

INTERNATIONAL HUMAN RIGHTS & THE GLOBAL ECONOMY

Spring 2010

Professor Hope Lewis



COURSE DESCRIPTION

It has been more than sixty years since the formal international human rights movement recognized the indivisibility of civil, political, economic, social, and cultural human rights. Why, therefore, are we often less outraged at widespread poverty, hunger, homelessness, illiteracy, disease pandemics, and state failures to respond to environmental disasters than we are about responsibility for torture, armed conflict, terrorism, and political repression? How are violations of economic, social, and cultural rights linked to violence and violations of civil and political rights?

This course examines the theory and practice of international human rights law. It does so primarily by using economic, social and cultural human rights and the implications of globalization as points of entry. Readings are drawn from the work of activists, political scientists, philosophers, journalists, and NGOs as well as that of international bodies, judges, legal scholars, and other authoritative interpreters of international human rights law.

The first part of the course introduces international human rights law and the human rights legal system, including their historical and theoretical underpinnings, scholarly critiques of the human rights movement, and strategies for applying human rights standards to real-world situations (such as the 2010 Earthquake Disaster in Haiti).

In the second part of the quarter we will use student-researched case studies to illustrate how international human rights strategies are being used from a “best practices” perspective. These case studies should further explore practical efforts to advance socio-economic and other human rights in selected applied contexts. Student Working Groups of 3-6 students will choose from a list of general topics (handed out in class) that focus on Haiti, the United States, and other locations. (Working Groups may suggest topics other than those listed, but must obtain separate instructor approval.)

There is no pre-requisite for this three-credit course.

The following outline is for guidance purposes only and is subject to change as events warrant.

REQUIRED TEXT AND MATERIALS

- ◆ HUMAN RIGHTS AND THE GLOBAL MARKETPLACE: ECONOMIC, SOCIAL, AND CULTURAL DIMENSIONS (Jeanne M. Woods & Hope Lewis, eds., Transnational/Brill USA, 2005). (Please note that there is supposed to be a significant volume discount from the retail price for purchases through the NU Bookstore and that used copies may be available through on-line sources.)
- ◆ Course TWEN site. This is the main source for updates and postings with regard to the class. It also includes links to major UN and regional bodies, professional organizations, and NGOs in the field of human rights as well as links to library resources. Please register (after the first class on March 1, 2010) . The password is “nuslhrge”.

COURSE REQUIREMENTS

Evaluation is based on the following:

- ◆ 55%--A final exam (7-8 double-spaced pages in length) analyzing legal and policy issues covered in this course. The final exam essay is due no later than NOON on the last day of exam period by digital upload to the Office of Academic and Student Affairs (NOT to me). The final essay should include your exam number, not your name. See OASA guidelines for procedures if you have an emergency or need to request adaptive accommodations.¹
- ◆ 45%--Class Participation (written and in-class). This includes active and informed participation in class discussions and in your Working Group as described below. Thinking about the notes and questions provided in the textbook is a good way to prepare for class discussions, although we will talk about only some of those questions in class and will very likely raise others not listed. If you are unable to participate in a particular class, or are unable to attend a class session due to illness or an unavoidable conflict, please let me know by e-mail in advance, if possible. Working Group performance is evaluated as a whole.

Sign up for one (1) Working Group presentation slot on the TWEN site.

Working Group “Blog” Posts: In the first Part of the course, your Working Group is responsible for posting short reflections on the class TWEN site. Each member of the Working Group should a) write a short (2-3 paragraphs) reflection about ANY aspect of the readings assigned for that slot. The reflection should include at least one link to a related current news item. The Working Group’s Blog posts should be up at least 24 hours prior to the date you signed up for. (“Current news event” means “within the last 3 months” for these purposes.) The link could be to a short news article, op-ed, or video clip (check for viruses) that is relevant to the assigned reading.

¹ **Accommodations:** Please advise the Office of Academic and Student Affairs and Professor Melinda Drew, the law school's Disability Resources Coordinator, immediately if you have a disability that requires accommodation with regard to any course requirements.

Students in each Working Group are encouraged to share their thoughts from the reflection blogposts with the class. All members of the class are encouraged to comment on the reflection posts during class or on the TWEN site. The ground rule for comments is that you show others the level of respect with which you would hope to be treated, even if you disagree with them.

