

*Please note that this syllabus is subject to revisions.*

## **INTRODUCTION TO HUMAN RIGHTS**

HR 200 -04 – Fall 2024

***Thursdays 1:00 p.m- 3:45 p.m.***

***Office Location:*** Room 204

***Instructor:*** Raza Ahmad

***Office hours:*** By appointment only

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### **Course Description**

This course introduces the historical foundations of human rights, it surveys the normative expression of rights in treaties and non-treaty instruments ("soft law") and assesses the strengths and weaknesses of United Nations and regional human rights implementation and enforcement mechanisms. Issues that frequently arise in human rights advocacy are explored, including the permissible limitations on human rights; state responsibility for human rights abuses by non-state actors; and challenges to the legitimacy of human rights, including claims of culture and tradition to justify human rights violations. Gender and human rights, genocide, poverty, underdevelopment and the environment are also examined.

This course will begin with an introductory account of the idea of human rights and of the history of the idea, to contemporary understandings of human rights, exploring the historical origins of human rights. The course takes an interdisciplinary approach and students will be exposed to several human rights critiques and, through a series of case-studies, examine the tensions that the practice of human rights today highlights, such as in the areas of free speech, prohibiting torture, and social injustice.

### **Course Objectives and Learning Outcomes**

This course is designed to provide knowledge of basic human rights concepts, norms, instruments, and institutions. By the end of the course, students would have gained introductory knowledge of the historical development of the concept of human rights, of core human rights treaties and non-treaty instruments, of United Nations and regional human rights mechanisms and how to use them in advocacy, and of debates within human rights. Students will also demonstrate the ability to analyze a situation from a human rights perspective. Through oral presentations, class discussions, and writing assignments, students will gain experience in articulating a position and providing supporting arguments. The course is a requirement for students minoring in Human Rights or pursuing a Human Rights Certificate.

### **Mode of Instruction**

The course is designed with the intent that the classes will be highly interactive, entailing a free-flowing discussion format. At times, students will be tasked with leading discussions. Classes will combine a wide range of materials, including audiovisuals, short video clips, readings, and power point presentations. It is expected that students not only read but also think about the readings for that week. Students will be assigned and expected to read various texts relating to human rights: ranging from human rights reports by international human rights organizations, essays, texts of international agreements, journal articles, etc.

During the course, the instructor will garner feedback on issues such as topics that may improve the course content, substance of material assigned, intellectual stimulation, etc.

### **Grading**

Grading will be based on a midterm paper, class presentation, class participation and final paper.

*Attendance and Participation: 25%.* Attendance will be taken at the beginning of each class. Your presence is required in each class all semester (absent prior notification to the professor in case of an emergency and make-up of work for that class in case of approved absence).

The quality of your participation in class discussions on a regular basis and in posted comments or answers to questions given in class and in Blackboard Discussion Board will count in this 25% of the course grade as additional credit or a loss of credit in addition to basic attendance.

Reading and thinking about the materials assigned, contributing additional ideas or materials to the class, and engaging with classmates in discussions as a collaborative learning experience are required for full credit here.

*Midterm examination will comprise 20% of your grade.* A take-home essay worth a maximum of 20 points, totaling 20% of the final grade for the course.

*Presentation to the class will constitute 20% of your grade.* Every student will make a 15-20 minutes long presentation. You will analyze and critique one or more article(s) or a chapter in the readings assigned for this course. You will prepare questions for class discussion which you will lead as part of your presentation, for a total of the presentation + discussion of approximately ½ hour. You may use PowerPoint slides or other visual materials.

The student making a presentation will need to submit a short-written summary of approximately 2-3 sentences or an outline of the presentation or the PowerPoint slides with discussion questions for the class through the link on Blackboard for this assignment within three days of the presentation.

**Sign up for the date of your class presentation in the second class of the semester for one of the dates shown on the syllabus.**

*Final paper (8 pages + 1-2 page bibliography): 35% of your grade.* Due on Blackboard. Your paper will analyze one specific human right or movement (or some aspect of defining or defending a human right); challenges to that human right from the perspective of history, philosophy or law; and your personal position or recommendations. You should define the theory or approach you are using and identify the human right or movement that is your subject; address opposite points of view (crediting the source of your ideas in your text with author's name and year date in parentheses) and explain which you think is most compelling; and give an example of how the specific human right you are discussing applies to a situation in the present, with your recommendations.

Submit your topic idea, outline and annotated bibliography (3 sources) to the professor for approval by the date requested through Blackboard. **The due date of the paper is December 17.** You will use some of the material in the reading assignments for class and our discussions, but additional research will be needed. Late papers beyond the deadline of class time on the final day will be penalized several points on the grade for each day it is late if received within one week of the due date. Any papers received more than one week after the original due date of the final class will get a lower grade.

