

# INTERNATIONAL HUMAN RIGHTS AND POLITICS

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Yale University

Summer Session

B

July 2nd – August 3rd, 2018

**Subject area:** Political Science

## Description

The protection of human rights is generally recognized to be a fundamental aim of modern international law and politics. Consideration of Human Rights issues has reached into all organs and bodies of the United Nations. This course develops a coherent theory and practice of the international human rights bodies and their implications in international politics but as well the so-called Governance in Human Rights

The innovative nature of international human rights procedures may account for the long-standing incoherence and inconsistency. The most significant factors, however, are likely to be the sudden development and unprecedented nature of international human rights law, remedies, and public policy in human rights, varying from domestic legal systems, and the different views of judges and committee members about the role of international bodies in affording relief to victims of state abuse.

Moreover, international human rights law and politics is the first area of international law where individuals may bring actions against states in international tribunals, but the imbalance in respective power and juridical status between states and individuals affects the procedures and the perceived role of the human rights institutions in affording remedies and implementing public policies at international level.

For the reasons provided above, understanding the nature, mechanisms and logic of human rights governance in international law and politics, the way they emerged and how they are exercised is the main goal of the present course. The students will take part in an academic trip to New York in order to have meetings with public international servants at the UN Office of the High Commissioner for Human Rights and human rights defenders from Human Rights Watch Headquarters at the Empire State Building.

## Topics

Week 1

July 2nd – July 6th

1<sup>st</sup> Class (July 2nd)

### Introduction to International Human Rights and Politics

- Presentation/Introduction
- Methodology: Rules and Assessment about final essay
- "The Burning Issue: The DNA of Human Rights
- Human Rights Based Approach (HRBA) and Analytical Framework

Required readings:

[https://law.yale.edu/system/files/area/center/schell/human\\_rights\\_first\\_-\\_immigration\\_detention\\_-\\_final\\_-\\_20160620\\_for\\_publication.pdf](https://law.yale.edu/system/files/area/center/schell/human_rights_first_-_immigration_detention_-_final_-_20160620_for_publication.pdf)

[https://shop.icrc.org/missing-migrants-and-their-families-the-icrc-s-recommendations-to-policy-makers.html?\\_store=default](https://shop.icrc.org/missing-migrants-and-their-families-the-icrc-s-recommendations-to-policy-makers.html?_store=default)

2<sup>nd</sup> Class (July 4<sup>th</sup>)

### **Human Dignity: Interdisciplinary Perspectives**

- Is human dignity the ground of human rights?
- Kantian perspectives on the rational basis of human dignity
- Max Scheler and human dignity
- Individual and collective dignity

Required readings:

Joas, H., *The Sacredness of the Person. A New Genealogy of Human Rights*.

Kerstein, Samuel J., *Kantian dignity: a critique*

Atterton, P., *Dignity and the Other: dignity and the phenomenological tradition*

3rd Class (July 6<sup>th</sup>)

- Equal dignity in international human rights
- The development of international human rights
- The evolution of human rights institutions

Required readings:

Sheeran S.- Rodley, N., *The broad review of international human rights law*

Osiatynski, W., *The historical development of human rights*

Verdirame, G., *Human Rights in political and legal theory*

Stenner, P., *Subjective dimensions of human rights: what do ordinary people understand by "human rights"?*

Landman, T., *The Political Science of Human Rights*

Week 2

July 9<sup>th</sup> – July 13<sup>th</sup>

4<sup>rd</sup> Class (July 9<sup>th</sup>)

### **International Human Rights Law**

- Sources of international human rights law
- Doctrine
- Jurisprudence
- Auxiliary sources: Soft law
- *Opinio juris, Jus Cogens*

Required readings:

<https://www.nytimes.com/2018/04/23/opinion/human-rights-movement-failed.html>

Forsythe, D., *Hard times for human rights*

Alston, P. and Goodman, R., *International Human Rights*

Rehman, J., *International Human Rights Law: a practical approach*.

Stavrinides, Z., *Human Rights Obligations under the United Nations Charter*

5<sup>th</sup> Class (July 11<sup>th</sup>)

**Academic Trip to OHCHR and Human Rights Watch Headquarters to NYC**

Required readings:

Montgomery B., *The Human Rights Watch Archives*

6<sup>th</sup> Class (July 13<sup>th</sup>)

**Public Policy and Human Rights**

- Political Science and Public Administration
- Implementation of Public Policy
- National Human Rights Institutions and Human Rights Action Plan

Required readings

Zavala, L.E., "Toward an International Implementation of Public Policies in Human Rights.