Working Group Presentation: During the latter part of the course, you should arrange to make a group presentation with members of the working group slot you signed up for. Your group should present on a general topic (chosen from a list to be handed out the first day of class) in the context of a specific event or country. Given the need and the extent of the crisis, I encourage you to explore the many topics relevant to Haiti's recovery after the 12 January 2010 earthquake. There are also topics relevant to the United States and other countries. Groups may choose to focus on other topics, but should clear their proposed choice with me.

Each group should plan for about 30-40 minutes of presentation time, with additional time for follow-up questions from the rest of the class. Although brief video clips may be used to illustrate key points, the bulk of the presentation should not be a video.

Each GROUP also should prepare and post on the Class TWEN website ONE 5-6 single-spaced page written OUTLINE of the topic at least 24 hours before its presentation is scheduled to occur. Other students should download and read these outlines before the relevant class meeting.

Reading Assignments

PART I. THE INTERNATIONAL HUMAN RIGHTS SYSTEM: GLOBALIZATION AND ITS CHALLENGES

1. Introduction to the Human Rights Movement: Defining Human Rights (Monday, March 1)

- ◆ Read Woods & Lewis, pp. 1-40
- ◆ Browse: Woods & Lewis, Preface, Foreword, Table of Contents
- ◆ Universal Declaration of Human Rights <http://www.unhchr.ch/udhr/lang/eng.htm>
- ◆ The UN Millennium Development Goals (MDGs), available at: <http://www.un.org/millenniumgoals/>
- ◆ Read the entire course outline and let me know if you have questions.
- ◆ Register for the class TWEN website (after class.)
- ◆ Sign up for Working Group on TWEN site (after class.)
- ◆ E-mail Survey. Before or after class (by the end of the week) send me a 1 page e-mail (h.lewis@neu.edu) with your name, class, previous international or immigration related courses, co-ops, or other experiences (if any), special international law/human rights interests, and anything else you would like me to know about you or your goals for the class. . Please put "HRG Survey" in the subject line.

Class introductions. Course overview. Using the UDHR. Which harms should be defined as "human rights violations," and why? What does the label "human rights violation" add to the legal or practical implications of problems such as those described

in the text or the Haiti earthquake? Are some human rights listed in the UDHR more fundamental than others?

IMPORTANT NOTE: We will not meet on Wednesday, March 3. We will have a rescheduled class on Friday, April 9.

2. The Human Rights Legal Framework: Philosophical and Political Perspectives (Monday, March 8)—NOTE: March 8 is International Women’s Day!

- ◆ Woods & Lewis, pp. 50-57; 60-64; 67-89; 117-121
- ◆ Browse “Structure and Organization of the UN.” Available for download at: <http://www.un.org/en/aboutun/structure/index.shtml>
- ◆ Skim “Organizational Chart” Available for download at: <http://www.un.org/en/aboutun/structure/index.shtml>
- ◆ Browse website of the International Network for Economic, Social, and Cultural Rights (ESCR-NET) at: <http://www.escr-net.org/>

An overview of historical and contemporary theories of rights. The search for universality. “Are human rights a western liberal construct?” Introduction to the structure of the UN human rights system. Charter-based bodies and treaty-based bodies.

3. Using the International Human Rights System—A Caribbean Illustration (Wednesday, March 10)

- ◆ UN OHCHR, *Overview: Human Rights Treaty Bodies*. Available at: <http://www2.ohchr.org/english/bodies/treaty/index.htm>
- ◆ Woods & Lewis, pp. 239-247; skim pp. 107-110
- ◆ U.S. Department of State, “2008 Human Rights Report: Jamaica.” Available for download at: <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119165.htm> NOTE: If the 2009 report becomes available before this class, please read that version instead.
- ◆ “First Universal Periodic Review of the United States Provides Opportunity for Advocates.” Available for download at: http://www.usicd.org/detail/news.cfm?news_id=49&id=134
- ◆ Skim, U.S. Department of State, “2008 Human Rights Report: Haiti” <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119163.htm> NOTE: If the 2009 report becomes available before this class, please read that version instead.
- ◆ In-Class Documentary Clip, “Life & Debt” (film description available at: <http://www.lifeanddebt.org/about.html>)
- ◆ Optional Background Reading: Jamaica Kincaid, A Small Place and Edwidge Danticat, The Dew Breaker (available in libraries or at bookstores)
- ◆ Working Group A Reflection Blogposts due 24 hours before class.