The paper is to be submitted as a Word document, in 12-point Times New Roman font, 2.0 spacing, 1" margins, Chicago Style or any other formal style you know for citations/bibliography. Footnotes or endnotes are not necessary, but be sure to cite any sources used in your text as: (author's last name, year). If you include a direct quote, be sure to use quotation marks and include a page number. Check that any source you identify in the text is included in your bibliography. Be sure to put your name and section number on your paper and number the pages.

**Attendance will be taken for every class.** In the event of a student not being able to attend class, it is the student's responsibility to notify the instructor in writing, via email, stating the reason for the inability to attend, at least 24 hours before class. In case of personal or medical emergency, the instructor should be notified as soon as possible.

Over the course of the semester, students might be asked to write one or two papers or blogs in response to readings, and topics discussed in class. The due dates for the papers will be provided in class and on Blackboard.

All assignments, graded and ungraded, must be submitted by due date to receive a passing grade. The grade of the assignment will drop 5% for each day after the due date that it is handed in unless the delay has been excused in advance for compelling personal or medical reasons.

## **Academic Integrity**

Hunter College regards acts of academic dishonesty (e.g., plagiarism, cheating on examinations, obtaining unfair advantage, and falsification of records and official documents) as serious offenses against the values of intellectual honesty. The college is committed to enforcing the CUNY Policy on Academic Integrity and will pursue cases of academic dishonesty according to the Hunter College Academic Integrity Procedures. (Hunter College Senate Resolution, May 11, 2005)

Academic dishonesty is prohibited and punishable by a variety of penalties, including failing grades, notation on a student's record, suspension, and expulsion. It should be noted that plagiarism detection services are available for use by faculty.

***Do not plagiarize.*** Any words or ideas that come from other sources must be properly credited. Documentation has at least three purposes: to give credit where it is due, as evidence which a reader can go and check, and to suggest sources of further information. If you use information or ideas from someone else in your paper, the sources must be cited even when they are not quoted directly. Failure to cite sources constitutes plagiarism and it is wrong whether it is intentional or unintentional. Submission of a paper which presents someone else's work as your own will be grounds for failure. Definitions and examples of academic dishonesty can be found in the Hunter College Undergraduate Catalog  
<http://catalog.hunter.cuny.edu/content.php?catoid=14&navoid=1187>

## **Writing Center**

Students are invited to use the Hunter College Reading/Writing Center as a resource in preparing your papers. Registered students can receive tutoring in reading and writing skills, critical reading, and the writing process. Students can apply for a weekly appointment with a tutor and/or use drop-in services during scheduled hours. For more information on how to access the writing center and its resources, please visit <http://rwc.hunter.cuny.edu/index.html>.

## **ADA Policy**

In compliance with the American Disability Act of 1990 (ADA) and with Section 504 of the Rehabilitation Act of 1973, Hunter College is committed to ensuring educational parity and accommodations for all students with documented disabilities and/or medical conditions. It is recommended that all students with documented disabilities (Emotional, Medical, Physical, and/or Learning) consult the Office of AccessABILITY, located in Room E1214B, to secure necessary academic accommodations. For further information and assistance, please call: (212) 772- 4857 or (212) 650-3230.

## **Hunter College Policy on Sexual Misconduct**

In compliance with the CUNY Policy on Sexual Misconduct, Hunter College reaffirms the prohibition of any sexual misconduct, which includes sexual violence, sexual harassment, and gender-based harassment retaliation against students, employees, or visitors, as well as certain intimate relationships. Students who have experienced any form of sexual violence on or off

campus (including CUNY-sponsored trips and events) are entitled to the rights outlined in the Bill of Rights for Hunter College.

- a. Sexual Violence: Students are strongly encouraged to immediately report the incident by calling 911, contacting NYPD Special Victims Division Hotline (646-610-7272) or their local police precinct, or contacting the College's Public Safety Office (212-772-4444).
- b. All Other Forms of Sexual Misconduct: Students are also encouraged to contact the College's Title IX Campus Coordinator, Dean John Rose (jtrose@hunter.cuny.edu or 212-650-3262) or Colleen Barry (colleen.barry@hunter.cuny.edu or 212-772-4534) and seek complimentary services through the Counseling and Wellness Services Office, Hunter East 1123.

*CUNY Policy on Sexual Misconduct Link:*

<https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/legal-affairs/policies-procedures/Sexual-Misconduct.pdf>

### **Electronic Communication**

Everyone student is expected to have an e-mail address and to check e-mail regularly. Information disseminated via e-mail may also be given in class, but you will sometimes get it sooner by e-mail. Please feel free to send me an e-mail. However, to avoid having the message discarded as spam, please write the following somewhere in the subject line: "Human Rights 200."

### **Blackboard**

Some course materials will be available on the course page: go to Blackboard and log in with your CUNY Portal ID and password.

