

COMPARATIVE PERSPECTIVES ON HUMAN RIGHTS (POLS 3212)
Fall 2008

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Day: M/W/F
Time: 3:00 – 3:50 p.m.
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Course description: The subject of human rights is generally organized around several core theoretical concepts, including but not limited to: 1) the divisions between what are called different “generations” or types of rights; 2) the distinction among different aspects of state responsibility for rights; and 3) the spheres in which rights are realized (i.e., public versus private sphere). This course explores and challenges these core concepts by contrasting human rights experiences in different regions and subject areas.

All students who enroll in this course are assumed to have read the Academic Misconduct section of the Student Conduct Code regarding such matters as plagiarism and cheating on examinations. If there are any students in this class who have special needs because of learning disabilities or other kinds of disabilities, please discuss these with the professor within the first two weeks of class.

Logistics: All books used in this course are available for purchase at the UConn Co-Op. All articles are available through HUSKYCT, unless otherwise indicated in the syllabus. Students should purchase the following books:

The Essentials of Human Rights, edited by Rhona K.M. Smith and Christien Van den Anker (Oxford, UK: Oxford University Press, 2006)

Human Rights Watch World Report 2008 (New York: Human Rights Watch, 2008)

Course requirements: The course requirements include:

- Three exams (Exam #1 on Sept. 26; Exam #2 on October 31; and a Final Exam on Friday, December 12, 2008 from 6:00-8:00 p.m.)
- Regular weekly quizzes

Final course grades will be calculated as follows:

First exam: 15% Midterm exam: 30% Final exam: 40%
Quizzes: 15%

Course attendance is essential to success. Unless a student has a medical emergency or a personal emergency documented by the Dean of Students Office, failure to be present on the day of the quiz or exam, or failure to turn in the writing assignment at the *beginning* of class on the day it is due, will result in a zero for that portion of the grade. (Quizzes will be administered within the first five minutes of class; if a student is late for class, she/he will *not* be allowed to take the quiz.)

INTRODUCTION

Monday, August 25

THE HUMAN RIGHTS REGIME: A Short Overview

Wednesday, August 27

Overview of general human rights concepts: Part I

Read the following under “Legal measures and instruments” in *The Essentials of Human Rights*:

- Treaty-based law
- Customary international law
- The Universal Declaration of Human Rights
- The International Covenants on Civil & Political Rights and on Economic, Social & Cultural Rights

Friday, August 29 – class cancelled (Prof. Hertel away for a conference)

Monday, September 1 – Official University Holiday, no class (Labor Day observed)

Wednesday, September 3

Overview of general human rights concepts: Part II

Read also under “Humanitarian law and criminal law” in *The Essentials of Human Rights*:

- International criminal law and the regional tribunals

Friday, September 5

Overview of key institutions: Part I

Read the following under “The institutional framework for human rights” in *The Essentials of Human Rights*:

- The United Nations system of human rights protection
- The reform of the UN
- The UN High Commissioner for HR
- The International Labour Organization
- Regional systems: an overview
- The International Criminal Court

Monday, September 8

Overview of key institutions: Part II

Analyze content and come to class prepared to discuss the following portions of the “Websites” section of HUSKYCT:

- UN Office of the High Commissioner for Human Rights
- HR Education Associates
- Frontline Defenders – explanation of “1503 Procedure”

CORE THEORETICAL CONCEPT I: Three “Generations” of Rights

Wednesday, September 10

Read the following under “Theories and critiques of human rights” in *The Essentials of Human Rights*:

- Indivisibility of human rights
- The capability approach and human rights
- Needs and human rights

And read the following under “Rights and Freedom” in *The Essentials of Human Rights*:

- Group rights

Friday, September 12

Read Peter R. Baehr, "Controversies in the International Human Rights Debate," paper prepared for a roundtable on "Human Rights in Democratic Transitions," of the Research Committee on Human Rights, International Political Science Association, Ljubljana, Slovenia, 26-28 August 1999. Available in HUSKYCT, under "Course materials."

CORE THEORETICAL CONCEPT II: State responsibility for Rights

Monday, September 15

The respect, protect, fulfill continuum

Read the Committee on Civil & Political Rights (CCPR) "General Comment #31 on the Nature of the General Legal Obligation Imposed on State Parties to the Covenant," May 25, 2004. Available in HUSKYCT, under "Course materials."

Wednesday, September 17

Economic rights: state, market and civil society – who is responsible for ensuring the realization of economic rights?

Read Irene Khan (Secretary General, Amnesty International), "Understanding Corporate Complicity" Extending the Notion Beyond Existing Laws," remarks for a Business Human Rights Seminar, 8 December 2005 (London). Available in HUSKYCT, under "Course materials."

