
- Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms*, Rome, 4.XI.1950. Articles 31-36, 44, and 46. (M)
- *Lustig-Prean and Beckett v. The United Kingdom*, nos/nos. 31417/96 et/and 32377/96 (Sect. 3) See highlighted excerpts. (M)

Mon, March 29: The Inter-American and African Systems (M)

- American Declaration on the Rights and Duties of Man
- American Convention on Human Rights
- Inter-American Court of Human Rights, *Velasquez Rodriguez Judgment*, Inter-Am. Ct. H.R. (ser. C) No. 4 (1988), read highlighted sections.
- African Charter on Human and Peoples’ Rights (Banjul Charter) (note particularly Articles 8, 11, 12, 13, 17, 18, and 27-29)

Wed, March 31: States’ action on human rights (CW)

- National Approaches to Human Rights Implementation (371-383)
- Michael Ignatieff, No Exceptions? The United States Pick-and-Choose Approach to Human Rights

Fri, April 2: **No class!**

Mon, April 5: **film** (TBA) (**proposal for paper 2 due**)

Wed, April 7 Civil Remedies

- Michael Remedies for Gross Human Rights Violations (CW)
- Torture Victim Protection Act (1991) (M)
- “ACLU Sues Boeing Subsidiary for Participation in CIA Kidnapping and Torture Flights,” May 30, 2007. (M)
- Robert H. Bork, Judicial Imperialism (M)

Fri, April 9: Private Sector, and esp. Non-governmental Organizations (CW)

- Private Sector Approaches to Human Rights Implementation (pp. 411-424)
- Richard Pierre Claude, What Do Human Rights NGOs Do?
- Jordan J. Paust, The Human Right to Revolution

Mon, April 12: Humanitarian Intervention (CW) (**paper 2 due**)

- Richard Falk, Humanitarian Intervention: Imperatives and Problematics
- UN Charter, Article 2 and Chapters VI, VII, and VIII (Charter in Appendix A, beginning p. 459)

Part 3: U.S. Foreign Policy

Wed, April 14:

- Julie Mertus, *Bait and Switch: Human Rights and U.S. Foreign Policy*, Chapters 1 and 2

Fri, April 16:

- Mertus, *Human Rights and U.S. Foreign Policy*, Chapter 3

Mon, April 19:

- Mertus, *Human Rights and U.S. Foreign Policy*, Chapters 4 and 5

Wed, April 21: Group work on policy proposals

Friday, April 23: Group work on policy proposals

Mon, April 26: Presentations of policy proposals

Wed, April 28: Presentations of policy proposals

Fri, April 30: Presentations of policy proposals

Mon, May 3: **Last day of class!**

Wed, May 5: **Policy Proposal Paper due (from group)**

Fri, May 7: **Paper 4 due**