### **Suggested Readings**

This syllabus outlines the key readings for classes. Students are encouraged to undertake research for additional materials related to the weekly topic.

Students are strongly encouraged to read the following texts:

- Michael Goodhart, *Human Rights: Politics and Practice* (Oxford University Press, 2016)
- Human Rights Watch reports (all available online).
- Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals* [http://lib.ysu.am/close\\_books/311366.pdf](http://lib.ysu.am/close_books/311366.pdf)
- Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (2001)  
[http://courses.washington.edu/ljs434/documents/A\\_World\\_Made\\_New.pdf](http://courses.washington.edu/ljs434/documents/A_World_Made_New.pdf)

Some of the assigned readings will be made available on Blackboard and/or are also available online through the Hunter College library. Go to the library home page (<http://library.hunter.cuny.edu>).

### Recommended Websites

- Amnesty International <http://www.amnesty.org/>
- Human Rights Watch <http://www.hrw.org/>
- International Crisis Group <http://www.crisisgroup.org/>
- Office of the UN High Commissioner for Human Rights <http://www.ohchr.org/>

### SYLLABUS

#### **Week 1 (Thursday 29<sup>th</sup> Oct 2024)**

##### **Introduction to the course**

1. Introductions: Students and instructor
2. Instructor's expectations, overview of the course, discussions, comments, and questions
3. Basic concepts: What are human rights? The universality principle

##### **Readings**

- Universal Declaration of Human Rights (<http://www.un.org/en/documents/udhr/>)
- What are human rights (UNOHCHR)  
<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

#### **Week 2 (Thursday 5<sup>th</sup> Sept 2024)**

**Historical and philosophical origins of the Universal Declaration of Human Rights.** State sovereignty and intervention "in matters which are essentially within the domestic jurisdiction" of a state (see art. 2(7) of the UN Charter).

##### **Required Readings**

- Universal Declaration of Human Rights  
([https://www.ohchr.org/en/udhr/documents/udhr\\_translations/eng.pdf](https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf))
- The Charter of the United Nations (preamble and articles 1, 2(1), 2(4) and 2(7))  
(<http://www.un.org/en/documents/charter/>)
- Amartya Sen, "The Power of a Declaration," *The New Republic*, February 2009 at <https://newrepublic.com/article/62158/the-power-declaration> .

##### **Recommended Readings:**

- Read **Samuel Moyn, "Human Rights in History," *The Nation* (August 11, 2010)** at <https://www.thenation.com/article/archive/human-rights-history/>.
- Read **James Baldwin, *The Fire Next Time*, 1962, 1963 (both essays)**. Also available online: <https://blogs.baruch.cuny.edu/eng2100hmwe/files/2016/08/The-Fire-Next-Time.pdf>.

**Before your next class on Feb. 8, Skim the following excerpts on the philosophical basis of natural law and government:**

- **John Locke**, *Second Treatise of Government*, 1690 (human rights, not government, come first) Ch. II, Sec. 4-7, "Of the State of Nature," (love, equality, freedom, independence of all men in the state of nature); Ch. VIII, Sec. 95-99, "Of the Beginnings of Political Societies," available at <https://www.gutenberg.org/files/7370/7370-h/7370-h.htm>. *Optional*: See also **Montesquieu**, *Spirit of the Laws*, 1748 (separation of powers of branches of government).
- The social contract: Locke (life, liberty and the pursuit of happiness) and Rousseau (civil society, *The Social Contract*, 1762) (based on everyone's freedom and equality); Grotius and Hobbes (based on power and fear). All based on the power of the state and state sovereignty.
- **Ronald Dworkin**, *Taking Rights Seriously*, 1977; **John Finnis**, *Natural Law and Natural Rights*, 1980, pp. 23-25; and **H.L.A. Hart**, *The Concept of Law*, 1961 (legal positivism, separation of law and morality and utilitarian critique of natural law and moral rights tradition).

***Week 3 (Thursday 12<sup>th</sup> Sept, 2024)***

**International Human Rights: Basic Concepts and Normative Framework**

**Readings**

- Read Anthony J Langlois, "Normative and Theoretical Foundations of Human Rights" in Michael Goodhart, *Human Rights: Politics and Practice* (Oxford University Press, 2016)
- Skim Rhona K. M. Smith, "Human Rights in International Law," in Michael Goodhart, *Human Rights: Politics and Practice* (Oxford University Press, 2016) [https://prezi.com/owz0qh8djt6\\_/human-rights-in-international-law-rhona-km-smith/](https://prezi.com/owz0qh8djt6_/human-rights-in-international-law-rhona-km-smith/)
- International Bill of Human Rights (<http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>)
- Skim **Amartya Sen**, "Elements of a Theory of Human Rights," *Philosophy and Public Affairs*; Fall 2004; 32, 4; at <http://www.mit.edu/~shaslang/mprg/asenETHR.pdf>