Introduction to monitoring and reporting. “Naming and Shaming” Strategies and “the Embarrassment Effect” vs. Building Human Rights Culture. U.S. State Department Annual

Country Reports. Periodic reports under International Human Rights Treaties. Shadow Reports by NGOs. The New Universal Periodic Reporting (UPR) System.

4. The International Bill of Rights: The International Covenant on Civil and Political Rights (ICCPR)--Cultural Relativism and Cultural Pluralism and the Values of “the Veil-S” (Monday, March 15)

- ◆ Bennoune, Karima, The Law of the Republic versus the 'Law of the Brothers': A Story of France's Law Banning Religious Symbols in Public Schools (January 1, 2009). HUMAN RIGHTS ADVOCACY STORIES, Deena Hurwitz et al. eds., 2009. Available at SSRN: <http://ssrn.com/abstract=1411873>
- ◆ Background Reading: Woods & Lewis, pp. 58-60; 134-154; 579-592
- ◆ The International Covenant on Civil and Political Rights. Available widely on the web and at: <http://www1.umn.edu/humanrts/instree/b3ccpr.htm>
- ◆ Siobhan Mullally, “The Values of the Veil,” (and Naomi Norberg’s comment) <http://intlwgrrls.blogspot.com/search/label/Siobh%C3%A1n%20Mullally>
- ◆ “Marieme Helie-Lucas on Veil-S” <http://www.wluml.org/node/3254>
- ◆ “French Muslims’ Veils Intensify Debate Over Values,” Washington Post <http://www.washingtonpost.com/wp-dyn/content/article/2009/08/08/AR2009080802609.html?referrer=emailarticle>
- ◆ Working Group B: Reflection Blogposts due 24 hours before class.

The International Bill of Rights. The ICCPR. Are human rights universal, or culturally-relative? What are “Asian values”? “African values”? “Western values”? French debate on banning “the veil.” Why should what women wear be an international human rights issue?

5. The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the new Optional Protocol (Wednesday, March 17)

- ◆ Woods & Lewis, pp. 177-194
- ◆ UN Committee on Economic, Social, and Cultural Rights, General Comment No. 1 (1989). Available at: <http://www1.umn.edu/humanrts/gencomm/epcomm1.htm>
- ◆ International Women’s Rights Action Watch-Asia/Pacific, “What is the Optional Protocol to the ICESCR?” available at: [http://www.iwraw-ap.org/documents/OP to ICESCR Advocacy KitF4.pdf](http://www.iwraw-ap.org/documents/OP_to_ICESCR_Advocacy_KitF4.pdf)
- ◆ Optional Background Reading: Hope Lewis, “New Human Rights: U.S. Ambivalence Toward the International Economic and Social Human Rights Framework,” in BRINGING HUMAN RIGHTS HOME: A HISTORY OF HUMAN RIGHTS IN THE UNITED STATES (Cynthia Soohoo, Catherine Albisa, and Martha Davis, eds., 2007). Available for download at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1446797
- ◆ Working Groups C and D: Reflection Blogposts due 24 hours before class.

PART II. HUMAN RIGHTS IN THE GLOBAL ECONOMY: ADVANCING RIGHTS IN PRACTICE

6. The Development of Rights & State Obligations under a Human Rights Treaty—Problem on the Right to Housing in the Dominican Republic (Monday, March 22)

- ◆ Woods & Lewis, pp. 194-207 (focus on Dominican Republic problem)
- ◆ Centre on Housing Rights and Evictions (COHRE), “Housing Rights” (and related links) at: http://www.cohre.org/view_page.php?page_id=1
- ◆ Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1986), U.N. Doc. E/CN.4/1987/17/Annex (1987), *reprinted in* 9 HUM. RTS. L.J. 122 (1987)
- ◆ All Working Groups should be prepared to work through the problem in class.

IMPORTANT NOTE: Class will not meet on Wednesday, March 24. There will be a rescheduled class on Friday, April 23.)

