

Introduction to International Human Rights
International Studies 245-01
Macalester College, Fall 2007, 4 credits

Instructor: Nadya Nedelsky
Class: MWF 12:00-1:00
Room: Carnegie 404
E-mail: nedelsky@macalester.edu
Office: Carnegie 407
Phone: x6479
Office hours: Tuesday, 1:00-3:00, or 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.

Required Texts:

Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, Second Edition, Oxford and New York: Oxford University Press, 2000.

Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda*, New York: Farrar, Straus and Giroux, 1998.

Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*, Boston: Beacon Press, 1998.

Assignments:

- 1) Though lectures will be part of many classes, this is not primarily a lecture course. The human rights issues we are exploring are the topic of serious debate, and this course seeks to prompt you to critically engage with these issues in the classroom. Participation is worth 15% of the grade.
- 2) There will be a mid-term exam covering materials in Parts I and II of the course on Monday, October 8. It is worth 20% of the grade.
- 3) There will be a 12-14-page research paper on a human rights issue of your choice (in consultation with me). This project's purpose is to draw together, examine, and assess this course's key themes within the context of a particular case or situation. In your paper, you will both provide the relevant facts of your case and make an argument concerning its implications for our understanding of how the human rights movement could be improved.

The research project has six stages:

a) *Choosing a case:*

You may choose a situation anywhere in the world. It may have to do with one person, or it may involve an entire population. To get ideas, you might browse the following websites and journal:

Human Rights Watch: <http://www.hrw.org/>

Amnesty International: <http://www.amnesty.org/>

University of Minnesota Human Rights Library: <http://www1.umn.edu/humanrts/>

Minnesota Advocates for Human Rights: <http://www.mnadvocates.org/>

Human Rights Quarterly (available via the Macalester library website, as an e-journal). This is a good source for scholarly articles

b) *Library research of “the facts”:*

Once you have chosen your topic, you should begin your research. The library’s resources (including the librarians) will be invaluable. Though you may start your research beforehand, we will have an informational session at the library on September 19th.

One component of this research is to find out your issue’s historical/political context (in other words, what led to the violations?). The further components relate to the key themes of the first four parts of this course. You should thus find out: 1) the definition and legal foundation of the right(s) being asserted/violated; 2) the kinds of arguments offered to challenge the legitimacy of the right in the place where it is being violated (for example, arguments based on religion and/or culture); 3) the role that states have played in addressing the issue, if any; and 4) the role that intergovernmental and non-governmental human rights organizations have played in addressing the issue.

c) *A paper proposal:*

No longer than one page long (single-spaced), this proposal will include a brief description of the issue you plan to explore and an annotated bibliography (offering a two-to-three sentence summary of what the source tells you) of at least 4 potential sources—each dealing with at least one of the four key components of the paper—is due at class time **Friday, October 1**. At least two sources should be from scholarly journals.

d) *Summarization and small group discussion of “the facts”:*

For this part of the project, on the class will divide into four groups of four, each of which will review and discuss the members’ research results on **October 19th**. In preparation, you will summarize and compile your findings into a document no longer than five pages and give it to your group the class period before the discussion (**Oct 17**). Make sure to include bibliographic citations crediting your sources.

The discussion on Oct 19 should focus on the questions that your case raises. What is particularly problematic in your case? Are there promising avenues available for addressing the problems?

e) *Compilation/analysis/assessment*

Based in part on your discussion of your research, you will add a final component to the

paper, addressing the question of how the situation could be improved by a change in the behavior of one actor whose role you addressed (the state, the UN, a regional body, or NGOs). Consider carefully how such improvement might be accomplished, and in doing so, draw on *three* scholarly sources who have addressed the question of how this actor's role in the human rights movement might be reformed or improved. You will enter into a kind of "scholarly conversation" with them, offering an overview of their arguments and assessing their strengths and weaknesses in light of the evidence from your case (in essence, would their reform strategy make a positive difference in your case? Why or why not?). Conclude by making an argument for why your case supports a particular reform strategy (which may draw on your sources or may depart from them) with regard to this actor.

f) *Peer review at the MAX center*

Roughly two weeks two weeks before the paper is due (time/dates TBA), you will hand in a completed draft of your paper to me and I will make copies of it. You will then divide up into groups of four to read each other's drafts and fill in a form provided by the MAX center. Each small group will go to the MAX center to discuss the drafts as a group, facilitated by a MAX center tutor who has also read the drafts. You will then revise the drafts into stronger papers based on the feedback.

The research paper should be double-spaced, with 12-point font and no larger than 1.25" margins. It is due by 5:00 pm on **Monday, November 19th**, at my office. It is worth 25% of the grade.

Unless you get an extension *before* the due date, late papers will be docked 5% per day.