**Recommended Readings**

**Declarations of Human Rights as Norms: Aspirations for Society, Governments, Business**

COMPARE: Iroquois Confederation, <https://www.history.com/news/iroquois-confederacy-influence-us-constitution> (influence on US Declaration and Constitution) & UN Declaration on the Rights of Indigenous Peoples at [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

Skim the following key 18<sup>th</sup> – 19<sup>th</sup> Century declarations:

U.S. Declaration of Independence, 1776, <https://www.archives.gov/founding-docs/declaration-transcript>

Declaration of the Rights of Man, 1789, [https://avalon.law.yale.edu/18th\\_century/rightsof.asp](https://avalon.law.yale.edu/18th_century/rightsof.asp)

Declaration of the Rights of Woman and the Female Citizen, 1791, Olympe de Gouges, <https://sourcebooks.fordham.edu/mod/1791degouge1.asp>

Haitian Declaration of Independence, 1804, <https://blog.oup.com/2014/01/haitian-declaration-of-independence-meaning-audience/> (Oxford Univ. Press blog by Phillippe Gerard)

Texas Declaration of Independence, 1836

#### ***Week 4 (Thursday 19<sup>th</sup> Sept, 2024)***

#### **Rights and Principles in UN Human Rights Treaties and Soft Law Documents**

Debate over whether ESC rights are rights. "Progressive realization" of rights

#### **Required Readings**

##### **Civil and Political Rights + Economic, Social and Cultural Rights: Their Relationship**

##### **Read UN Covenant on Civil and Political Rights, 1966:**

International Covenant on Civil and Political Rights (read articles 1-27, skim the rest)  
(<https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>)

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; monitored by the UN Human Rights Committee (CCPR)  
<https://www.ohchr.org/en/hrbodies/ccpr/pages/ccprindex.aspx>

##### **Read UN Covenant on Economic, Social and Cultural Rights, 1966:**

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>; monitored by the Committee on Economic, Social and Cultural Rights (ESR),  
<https://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>

**UN 2030 Agenda on Sustainable Development and 17 SDGs, 2015**, monitored by the UN High Level Political Forum (HLPF) (General Assembly and ECOSOC jointly),  
<https://sdgs.un.org/> and <https://sustainabledevelopment.un.org/hlpf>

**UN Guiding Principles on Business and Human Rights** at [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf).

**UN Global Compact** at <https://www.unglobalcompact.org/what-is-gc/mission/principles>.

#### **Recommended Readings**



- **Read Eleanor Roosevelt, "The Struggle for Human Rights"** speech at the Sorbonne (1948) <https://erpapers.columbian.gwu.edu/struggle-human-rights-1948> and posted on Blackboard.
- **Read Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights***, Random House, 2001, Ch. 4, "Every Conceivable Right," Ch. 5, "A Philosophical Investigation," Ch. 6, "Late Nights in Geneva – The Implementation Debate," Ch. 12, "Universality Under Siege," and Epilogue, "The Declaration Today."

### **Week 5 (Thursday 26<sup>th</sup> Sept, 2024)**

"The Core International Human Rights Instruments and Their Monitoring Bodies," <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

## **1. Human rights architecture of the UN system:**

-**Watch video from UN OHCHR** at: <https://www.youtube.com/watch?v=JP0fB-X0l8>.

-**Office of the UN High Commissioner for Human Rights (UNOHCHR)** at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

-**Human Rights Council** in Geneva, individual complaints and universal periodic review mechanisms, at <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Home.aspx>

-**Special Rapporteurs** appointed by the Human Rights Council to make reports and recommendations on specific topics – search on [un.org](http://un.org)

-**UN Commissions:** Commission on Social Development at [www.csd.un.org](http://www.csd.un.org); Commission on the Status of Women at [www.csw.un.org](http://www.csw.un.org)

-**The roles of UN Specialized Agencies:** UNOHCR, UNICEF, UNESCO, etc.

## **2. Regional Human Rights Systems and Courts and the Role of NGOs**

Christof Heyns, David Padilla and Leo Zwaak, "A Schematic Comparison of Regional Human Rights System: An Update," *SUR International Journal on Human Rights* 4.3 (2006), at <https://sur.conectas.org/en/tag/comparative-overview/>

### **A. African Charter on Human and Peoples' Rights and African Commission on Human and Peoples' Rights** at <https://www.achpr.org/legalinstruments/detail?id=49>

Frans Viljoen, "Africa's Contribution to the Development of International Human Rights and Humanitarian Law," *African Human Rights Journal*, (2001): 18-39.

### **B. European Convention on Human Rights (ECHR) and European Court of Human Rights** at [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)

Nico Krisch, "The Open Architecture of European Human Rights Law," *Modern Law Review* 71: 2, pp. 183 -216.