7. Justiciability of Economic & Social Rights and NGO Advocacy Strategies (Monday, March 29)

- ◆ Woods & Lewis, pp. 154-167
- ◆ Kenneth Roth, “Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization,” 26 HUMAN RIGHTS QUARTERLY 63 (2004) (handout or posted on TWEN).
- ◆ Leonard Rubenstein, “How International Human Rights Organizations Can Advance Economic, Social & Cultural Rights: A Response to Ken Roth,” 26 HUMAN RIGHTS QUARTERLY 845 (2004)
- ◆ Working Group Presentations

8. State Obligations: Case Study on Katrina in Human Rights Perspective (Wednesday, March 31)

- ◆ Woods & Lewis, pp. 207-216; 220-223
- ◆ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Available at: <http://www2.ohchr.org/english/law/cerd.htm>
- ◆ Guiding Principles on Internal Displacement, available at: http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html
- ◆ Statement of Jeanne M. Woods and Hope Lewis to the UN Independent Expert on Human Rights and Extreme Poverty (October 27, 2005), available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1330582
- ◆ Hope Lewis, “UN on Katrina, Race, and Housing,” IntLawGrrls.com. Available at: <http://intlwgrrls.blogspot.com/2008/03/un-on-katrina-race-and-housing.html>
- ◆ “Press Statement: UN Experts (McDougall and Kothari) Call on U.S. Government to Halt Ongoing Evictions and to Take Immediate Steps to Protect the Human Rights of African-Americans Affected by Hurricane Katrina and the Demolition of Public Housing in New Orleans” (linked in blogpost above).
- ◆ Skim *Periodic Report of the United States to the UN Committee on the Elimination of All Forms of Racial Discrimination* (2007). Available at: <http://www2.ohchr.org/english/bodies/cerd/cerds72.htm>
- ◆ Skim United States Human Rights Network, *Shadow Report to the UN Committee on the Elimination of All Forms of Racial Discrimination*.

<http://www.ushrnetwork.org/projects/cerd> (especially sections on Hurricanes Katrina and Rita)

- ◆ Working Group Presentations

Using international human rights mechanisms. Is it useful to apply international human rights legal strategies to the complex problems caused by environmental disasters such as the 2004 Indian Ocean Tsunami, the 2005 Hurricane Katrina and the 12 January 2010 Haitian Earthquake? If so, what sorts of strategies seem most effective? If not, what are the barriers and drawbacks?

9. International Obligations and the Right to Development (Monday, April 5)

- ◆ Woods & Lewis, pp. 345-364
- ◆ Working Group Presentations. .

What legal obligations does “the international community” have to developing countries? What roles do human compassion, power politics, economic and strategic interests, and political will play?

10. Human Security, International Criminal Law, and The International Human Rights of Women (Wednesday, April 7)

- ◆ Woods & Lewis, pp. 223-234; 579-610
- ◆ Convention on the Elimination of All Forms of Discrimination Against Women. Available widely on-line. (download and read)
- ◆ Amy Senier, “Security Council: rape is a ‘weapon of war’” Available at: <http://intlwgrrls.blogspot.com/2008/06/security-council-declares-rape-to-be.html>
- ◆ IntLawGrrls.com Posts on UN Special Rapporteur on Violence Against Women, <http://intlwgrrls.blogspot.com/search/label/Rashida%20Manjoo>
- ◆ Working Group Presentations—TBA

11. The 21st Century Human Rights Treaty—The International Convention on the Rights of Persons with Disabilities (ICRPD) (Friday, April 9)

- ◆ Mobility International, “Haiti Earthquake Crisis Response” <http://www.miusa.org/news/haiti>
- ◆ Woods & Lewis, pp. 647-650
- ◆ Stein, Michael Ashley & Lord, Janet, Accessing Economic, Social and Cultural Rights: The Convention on the Rights of Persons with Disabilities EQUALITY AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS, Malcolm Langford, Eibe Reidel, eds., with Janet E. Lord, 2009 (handout or posted on TWEN)
- ◆ Convention on the Rights of Persons with Disabilities (ICRPD) and Optional Protocol. Available for download at: <http://www.un.org/esa/socdev/enable/rights/convtexte.htm>

- ◆ Background Resource: Syracuse University School of Law, International and Comparative Disability Law Web Resources (read sections 1-4 on “International Law”) <http://www.law.syr.edu/lawlibrary/electronic/humanrights.aspx>
- ◆ Guest Speaker--TBA.

