INTERNATIONAL HUMAN RIGHTS AND POLITICS

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Yale University
Summer Session
B
July 1st – August 2nd, 2024

Subject area: Political Science (PLSC 167)

Description

"Our world is changing at warp speed. The multiplication of conflicts is causing unprecedent suffering. But human rights are a constant. They bring coherence to our search for solutions. And they are fundamental to our hopes for a world at peace" (Antonio Guterres at the opening of the 55th session of the HRC, March 2024). 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 lens by which we will get into the human rights field is through public policy and how to implement a public policy in human rights. Public policy, as a field of research, has benefited from gradual institutionalization and the development of new opportunities for international exchange and the creation of a more solid foundation upon which to advance research. In the case of public policy, a focus on professional advancement has led scholars to privilege publishing academic books and articles with a primary focus on explaining the policy process, its dynamic, approaches, and controversies to solving complex public problems, policy analysis became a terrain of disciplinary dispute between, in particular, political scientist and economist both of whom vied to inform the perspectives, objectives, and skills associated with the field.

Public policy specifically, however, certain historical disciplinary trajectories have also contributed to shaping the individualization of practice. Indeed, to use, teaching public policy is often approached as an 'art' – a practice in which plural forms of knowledge (which can encompass knowledge about the policy process, practically oriented policy analysis, substantive knowledge of particular policy areas, as well as knowledge from adjacent disciplines like economics, political science, management, law, sociology, etc.)

The nationalistic, xenophobic, misogynistic, and explicitly anti-human rights agenda of many populist political leaders requires human rights proponents to rethink many longstanding assumptions. At the center of the international legal system is the concept of human dignity, as a normative value, the intellectual sources that shaped its legal recognition, and the main legal instruments used to give it expression in international law. There is a need to re-evaluate strategies and public policies, while reaffirming the basic principles on which the human rights movement is founded. 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, since Covid-19 crisis has revealed weaknesses that human right can help to fix even in the way public services are delivered and inequalities that impeded access to them. Human rights help us to respond to the immediate priorities and develop prevention strategies for the future, including for instance full access to the highest attainable standards of mental and physical health.

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 national and international level. There is a need for collaboration with a broader range of actors, to be more persuasive and less didactic, and to be prepared to break with some of the old certainties. Academics should pay attention to the unintended consequences of their scholarship, and everyone in the human rights movement needs to reflect on the contributions each can make.

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.

This Course has a number of goals:

1.   To think analytically about the philosophical and political science perspective on the origins of human dignity.
2.   To comprehend the main normative justification of human rights.
3.   To analyze and assess the challenges poses by Governments in implementing Public Policies on Human Rights.
4.   To develop critical skills in writing about human rights public policies.

Topics

Week 1
July 1st – July 5th

1st Class (July 1st)

Introduction to International Human Rights and Politics

- Presentation/Introduction
- Methodology and Rules of Assessment about Final Essay
- The Burning Issue: The DNA of Human Rights (Video)
- The Human Rights Based Approach (HRBA) and Analytical Framework
  Require Readings (Canvas)

2nd Class (July 3rd)

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
- Human Dignity in International Law

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*.
LeMoli, G., *Human Dignity in International Law*

3rd Class (July 5th)

- 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 8th – July 12th

4th Class (July 8th)

International Human Rights Law
- Sources of international human rights law
- Doctrine
- Jurisprudence
- Auxiliary sources: Soft law
- *Opinio Iuris*, *Ius 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*

5th Class (July 10th)

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

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

6th Class (July 12th)

United Nations System

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

Required readings:
Smith, R., *Textbook on International Human Rights*

Week 3
July 15th - July 19th

7th Class (July 15th)

- The impact of United Nations on international human rights
- United Nations Special Procedures (SP)
- United Nations and the Role of SP on developing international public policies
- Required readings: Presentation

8th Class (July 17th)

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

10th Class (July 19th)

Midterm Exam

Week 4
July 22nd – July 26th

11th Class (July 22nd)

Universal Periodical Review (UPR)

12th Class (July 24th)

Class on ICC and Torture: Freedom from Torture, Cruel, Inhuman and Degrading Treatment or Punishment
- Prosecuting Aggression against Ukraine as an "Other Inhumane Act" before the CC
- Basic normative frameworkof ICC
- 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*

13th Class (July 26th)

Regional Protection of Human Rights
- The advantages of regional systems
- Europe Human Rights System
- The African Union
- Inter-American system

Required readings:

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

Week 5
July 29th – August 2nd

14th Class (July 29th)

Human Rights Obligations of Non-State Actors/ Reclaiming HR at the Dawn of the Metaverse

- Guiding Principles on Business and Human Rights
- Common objections and new approaches
- Social Entrepreneurship and Human Rights
- Approach centered on human rights for preserving human dignity and autonomy in a cyber physical world

Required readings:
Clapham, A., *Human Rights Obligations of Non-State Actor,* p. 1-23.
Rainieris, E.M., *Beyond Data. Reclaiming Human Rights at the Dawn of the*

Metaverse

<u>15th Class </u>(July 31st)

International environmental law and human rights

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

  Required readings: presentation

16th Class (August 2nd)

International Human Rights and the Implementation of Human Rights Public Policies

- The role of the NHRI's
- Public Administration, Public Policies and Human Rights
- Human Rights Governance
- Human Rights and Democracies
  Required readings: Presentation

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.

Le Moli, G. (2021). *Human Dignity in International Law*, Cambridge

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*. 2nd edition. New York: Oxford University Press.

Smith, R. (2005). *Textbook on International Human Rights*. 2nd 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 (Canvas) 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 of a Human Rights Public Policy Memo 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. Use of artificial intelligence, such as ChatGPT, is not allowed when writing your papers. Any such use will count as plagiarism, because is not written by the student. It will be consider and Honor Code violation. 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.