Finally, during the last week of the class, you will offer a brief presentation of your research and conclusions. This is un-graded; its purpose is to give you some practice in public presentation (we will spend a class period discussing effective presentations) and to educate the class about your particular issue.

- 4) There will be an 8-to-10-page paper on Minow's *Between Vengeance and Forgiveness* and Gourevitch's *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families*. Your task here is to identify three broad common themes in the two books—such as "justice" or "memory"—and to discuss how each book contributes to an understanding of these themes. Use specific examples from each work to illustrate how each author deals with the themes you identify. The paper should be double-spaced, with 12-point font and no larger than 1.25" margins. It is due at class time Wednesday, December 12 and is worth 15% of the grade.
- 5) There will be a final exam covering Parts 3-5 of the course. It is worth 20% of the grade. Barring an emergency, if you fail to show up for the exam, you will receive a failing grade. It will be in our regular classroom on Monday, December 17, from 8:00 to 10:00.

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.

You may have 2 unexcused absences over the course of the semester. After this, each absence will result in a deduction of 2.5% from your overall grade.

Library resources:

Orientation and Online tutorial:

<http://www.macalester.edu/infoservices/orientation/orientation2007/>

This involves six library/ITS things that students need to know right away: Webmail, course reserves, webfile, CLICnet and Library indexes, Moodle, and where to get help. It also offers links to further tutorials and resources for help.

Research consultation appointments:

<http://www.macalester.edu/library/about/qprefconsult.html>

For students who would benefit from one-on-one instruction and help with a library research project.

Overview of grade components:

- Midterm exam: 20% (Monday, October 8)
- Research paper: 25% (proposal due Friday, October 1; paper due Monday, November 19th, at 5:00 pm)
- Paper on Gourevitch and Minow: 20% (due Wednesday, December 12, at class time)
- Final exam: 20% (Monday, December 17, 8:00-10:00)
- Participation: 15%

Grading scale:

100-94: A	89-86: B+	79-76: C+	60-59: D
93-90: A-	85-83: B	75-73: C	58-55: D-
	82-80: B-	72-70: C-	

- “A” work 1) is on time; 2) accomplishes the assigned tasks fully; 3) is clearly and engagingly written using proper grammar, spelling, and punctuation; 4) well-organized; 5) correctly cites all sources used; 6) is carefully and thoroughly researched, if research is required; 6) and shows a superior level of creativity, thoughtfulness and insight into the topic at hand.
- “B” work competently accomplishes requirements 1-5 listed above, and is generally well done, but shows lower levels of creativity, originality, and/or insight.
- “C” work offers a minimum level of competence on some or all of requirements 1-5, but contains serious flaws in argument, writing, research, and/or organization.
- “D” work does not competently realize most or all of requirements 1-5 and contains many serious flaws

Schedule: (All readings are from the Steiner and Alston reader unless otherwise noted. If necessary, schedule may be revised over the course of the semester.)

Part I: Human Rights: Foundations and Definitions

- Saturday, September 1: Introduction to course aims and expectations

- Wednesday, September 5: What kinds of human rights problems does the world face today? What role do national and international judicial institutions play in addressing these? (**thought paper due**; it is un-graded)
 - “Global Snapshots,” pp. 3-17.
 - “From Death Row to Execution: The Global Framework for Contemporary Human Rights Discourse” pp. 18-24; 27-28.

- Friday, September 7: What are the legal foundations of human rights? What are the sources of international law?
 - “Laws of War and Customary International Law,” pp. 56-80.
 - “State Responsibility, General Principles, and Natural Law,” pp. 90-92.

- Monday, September 10: How was international law applied through the end of World War II?
 - “Interwar Minorities Regime and the Role of Treaties,” pp. 93-111.
 - “Judgment at Nuremberg,” pp. 112-125.

- Wednesday, September 12: Which civil and political rights fall under the category of human rights? What are the instruments for their protection?
 - “From the United Nations Charter to the International Covenant on Civil and Political Rights,” pp. 136-145.
 - *Universal Declaration of Human Rights*, pp. 1376-1380.
 - *International Covenant on Civil and Political Rights*, pp. 1381-1391.

- Friday, September 14: How does the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) define women’s human rights? How does it seek to protect them? What questions do international requirements concerning women’s rights raise regarding the distinction between the public and private spheres? What role do customary law and UN resolutions play in the definition of international human rights law?
 - “Background to CEDAW: Socio-Economic Context, Discrimination, and Abuse,” pp. 159-168.
 - “CEDAW: Provisions and Committee,” pp. 176-184; 203-205.
 - “The Public/Private Divide: Discrimination by Nongovernmental Actors,” pp. 211; bottom of 218-222.
 - “The Continuing Role of Custom and the Significance of UN Resolutions,” pp. 224-231.