CORE THEORETICAL CONCEPT III: Rights in the public and private spheres

Friday, September 19, Guest Lecture by Professor Kathryn Libal

Violence against women: what "counts" as human rights abuse, and why does it matter?

United Nations, "Ending Violence against Women: From Words to Action, Study of the Secretary General," October 2006. Available in HUSKYCT, under "Course Materials."

Donna Sullivan, "The Public/Private Dichotomy in International Law," In Julie Peters and Andrea Wolper, Women's Rights, Human Rights, pp. 126-134. Routledge, 1994. Available in HUSKYCT, under "Course Materials."

Monday, September 22

Sarah Henderson and Alana Jeydel, "Women and Physical Autonomy," in *Participation and Protest: Women and Politics in a Global World* (Oxford University Press, 2007): 280-289, available in HUSKYCT, under "Course Materials."

Rhonda Copelon, "Rape and Gender Violence: From Impunity to Accountability in International Law," *Human Rights Dialogue* 2/10 (Fall 2003), available in HUSKYCT, under "Course Materials."

Wednesday, September 24

Formal versus informal economic activity: regulating visible versus "invisible" work

Read Hernando De Soto, "Dead Capital and the Poor," *SAIS Review* 21, 1 (Winter-Spring 2001): 13-44. Available in HUSKYCT, under "Course Materials."

Friday, September 26

EXAM #1 – in class

REGIONAL PERSPECTIVES ON HUMAN RIGHTS: Overview

Wednesday, October 1

Read all sections under “The reality of rights in different regions of the world” in *The Essentials of Human Rights*:

- Latin America
- Africa
- Asia
- China
- The Middle East
- North America

Friday, October 3

Universalism versus cultural particularism

Read chapter by Joanne Bauer, “The Challenge to International Human Rights,” in *Constructing Human Rights in the Age of Globalization*, edited by Mahmood Monshipouri, Neil Englehart, Andrew J. Nathan, and Kavita Philip (ME Sharpe, 2003). Available electronically (see HUSKYCT, “Related Websites” link).

REGIONAL PERSPECTIVES ON HUMAN RIGHTS: Latin America

Monday, October 6

Overview of regional issues

Read the “Americas” section, *Human Rights Watch World Report 2008* (New York: HRW, 2008): 184-231. Come to class prepared for in-class simulation on October 6 and 8.

Wednesday, October 8

Second part of in-class simulation on material from “Americas” section of HRW World Report 2008.

REGIONAL PERSPECTIVES ON HUMAN RIGHTS: Africa

Friday, October 10

Overview of regional issues

Read the “Africa” section, *Human Rights Watch World Report 2008* (New York: HRW, 2008): 74-183. Come to class prepared for in-class simulation on October 10 and 13.

Monday, October 13

Second part of in-class simulation on material from “Africa” section of HRW *World Report 2008*.

Wednesday, October 15

Challenges to individual rights: the African Charter and “community-based” rights

Bonny Ibhawoh, “Between Culture and Constitution: Evaluating the Cultural Legitimacy of Human Rights in the African State,” *Human Rights Quarterly* 22, 3 (2000): 838-860. Available in HUSKYCT, under “Course Materials.”

Friday, October 17

State accountability and the battle against HIV-AIDS: Southern Africa in perspective

Read Mila Pefianco-Thomas and Tony Dorono, “The Treatment Action Campaign: Issue-Based Organizing and Social Transformation in South Africa,” *Social Policy* 35, 1 (Fall 2004): 52-57. Available in HUSKYCT, under “Course Materials.”

View in class “State of Denial,” film addressing HIV/AIDS in South Africa and the Treatment Action Campaign.

REGIONAL PERSPECTIVES ON HUMAN RIGHTS: United States

Monday, October 20

Overview of US human rights situation

Read “USA” section of *HRW World Report* (New York: HRW, 2008): 538-552

Wednesday, October 22

Read The Ford Foundation’s report *Close to Home: Case Studies of Human Rights Work in the United States*, Part 4 (2004): 91-103. Available in HUSKYCT, under “Course Materials.”

REGIONAL PERSPECTIVES ON HUMAN RIGHTS: Asia

Friday, October 24

Overview of regional issues

Read the “Asia” section, *Human Rights Watch World Report 2008* (New York: HRW, 2008): 232-355. Come to class prepared for in-class simulation on October 24 and 27.

Monday, October 27

Second part of in-class simulation on material from “Asia” section of *HRW World Report 2008*.

Wednesday, October 29

Human rights, culture, and democracy in Asia – the balancing act

Fareed Zakaria in conversation with Lee Kuan Yew, “Culture is Destiny,” Chapter 4 in Martha Mejer, *Dealing with Human Rights* (Brookfield, CT: Kumarian Press, 2001). Available in HUSKYCT, under “Course Materials.”