**C. American Convention of Human Rights and Inter-American Court of Human Rights**  
at [https://www.oas.org/dil/treaties\\_b-32\\_american\\_convention\\_on\\_human\\_rights.pdf](https://www.oas.org/dil/treaties_b-32_american_convention_on_human_rights.pdf)

Robert K. Goldman, "History and Action: The Inter-American Human Rights System and the Role of the Inter-American Commission on Human Rights," *Human Rights Quarterly* 31 (2009): 856-887, at [https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1027&context=facsch\\_law\\_rev](https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1027&context=facsch_law_rev).

Eyal Benvenisti, "Margin of Appreciation, Consensus, and Universal Standards," *NYU Journal of International Law and Politics*, Vol. 31, Issue 4 (Summer **1999**), pp. 843-854.

**Mid term paper questions** (choose one from below)

What are UN treaties and the treaty ratification process by which a country officially becomes bound by a treaty. Cite examples with soft law: declarations, sets of principles, guidelines, etc. Select 2 examples and analyze the methods by which these treaties are implemented?

Select 3 Human Rights Treaties: how are they enforced and analyze their relevance today: CERD, CEDAW, Torture Convention (CAT), Refugee Convention and Protocol, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities (CRPD); and treaties on procedural rights: Aarhus Convention and Escazù Convention on Access to Information, and Espoo Convention on environmental impact assessments.

**Due Oct 16. Bring a copy as a courtesy in the class on 10/17.**

**Week 6 (Thursday 3<sup>rd</sup> Oct, 2024)**  
**NO CLASS**

**Week 7 (Thursday 10<sup>th</sup> Oct, 2024)**

**A) GUEST SPEAKER**

Reem Alsalem -- [United Nations Special Rapporteur on violence against women and girls.](#)

**Skim UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).** <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>, treaty

## **B) International Humanitarian Law; International Criminal Law: 19<sup>th</sup> and 20<sup>th</sup> Century Natural Law and Natural Rights Documents**

### **The genocide convention**

Convention on the Prevention and Punishment of the Crime of Genocide (1948)  
([https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf))

Read **Reeves, Shane and Lai, David**, "A Broad Overview of the Law of Armed Conflict in the Age of Terror," (January 3, 2014), in The Fundamentals of Counterterrorism Law 139-161, Lynne Zusman, ed., 2014, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2375935](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2375935).

**The Geneva Conventions** of 1949 and additional **Protocols** available at <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions> and <https://legal.un.org/avl/ha/pagc/pagc.html>

**Principles of International Law recognized in the Nuremberg Tribunal and Judgments, 1946**, available at [https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/7\\_1\\_1950.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_1_1950.pdf)

**International Criminal Court (ICC)**, Skim **Rome Statute** on prosecution of individuals for violations of international humanitarian law and *jus cogens* norms of international law; read definitions of war crimes, crimes against humanity, genocide and crimes of aggression under the jurisdiction of the ICC, available at [www.icc-cci.int/](http://www.icc-cci.int/).

### **Recommended Reading**

**The Hague Peace Conference Conventions** of 1899 and 1907, available at <https://ihl-databases.icrc.org/ihl/INTRO/150> and list of historic declarations and codes (note also the 1856 Paris Declaration at the end of the Crimean War; 1863 Lieber Code; and 1956 ICRC Draft Rules on the Protection of Civilians in Time of War), available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesHistoricalByDate.xsp>

**Week 8 (Thursday 17<sup>th</sup> Oct, 2024)**

### **Claiming Rights I:**

**Racism, the abolition of slavery movement, the civil rights movement in the U.S., BLM and DEI (diversity, equity and inclusion).**

The International Human Rights Movement: Did it begin with the abolition of slavery movement in the 1830s or earlier? After World War II? or in the 1960s-1970s with decolonialization and the civil rights movement? What about today? What is a human rights movement?

Read: [Abolitionists And The Constitution \(crf-usa.org\)](http://www.crf-usa.org)

Also skim: [The Story Of A Memorial: The African Burial Ground In New York : NPR](https://www.npr.org/2015/05/20/411111111)

Resources at "Black Lives in the Founding Era" (U.S.) at <https://www.gilderlehrman.org/history-resources/curriculum/black-lives-founding-era>

Skim **Jennifer (Jenny) S. Martinez, "Anti-Slavery Courts and the Dawn of International Human Rights Law"** (February 8, 2012). *Yale Law Journal*, Vol. 117, pp. 550-, Fall 2007, Stanford Public Law Working Paper No. 984077, Available at SSRN: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=984077](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=984077) **Abstract:** "the nineteenth century slavery abolition movement was the first successful international human rights campaign, and international treaties and courts were its central features." [book subsequently published: Jennifer Martinez, *The Slave Trade and the Origins of International Human Rights Law*, Oxford University Press, 2013, see pp. 148-171.]