- *Convention on the Elimination of All Forms of Discrimination against Women*, pp. 1402-9.
- Monday, September 17: What economic and social rights fall under the category of human rights? What are the challenges to the legitimacy of these rights?
 - “Socio-Economic Context and Historical Background,” pp. 237-248.
 - “Challenges to Economic and Social Rights,” pp. 249-260.
 - “The Bearer and Nature of Duties Under the ICESCR,” pp. 261-267.
 - *International Covenant on Economic, Social and Cultural Rights*, pp. 1395-1401.
 - Wednesday, September 19: Library research session: meet in the library instruction classroom, second floor
 - Friday, September 21: What is the relationship between civil/political and social/economic rights? What role do—and should—the courts play in developing the second set of rights?
 - “The Relationship between the Two Sets of Rights,” pp. 268-274.
 - “Justiciability and the Role of the Courts in Developing Economic-Social Rights,” pp. 275-282; 292-299.
 - “Resource Constraints or Political Will,” pp. 300-304.

Part II: Are Human Rights Universal? Claims and Challenges

- Monday, September 24: What is the contemporary Western understanding of rights? What is the relationship between rights and duties in different traditions of political thought around the world?
 - “The Notion of ‘Rights’: Origins and Relation to Duties,” pp. 323-347; 354-361.
- Wednesday, September 26: Are human rights universal, or does their legitimacy depend on their conformity with certain cultures?
 - “Universalism and Cultural Relativism,” pp. 366-382; 389-402.
- Friday, September 28: What conflicts exist between the traditional gender roles dominant in some cultures and universal human rights norms? What problems exist in developing a feminist perspective on human rights? What reservations have some states made concerning their acceptance of CEDAW?
 - “Gender,” pp. 403-428; 436-444.
- Monday, October 1: What conflicts exist between state sponsorship of particular religious belief or practice and universal human rights norms? (**Paper proposal due at class time**)
 - “Religion,” pp. 445-453; 455-461; 483-490; 491-498.

- Wednesday, October 3: According to international agreements, what rights do children have? What objections have been raised to the legitimacy of such rights? What kinds of practices raise serious children's rights issues?
 - Excerpts from *Convention on the Rights of the Child*, pp. 1410-1419
 - "Children," pp. 511-537.
- Friday, October 5: Do "Asian values" make international human rights norms inapplicable to Asian countries? How serious a challenge do they raise for the idea that human rights are universal?
 - "East Asian Perspectives," pp. 538-553.
- Monday, October 8: **Exam 1**

Part 3: International Human Rights Organizations

- Wednesday, October 10: What role do international organizations play in developing, monitoring, and enforcing international human rights? What is state sovereignty? What tensions exist between these organizations' purposes and state sovereignty?
 - "Some Basic Notions," pp. 557-8; 561-573.
 - "Sovereignty and Domestic Jurisdiction," pp. 573-591.
- Friday, October 12: **No class:** Macalester International Roundtable
- Monday, October 15: Guest speaker from the Center for Victims of Torture
- Wednesday, October 17: How does the United Nations system deal with human rights?
 - "Conceptions of Enforcement," pp. 592-593.
 - "The UN System: Charter-based Institutions," 597-602.
 - "Fact-Finding," pp. 602-603.
 - "The UN Commission's Main Procedures for Responding to Violations," pp. 634-645.
 - Yvonne Terlingen, "The Human Rights Council: A New Era in UN Human Rights Work?" *Ethics and International Affairs*, Vol. 21, No. 2 (Summer 2007)
http://www.cceia.org/resources/journal/21_2/essay/001.html
- Friday, October 19: Small group discussion of research projects
- Monday, October 22: How does the Security Council use humanitarian interventions and sanctions to protect and enforce human rights? How successfully have these tools been used in recent years?
 - "The Security Council: Humanitarian Intervention and Sanctions," pp. 648-671.
 - "Reform and Evaluation," pp. 694-6; 701-703.

- Wednesday, October 24: What is a treaty organ? How does the Human Rights Committee of the ICCPR function?
 - “Powers, Functions and Performance of the ICCPR Committee,” pp. 705-737.
 - “Comparisons with Other Human Rights Treaty Regimes,” pp. 773-777.
 - Human Rights Committee Requests Explanation from Uzbekistan on Execution of an Uzbek National, 2005 (I will provide this reading)

- Friday, October 26: **Fall mid-term break: no class!**

- Monday, October 29: What regional arrangements exist to protect and promote human rights? How do they differ from universal systems? What are their advantages and disadvantages? How does the European system work?
 - “Comparison of Universal and Regional Regimes,” pp. 779-793.
 - “The European Convention System,” pp. 808-822.