Kim Dae Jung, “Is Culture Destiny? The Myth of Asia’s Anti-Democratic Values: A Response to Lee Kuan Yew” (Chapter 5 in Mejer). Available in HUSKYCT, under “Course Materials.”

Friday, October 31

EXAM #2

SPECIAL TOPIC 1: Religion and human rights

Monday, November 3

Read the following under “Traditional values supporting human rights” in *The Essentials of Human Rights*:

- Ubuntu and human rights
- Buddhism and human rights
- Confucianism and human rights
- Islam and human rights
- Jewish tradition and human rights

Wednesday, November 5

Christopher Reardon, “Islam and the Modern World” (interview with Abdullahi An-Na’im), Ford Foundation Report (Winter 2002). Available in HUSKYCT, under “Course Materials.”

SPECIAL TOPIC 2: Children’s rights – children as subjects, not objects, of rights

Friday, November 7

Read the following under “Rights and Freedoms” in *The Essentials of Human Rights*:

- Children’s rights

Also read Karin Landgren, “The Protective Environment: Development Support for Child Protection,” *Human Rights Quarterly* 27, 1 (2005): 214-248. Available in HUSKYCT, under “Course Materials.”

Monday, November 10

Sheena Crawford, *The Worst Forms of Child Labor: A Guide to Understanding and using the new convention* (London, UK: Department for International Development, Social Development Department, 2000). Available in HUSKYCT, under “Course Materials.”

Michael J. Dennis, “Current Developments: Newly Adopted Protocols to the Convention on the Rights of the Child,” *American Journal of International Law* 94, No. 4 (2000): 789-796. Available in HUSKYCT, under “Course Materials.”

Wednesday, November 12

Read Jo Becker, “The Betrayal of Trust: Violence Against Children,” in *Human Rights Watch World Report 2008* (New York: HRW, 2008): 51-61.

SPECIAL TOPIC 3: Indigenous rights and the challenge of balancing individual and group rights

Friday, November 14

Read the following under “Rights and Freedom” in *The Essentials of Human Rights*:

- Indigenous peoples rights

Read the UN *Draft Declaration on the Rights of Indigenous Peoples*, available in PDF format in HUSKYCT, under “Course Readings”)

Review the website of the UN Permanent Forum on Indigenous Issues (see HUSKYCT, “Related Websites” link): <http://www.un.org/esa/socdev/unpfii/>

Monday, November 17

Read the entire special issue of *Human Rights Dialogue*, Series 2, 12 (Spring 2005), on “Cultural Rights: What they are, why they matter, and how they can be realized.” Available in HUSKYCT, under “Course Materials” – listed as “HRD Cultural Rights 2005”

SUBJECT AREA 4: Economic and labor rights – straddling generations?

Wednesday, November 19

Read the *International Covenant on Economic, Social and Cultural Rights* (ICESCR)

Read the *UN Declaration on the Right to Development*

Both are available electronically via the website of the UN Office of the High Commissioner for Human Rights (see HUSKYCT, “Related Websites” link), under the “Shortcuts” link.

Also read Shareen Hertel, “Measuring Economic Rights: Why Bother? The Research Agenda” *International Studies Perspectives*, 7, 3 (August 2006): 215-230. Available via HUSKYCT, under “Course Materials.”

Friday, November 21

Attend HR Film Festival Screening of “The Price of Sugar” on Wednesday, November 19 or watch the film (on reserve) at Babbidge Library, if you have a course conflict and cannot attend the film. Attendance will be taken at the film.

- Write a one-page (single spaced, typed) analysis of the film, due at the beginning of class on Friday; explain the plot, relate the theme of the film to two specific aspects of economic rights. Be prepared to discuss your analysis in class. *This assignment counts for the value of one quiz.*

Fall Break (M/W/F November 24, 26, 28)

Monday, December 1

Read Chapter 1 of the AFL-CIO Solidarity Center publication, *Justice for All: A Guide to Workers Rights in the Global Economy* (Washington, DC: Solidarity Center, 2003). This chapter available in HUSKYCT, under “Course Materials.” Complete report available on HUSKYCT, see “Related Websites” link.

Wednesday, December 3

Read Margaret Levi and April Linton, “Fair Trade: A Cup at a Time?,” *Politics and Society* 31, 3 (September 2003): 407-432. Available in HUSKYCT, under “Course Materials.”

Recommended reading (not required): Sandra Polaski, *Trade and Labor Standards: A Strategy for Developing Countries* (Washington, DC: Carnegie Endowment for International Peace, 2003). Available in HUSKYCT, under “Course Materials.”

Friday, December 5

Exam Review; course evaluation

Friday, December 12, 6-8 p.m.

Final Exam