Skim **UN Convention on the Elimination of All Forms of Racial Discrimination, 1965**, at <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>, monitored by the Committee on the Elimination of All Forms of Racial Discrimination, at <https://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx>.

Read Maya K. Watson, "The United States' Hollow Commitment to Ending Global Racial Discrimination," American Bar Association, January 2020, at [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/black-to-the-future-part-ii/the-united-states--hollow-commitment-to-eradicating-global-racial/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/black-to-the-future-part-ii/the-united-states--hollow-commitment-to-eradicating-global-racial/).

**Week 9 (Thursday 24<sup>th</sup> Oct, 2024)**

### **Claiming Rights II:**

**Gender-based Human Rights Violations, Women's Rights, Equality and Empowerment of Women and Girls, and LGBTQI+ Rights; Treaties and Declarations & Policy Agendas**

**Skim UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>, treaty and Optional Protocol (individual complaints) at <https://www.ohchr.org/en/professionalinterest/pages/opcedaw.aspx>, monitored by the Committee on the Elimination of All Forms of Discrimination Against Women, at <https://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>.

**Skim declaration and agenda from the UN Fourth World Conference on Women, “The Beijing Platform of Action,” 1995** and select interesting sections at <https://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20E.pdf>.

**Read SDG 5: Equality and Empowerment of Women and Girls**, goal, target and indicators at [www.sdgs.org](http://www.sdgs.org)

**International Women’s Day**, March 8<sup>th</sup> every year worldwide. See website of UN Women at <https://www.unwomen.org/en>. See also websites of women’s NGOs such as WEDO (Women’s Environment and Development Organization, founded by Bella Abzug and Mim Kelber) at <https://wedo.org/>

### **LGBTQIA+:**

Yogyakarta Principles (2006) and Yogyakarta Principles +10 (2017), at [www.yogyakartaprinciples.org](http://www.yogyakartaprinciples.org) concerning sexual orientation and gender identity and extending the application of human rights protections regarding torture, asylum, privacy, health and the protection of human rights defenders in recognition of the distinct and intersectional grounds of gender expression and sex characteristics.

UN HRC Res. A/HRC/RES/27/32 (2014) and UNGA Resolution, Dec. 2021, on sexual orientation and gender identity, see <https://usun.usmission.gov/statement-on-the-first-ever-consensus-adoption-of-a-un-resolution-referencing-sexual-orientation-and-gender-identity/>.

### **Recommended Readings**

Charlotte Bunch, “How Women’s Rights Became Recognized as Human Rights” (Available on Blackboard)

Human Rights Watch, *Criminal Injustice: Violence Against Women in Brazil* (excerpts) (<https://www.hrw.org/sites/default/files/reports/BRAZIL91O.PDF>)

Human Rights Watch, *A Threat to Society? The Arbitrary Detention of Women and Girls for ‘Social Rehabilitation’* (excerpts) (<https://www.hrw.org/reports/2006/libya0206/>)

### **Intersectionality:**

**Frederick Douglass**, *The Life and Times of Frederick Douglass*, 1892 (abolitionist leader, advocate for woman suffrage, orator, Federal official after the Civil War) (excerpts from autobiography to be posted on Blackboard) and

**Kimberle Crenshaw**, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *University of Chicago Unbound*, 1989, (intersectionality) available at <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>.

## **Week 10 (Thursday 31<sup>st</sup> Oct, 2024)**

### **Claiming Rights III:**

**Human Right to a Clean, Sustainable and Healthy Environment; Climate Change and Conservation of Biological Diversity:** climate financing, climate change mitigation, adaptation and resilience; conservation and sustainable use of biological diversity.

**UN General Assembly (UNGA) Res. A/76/L.75 on the human right to a healthy environment, 28 July 2022 (adopted by 161 member states with 6 abstentions); following UN Human Rights Commission Resolution 48/13 of 8 October 2021 recognizing the human right to a safe, clean, healthy and sustainable environment; and UN Special Rapporteurs' report on human right to healthy environment, A/73/188 (2018)**

**UNGA resolution on HR and climate change, Res. A/74/161 (2019);** UNFCCC and Paris Agreement on Climate Change; and agenda for November 2022 COP-27 in Sharm El-Sheikh, posted on Blackboard.

**Global Pact for the Environment principles** at <https://globalpactenvironment.org/en/the-pact/the-pact-in-3-minutes/> and <https://globalpactenvironment.org/en/the-pact/objectives/>

**Rights of Future Generations** at <https://www.thesolutionsjournal.com/article/guarding-our-future-how-to-protect-future-generations/> and examples of climate change litigation in national courts on behalf of future generations and state responsibility for stewardship.