12. The Right to Self-Determination of Peoples (Monday, April 12)

- ◆ University of Minnesota Human Rights Library, “ESC Rights and Indigenous Peoples” <http://www1.umn.edu/humanrts/edumat/IHRIP/circle/modules/module6.htm>
- ◆ Skim “Indigenous Shadow Report to UN CERD Highlights US Racism”: http://www.treatycouncil.org/section_211417112111211211.htm
- ◆ Gay McDougall, “Afro-Colombians’ Plight,” <http://intlwgrrls.blogspot.com/search?q=Afro-Colombians>
- ◆ Working Group Presentations

What is self-determination? What does it mean after the process of formal decolonization is almost complete? Is “sovereignty” compatible with a rights-based strategy? Are individual rights compatible with group rights?

13. The Rights of Children—the Right to Education (Wednesday, April 14)

- ◆ Woods & Lewis, pp. 248-254; 868-875
- ◆ Convention on the Rights of the Child, available at: <http://www1.umn.edu/humanrts/instree/k2crc.htm>
- ◆ Human Rights Education Association (HREA), “Right to Education,” at: http://www.hrea.org/index.php?base_id=144
- ◆ Working Group Presentations

NOTE: Monday, April 19 is Patriots’ Day.

14. The Business of Rights: the Global Financial Crisis and Human Rights (Wednesday, April 21)

- ◆ Jernej Letnar, “Global Witness v. Afrimex Ltd.: Decision Applying OECD Guidelines on Corporate Responsibility for Human Rights,” ASIL Insights. Available at: <http://www.asil.org/insights090123.cfm>
- ◆ The UN Global Compact, available at: <http://www.unglobalcompact.org/>
- ◆ The UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, available at: <http://www1.umn.edu/humanrts/links/norms-Aug2003.html>
- ◆ Background Resources: Business and Human Rights Resource Center, Materials on “the Ruggie Report.” Available at: <http://www.business-humanrights.org/Documents/RuggieHRC2008>
- ◆ Background Resources: Amnesty International, “Our Issues: Business and Human Rights (review issues listed) <http://www.amnestyusa.org/business-and-human-rights/page.do?id=1011004>

◆ Working Group Presentations

Do non-state actors such as corporations and other businesses have enforceable obligations under international human rights law? Should they? What are the human rights implications of the global financial crisis?

15. The Business of Human Rights (cont.) (Friday, April 23) (if needed)

◆ Working Group Presentations

16. Comparative Approaches to Socio-Economic Rights: The Right to Health (Monday, April 26)

- ◆ Woods & Lewis, pp. 715-731; 743-768 (*Grootboom* and *Treatment Action Campaign*)
- ◆ Alicia Ely Yamin, “The Right to Health under International Law and its Relevance in the United States,” *American Journal of Public Health* (July 2005) vol. 95, no. 7; 1156 (handout or posted on TWEN).
- ◆ Working Group Presentations

17. Globalization & The Right to Development (Wednesday, April 28)

- ◆ Woods & Lewis, pp. 345-364; 446-454; 743-754 (*South Africa v. Grootboom*); 768-780
- ◆ Documentary (tentative): “Behind the Rainbow” (film about post-apartheid South Africa, the transition to democracy, and the implications of “economic apartheid” for the ruling party).
- ◆ Optional Background Reading: We Are the Poors <http://www.amazon.com/Are-Poors-Community-Struggles-Post-Apartheid/dp/1583670505>

18. Beyond National Security: Transnational Migration, Human Rights, and Human Security” (Monday, May 3)

- ◆ Woods & Lewis, pp. 434-446
- ◆ Skim: Kristin Johnson, “Special Report: Many Happy Returns: Remittances and Their Impact,” Immigration Policy Center (2010) Available for download at: <http://www.immigrationpolicy.org/special-reports/many-happy-returns-remittances-and-their-impact>
- ◆ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Available for download at: <http://www2.ohchr.org/english/law/cmw.htm>
- ◆ Working Group Presentations

What are the economic, social, and cultural rights of immigrants? How are they interdependent with their civil and political rights? Should “economic refugees” or “environmental refugees” be treated differently from “political refugees”? Why, or why not? Given the transnational nature of many migrant experiences, does a state-centered

international human rights framework work for them? What factors in the global economy influence the status of transnational migrants?

19. Monday, May 10

◆ Working Group Presentations

20. Wednesday, May 12—Guest Speaker--TBA.

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