- Wednesday, November 31: What kinds of conflicts does the European Court handle? With what results?
 - “The European Convention System,” pp. 822-839; 850-861

- Friday, November 2: How do the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights go about promoting human rights?
 - “The Inter-American System: Promoting Democracy,” pp. 868-899.

- Monday, November 5: How does the African System attempt to enforce human rights? How does it compare with the European and Inter-American systems?
 - “The African Union, NEPAD, and Human Rights: The Missing Agenda,” *Human Rights Quarterly*, Vol. 26, No. 4, November 2004, pp. 983-1027 (see Moodle site)

- Wednesday, November 7: How do nongovernmental organizations (NGOs) and international nongovernmental organizations (INGOs) contribute to the promotion and enforcement of human rights? How effective are they? How has their role changed and developed over time?
 - “NGOs, INGOs, and Civil Society,” pp. 938-943.
 - “Human Rights NGOs,” pp. 943-949.
 - “NGOs and INGOs: Characteristics and Criticisms,” pp. 950-964.
 - “Issues about Human Rights INGOs,” pp. 965-971.

Part 4: The Role of States in Protecting and Enforcing Human Rights

- Friday, November 9: What role do the legislative, judicial, and executive actions of states play in the promotion and observance of human rights? How has the spread of liberal constitutionalism helped these efforts?
 - “The Spread of State Constitutionalism in the Liberal Model,” pp. 987-998.
 - “Human Rights Treaties within States’ Legal and Political Orders,” pp. 1019-1028.
- Monday, November 12: Why has the United States been reluctant to participate in human rights treaties?
 - “Human Rights Treaties within States’ Legal and Political Orders,” pp. 1029-1048.
- Wednesday, November 14: How do courts within one state deal with cases of human rights violations that occurred in foreign countries?
 - “State Judicial Enforcement of Human Rights through Actions Based on Foreign Violations,” pp. 1049-1080.
- Friday, November 16: **No class:** I will be away at a conference
- Monday, November 19: How do states, individually or in a group, enforce compliance with human rights norms on violator states? How do they go about balancing the interest in enforcing such compliance with other competing national interests? How does US enforcement of human rights norms against violator states compare with efforts in the European Union? (**Research paper due by 5:00 in my office**)
 - “Enforcement by States against Violator States” (introduction), pp. 1082-1083.
 - “National Interest and Human Rights,” pp. 1083-1089.
 - “International Human Rights Policies in US Foreign Policy,” pp. 1089-1099.
 - “Case Study: Most Favored Nation Treatment and the People’s Republic of China,” pp. 1109-1116.

Part 5: Current Topics in Human Rights

- Wednesday, November 21: Video on the Rwandan genocide: *The Triumph of Evil*
- Friday, November 23: **No class: Happy Thanksgiving!**
- Monday, November 26: How can we respond to massive violations of human rights? What are the principles on which such responses are mounted? What kinds of responses have been attempted in the past?
 - “Massive Human Rights Tragedies: Prosecutions and Truth Commissions,” pp. 1131-1132.
 - “Universal Jurisdiction and International Crimes,” pp. 1132-1142.
 - Minow, *Between Vengeance and Forgiveness*, chapters 1-3

- Wednesday, November 28: How do different transitional justice strategies compare? What trade-offs do they involve?
 - Minow, *Between Vengeance and Forgiveness*, rest of book

- Friday, November 30: What is the role of the International Criminal Court? What are the United States government's objections to submitting to its jurisdiction? What are the options for the prosecution of alleged criminals in states other than that where their crimes were allegedly committed? What are the advantages and disadvantages of such prosecutions?
 - "The International Criminal Court," pp. 1192-1198.
 - "The Pinochet Litigation," pp. 1198-1216.

- Monday, December 3: How do different analysts define globalization and its impact on human rights? Is there a right to socio-economic development?
 - "Globalization, Development, and Human Rights," (introduction), p. 1306.
 - "The Challenges of Globalization," pp. 1307-1314.
 - "The Right to Development, International Aid, and Debt," pp. 1315-1333.

- Wednesday, December 5: What are the prospects for allowing minority groups a certain level of self-determination or autonomy within a state? Is there a trend within the human rights movement toward recognizing the legitimacy of demands for internal self-determination?
 - "Autonomy Regimes," pp. 1289-1305.

- Friday, December 7: The art of giving a good presentation (including video by Adrienne Christiansen)

- Monday, December 10: Research paper presentations

- Wednesday, December 12: Research paper presentations (**Gourevitch and Minow paper due at class time**)

- Friday, December 14: Course Wrap-up

- Monday, December 17: Final exam, 8:00-10:00