**UNGA Resolution on human right to water and sanitation, (2010).**

## **Week 11 (Thursday 7<sup>th</sup> Nov, 2024)**

**POVERTY AND INEQUALITY: Legal vs. Structural Violations of Human Rights (*de jure* and *de facto* violations of human rights): Impact of Absolute Deprivation (Poverty) and Relative Deprivation (Inequality) on the Enjoyment of Rights; United Nations Sustainable Development Goals and the 2030 Agenda for Sustainable Development**

Read all of the 17 **SDGs**, beginning with **SDG 1: "end extreme poverty."** <https://sdgs.un.org/>  
Read Goal 1, its targets and indicators; skim/review all 17 SDGs and their goals and targets

**Philip Alston**, UN Special Rapporteur on Extreme Poverty and Human Rights, *Report*, 2020, <https://chrj.org/wp-content/uploads/2020/07/Alston-Poverty-Report-FINAL.pdf> .

**Samuel Moyn**, "Do Human Rights Increase Inequality?" *The Chronicle of Higher Education*, May, 2015, available at <https://www.chronicle.com/article/do-human-rights-increase-inequality/>

**Margot E. Salomon**, "Why Should It Matter that Others Have More? Poverty, inequality, and the potential of international human rights law," British International Studies Association, *Review of*

*International Studies*, 37 (05). pp. 2137- 2155, 2011, reprinted online by London School of Economics LSE Online, <https://core.ac.uk/download/pdf/221777.pdf>

### **Week 12 (Thursday 14<sup>th</sup> Nov, 2024)**

#### **Measuring and Monitoring Human Rights; Global Civil Society**

Read Chapter 8 (by Todd Landman and Larissa C. S. K. Kersten) in Michael Goodhart, *Human Rights: Politics and Practice* (Oxford University Press, 2016)

Read Chapter 9 *Global Civil Society and Human Rights* by Marlies Glasius and Douthett Lettinga ) in Michael Goodhart, *Human Rights: Politics and Practice* (Oxford University Press, 2016)

#### **Critiques of human rights frameworks**

David Chandler, "Contemporary Critiques of Human Rights" in Michael Goodhart, *Human Rights: Politics and Practice* (Oxford University Press, 2016)

#### **Cultural Relativism vs. Universality of Human Rights Debate**

Sherrie Russel-Brown: The cultural relativism argument (presentation)

<https://prezi.com/4pfbnvbsfegi/human-rights-culturally-relative-or-universal/>

**Thomas Franck**, "Are Human Rights Universal?" *Foreign Affairs*, 1 January 2001, article posted on Blackboard; Optional: compare this article to Fox and Roth, "The Dual Lives of the Emerging Right to Democratic Governance," *AJIL Unbound*, 112, 67-72, 2018, available at <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/dual-lives-of-the-emerging-right-to-democratic-governance/D093A505DA7B641712C0B246602E1B66>.

**Vivek Chibber**, *Capitalism, Class and Universalism: Escaping The Cul-De-Sac Of Postcolonial Theory*, [https://as.nyu.edu/content/dam/nyu-as/faculty/documents/Capitalism\\_Class\\_and\\_Universalism.pdf](https://as.nyu.edu/content/dam/nyu-as/faculty/documents/Capitalism_Class_and_Universalism.pdf)

#### **Recommended**

**Onora O'Neill** (author of "Global Justice: Whose Obligations," **Justice Across Boundaries**, Ch 10. Oxford University Press, 2016) listen to TED talk, 2013, on trust and accountability: [https://www.ted.com/speakers/onora\\_o\\_neill](https://www.ted.com/speakers/onora_o_neill)

### **Week 13 (Thursday 21<sup>st</sup> Nov, 2024)**

**Independent Study: Prepare an outline for your final paper. Read the instructions at the start of the syllabus.**

## Options

**A) Who is a refugee and what are his or her rights under international law? What is the principle of non-refoulement.**

### Suggested Readings

- Convention relating to the Status of Refugees (1951) (arts. 1(A)(2), 1(F), and 33) (<http://www.unhcr.org/3b66c2aa10.html>)
- Protocol relating to the Status of Refugees (1967) (preamble, art. 1) (<http://www.unhcr.org/3b66c2aa10.html>, scroll down)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (art. 3) (<http://www1.umn.edu/humanrts/instreet/h2catoc.htm>)
- Samantha Power, A Problem from Hell, (excerpts)
- Human Rights Watch, The Pinochet Precedent (<http://www.hrw.org/legacy/campaigns/chile98/precedent.htm#What%20Other%20Prosecutions>)

**B) What is the responsibility to protect doctrine (R2P). Analyze its details and apply to a situation where R2P was invoked.**

The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty (2011) <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