Week 3  
July 16<sup>th</sup> - July 20<sup>th</sup>

7<sup>th</sup> Class (July 16<sup>th</sup>)

**United Nations System**

- The International Bill of Human Rights
  - The Universal Declaration of Human Rights
  - The United Nations International Covenants
- The Human Rights Council
- The High Commissioner for Human Rights

Required readings:

Smith, R., *Textbook on International Human Rights*

8<sup>th</sup> Class (July 18<sup>th</sup>)

- The impact of United Nations on international human rights
- Required readings: Binder

9<sup>th</sup> Class (July 20<sup>th</sup>)

- International Human Rights Law and Humanitarian Law
- The International Human Rights Law of Migrants and Refugees
- Guest Speaker. Perspective from human rights activist
- Required readings: Binder

Week 4  
July 23<sup>rd</sup> – July 27<sup>th</sup>

10<sup>th</sup> Class (July 23<sup>th</sup>)

**Midterm Exam**

11<sup>th</sup> Class (July 25<sup>th</sup>)

Universal Periodical Review

12<sup>th</sup> Class (July 27<sup>th</sup>)

**Class on Torture: Freedom from Torture, Cruel, Inhuman and Degrading Treatment or Punishment**

- Video "The Ghosts of Abu Ghraib" (HBO Documentary Films)
- Basic normative framework
- Difference between torture and inhuman and degrading treatment
- The right to integrity and the crime of torture in the Inter-American system
- The treatment of detainees

Required readings:

Pfiffner, J., *Torture as a Public Policy*,  
Shelton, D., *Remedies in International Human Rights Law*

Week 5  
July 30<sup>th</sup> - August 3<sup>rd</sup>

13<sup>th</sup> Class (July 30<sup>th</sup>)

**Regional Protection of Human Rights**

- The advantages of regional systems
- Europe
- The African Union
- Inter-American system

Required readings:

SUR, *International Human Rights Journal*, "A Schematic Comparison of Regional Human Rights System"

14<sup>th</sup> Class (August 1st)

**Human Rights Obligations of Non-State Actors**

- Guiding Principles on Business and Human Rights
- Common objections and new approaches

Required readings:

Clapham, A., *Human Rights Obligations of Non-State Actor*, p. 1-23.

15<sup>th</sup> Class (August 3<sup>rd</sup>)

**International environmental law and human rights**

- Human Rights and the environment
- Are we violating the Human Rights of the World's Poor?

Required readings: binder

## **Bibliography:**

Sheeran S.- Rodley, N., (2014) *Routledge Handbook of International Human Rights Law*.

Duwell M.- Braavirg J.- Brownsword, R.- Mieth, D., (2015) *The Cambridge Handbook of Human Dignity. Interdisciplinary perspectives*.

Clapham, A. (2006). *Human Rights Obligations of Non-State Actors*. New York: Oxford University Press

Henkin, L. et al. (1999) *Human Rights*. New York: Foundation Press.

Office of the High Commissioner for Human Rights. (2008). *Claiming the Millennium Development Goals: A human rights approach*. New York and Geneva: United Nations.

Pasqualucci, J. (2003). *The practice and procedure of the inter-American Court of Human Rights*. Cambridge, UK: University of Cambridge Press.

Rehman, J. (2000) *International Human Rights Law: a practical approach*. England: Pearson Education Limited.

Shelton, D. (2005). *Remedies in International Human Rights Law*. 2<sup>nd</sup> edition. New York: Oxford University Press.

Smith, R. (2005). *Textbook on International Human Rights*. 2<sup>nd</sup> edition. Hampshire: Oxford University Press.

Steiner, H. et al. (2000). *International Human Rights in Context*. New York: Oxford University Press.

### **Format of the course**

Students are expected to do the readings assigned in the handbook before the class. During the sessions, the professor will act as a guide through the discussion of the topics based on the readings, as well as on personal experiences and opinions of all the students.

### **Assessment**

Grading will be provided by two main evaluations:

- Midterm exam about the contents of the course, including the readings and discussions in class.
- Final Project: A paper about 15-20 pages shall be handed out. The professor will give instructions during the course.

### **Plagiarism**

All students will be expected to follow the common policy about the correct use of sources and data. They will be required to cite all quotes and paraphrases in their written production based on MLA or APA style, as well as recognize intellectual property and ideas from other authors during their oral participation in class.

All the material provided during the course will be correctly cited.