**C) Examine how human rights were violated during the “War on Terror”**

- UN Convention against Torture (<http://www.hrweb.org/legal/cat.html>)
- Alan Dershowitz, “Want to torture? Get a warrant,” San Francisco Chronicle, January 22, 2002 ([http://articles.sfgate.com/2002-01-22/opinion/17527284\\_1\\_physical-pressure-torture-terrorist](http://articles.sfgate.com/2002-01-22/opinion/17527284_1_physical-pressure-torture-terrorist))
- <https://www.hrw.org/report/2007/02/26/ghost-prisoner/two-years-secret-cia-detention> (summary) (<http://www.hrw.org/en/reports/2007/02/26/ghost-prisoner>)
- Human Rights Watch, *Getting Away with Torture: The Bush Administration and Mistreatment of Detainees* (<https://www.hrw.org/report/2011/07/12/getting-away-torture/bush-administration-and-mistreatment-detainees>) (summary)

**D) Discuss the international rights framework for child rights. Select a cases where the basic tenets were effectively applied and where they were not.**

### Readings

- “Toxic Toil: Child Labor and Mercury Exposure in Tanzania’s Small-Scale Gold Mines,” (summary) (<https://www.hrw.org/report/2013/08/28/toxic-toil/child-labor-and-mercury-exposure-tanzanias-small-scale-gold-mines>)



- Tanzania: Hazardous Life of Child Gold Miners: Government, World Bank, Donors Should Address Child Labor in Mines (<https://www.hrw.org/news/2013/08/28/tanzania-hazardous-life-child-gold-miners>)
- A Poisonous Mix: Child Labor, Mercury, and Artisanal Gold Mining in Mali (summary) (<https://www.hrw.org/report/2011/12/06/poisonous-mix/child-labor-mercury-and-artisanal-gold-mining-mali>)
- Child Labor in the tobacco Industry  
<https://www.theatlantic.com/family/archive/2018/06/child-labor-tobacco/562964/>

#### E) **Human Rights & Corruption**

- What is corruption? Where does corruption take place? Defining corruption, governance, accountability, and transparency; categorizing corruption: petty, grand, public, private, political. Defining human rights. Basic corruption and human rights terms.

#### • **Readings**

- International Council on Human Rights Policy and Transparency International (2009). Corruption and Human Rights: Making the Connection. Geneva, Switzerland
- Universal Declaration of Human Rights  
([https://www.ohchr.org/en/udhr/documents/udhr\\_translations/eng.pdf](https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf))
- The Charter of the United Nations (preamble and articles 1, 2(1), 2(4) and 2(7))  
(<http://www.un.org/en/documents/charter/>)
- Aryeh Neier, *The International Human Rights Movement: A History* (Princeton University Press, 2012) ("Neier"), Ch. 3 ("What Are Rights?")

#### F) **Independent topic of study**

- Design your own question or topic with a clear hypothesis or argument in consultation with the professor.

### ***DUE BEFORE THE NEXT CLASS***

***Week 14 (Thursday, 28<sup>th</sup> Nov, 2024)***

***NO CLASS***

***Week 15 (Thursday 5<sup>th</sup> Dec, 2024)***

**Present** abstract of your final paper in the class; wrap up

**PRESENT AN ABSTRACT OF YOUR PAPER IN CLASS.** Each student will present a 5 minute summary in class of their research topic, development of the theme, and suggestions or recommendations, with an opportunity for classmates to comment or ask questions.

***Week 16 (Thursday 12 Dec, 2024)***

**The Future of Human Rights in the 21<sup>st</sup> Century**

Selected readings from Hopgood S, Snyder J, Vinjamuri L, eds. **Human Rights Futures**. Cambridge: Cambridge University Press; 2017. doi:10.1017/9781108147767

O'Neill O. **Justice across Boundaries: Whose Obligations?** Cambridge: Cambridge University Press; 2016. doi:10.1017/CBO9781316337103 – chapter 12 - *The dark side of human rights*

**Stephen Hopgood**, Preface, **The Endtimes of Human Rights**, Cambridge University Press (2013) (selected pages on Blackboard), book review from Carnegie Council for Ethics in International Affairs at <https://www.ethicsandinternationalaffairs.org/2015/endtimes-human-rights-stephen-hopgood/>

**Wrap up and recap of what we learnt**

## **Final paper due December 20 midnight**

### **GRADING METHOD: Rubrics:**

#### **Grading criteria include:**

- depth and uniqueness of thought;
- relevance of ideas;
- efficiency of writing and good grammar;
- objectivity of agreement or disagreement; and
- timeliness of completion of assignments.

The final research paper due by the last class will be **worth 35%** of the final grade. There will be 5 points for a timely outline and annotated bibliography and a maximum of 30 points for timely submission of the final research paper. A clearly written paper assignment will show a basic grasp of the issue(s), correctly identify the main policy or legal question to be decided, the reasoning behind ideas used by advocates of one position, a recognition of the reasoning used by advocates of other positions, and a conclusion.

The paper should be 6 pages plus a 1-2 page bibliography, double-spaced, in 12-point Times New Roman font, with one inch margins and Chicago Style or other formal style for citations.