

Dalhousie University
K'jipuktuk, Mi'kmaq Territory
Department of Political Science
POLI 4505 – Human Rights: Legal Issues



Women's March in Washington, D.C. (January 21, 2017)

Instruction: Dr. Gregg French

Semester: Fall 2019

Class Times: Mondays, 5:35pm–8:25pm

Class Location: Marion McCain Arts and Social Science Building, Room 2130

Course Website: <https://dal.brightspace.com/d21/login>

Contact Information

Instructor: Dr. Gregg French

E-mail: gregg.french@dal.ca

Office Location: Henry Hicks Academic Building, Room 352

Office Hours: Mondays, 4:30pm–5:30pm or by appointment

Course Description

In this course, students will take part in a critical analysis of the issues and debates involved in the development and enforcement of international human rights. The course will commence with an examination of the international treaty bodies, courts, and tribunals that have convened to address mass atrocity crimes and other human rights violations. Establishing this foundation will enable students to begin to conceptualize the ways in which legal decisions were made at the international level, as well as how these decisions were received and interpreted in a diverse range of domestic settings. This will bring attention to disputes associated with commitments made by intergovernmental organizations, state sovereignty, accountability, and restrictions. The course will then shift to contemporary legal debates surrounding human rights. These discussions will address the obligations of intergovernmental organizations and their member states, issues of equality, the role of NGOs, self-determination, freedom of expression, torture, human trafficking, Indigenous rights, the environment, as well as how to enforce international laws at the domestic level.

The overarching goal of this course will be to have students produce publishable research papers by the conclusion of the semester. They will reach this objective through consultations with the instructor, the submission of a research essay proposal, an annotated bibliography, and a seminar presentation.

POLI 4505 will consist of one seminar per week. It is expected that students will have their weekly readings completed prior to the beginning of each seminar. This will enable students to be active members of our safe and productive community of inquiry. Students are allowed to use laptops during seminars; however, the use of recording devices, messaging platforms, and social media websites is not permitted.

Additional course information, weekly readings, PowerPoint slides, assignment outlines, and announcement will appear on Brightspace. I encourage students to familiarize themselves with the course's online learning management system before the start of the semester.

Course Outcomes

By the conclusion of the course, students will be able to:

- Identify the international bodies and documents that influence human rights law.
- Address how international human rights law has been applied in domestic settings.
- Critically examine challenges that practitioners are currently facing.
- Conduct scholarly research and present evidence in a coherent manner.
- Apply research, critical thinking, writing, and organizational skills to new tasks.

Textbook and Readings

Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).

Non-textbook readings will be available on Brightspace, via hyperlink, or at the Killam Memorial Library.

* Please note that readings are subject to change. If a change is made, details will be posted on Brightspace.

Course Requirements and Evaluations

Research Essay Proposal	Due: September 30, 2019	15%
Annotated Bibliography	Due: October 21, 2019	15%
Seminar Presentation	Due: Week 10 to Week 14	20%
Participation	Full Semester	20%
Research Essay	Due: December 9, 2019	30%

Paper copies of assignments must be submitted to the instructor or to the Political Science office between 9:00am and 4:00pm (Monday to Friday). Neither the professor nor the Department of Political Science can assume responsibility for assignments submitted by e-mail.

Unless instructed otherwise, assignments must be double-spaced, presented in 12-point font, and include both the student's name and the course code (POLI 4505).

Research Essay Proposal

On **September 30, 2019**, students will submit a 3-page research essay proposal on a topic of their choosing, which relates to the themes addressed in the course. The research essay proposal should include the student's theoretical and methodological approaches to their research topic, a sample of the sources that the student plans to use, and any research problems that the student expects they may encounter during their research. If approved by the instructor, the topic for the research essay proposal will serve as the foundation for the student's annotated bibliography, seminar presentation, and research essay.

Annotated Bibliography

Students will submit an annotated bibliography on **October 21, 2019**. In connection with the topic addressed in the research essay proposal and in preparation for the seminar presentation and research essay, students will conduct research on five academic sources that relate to the topic, cite sources using *The Chicago Manual of Style*, provide a 200-word evaluation of each source, and inform the instructor how the source will influence their research essay.

Seminar Presentation

From Week 10 to Week 14 (excluding Week 11), each student will be given 10 minutes to present their proposed research to the class. Following the presentation, the members of the

seminar will discuss each student's research and provide constructive feedback. A presentation schedule will be organized during the first month of the course.

Participation

Active seminar participation will create a more productive community of inquiry for everyone in the course. Engaging in classroom discussions will also allow students to gain a greater understanding of the course material and will assist their fellow students with their independent research projects. Students will be graded on the quality of their contributions and should feel free to ask the instructor for updates at any point throughout the semester.

Research Essay

Students will be asked to write a 15-page research essay and to submit it on **December 9, 2019** (one week after our last class). The essay is designed to provide students with an opportunity to research and examine a topic that relates to the course. Feedback from the research essay proposal, annotated bibliography, and seminar presentation should be evident in the final product. The essay must follow appropriate scholarly conventions and *The Chicago Manual of Style* citation guide. The essay should also incorporate all five sources from the annotated bibliography, as well as an additional ten sources.

Grading

Grade	Grade Point Value	Percentage	Definition	
A+ A A-	4.30 4.00 3.70	90-100 85-89 80-84	Excellent	Considerable evidence of original thinking; demonstrated outstanding capacity to analyze and synthesize; outstanding grasp of subject matter; evidence of extensive knowledge base.
B+ B B-	3.30 3.00 2.70	77-79 73-76 70-72	Good	Evidence of grasp of subject matter, some evidence of critical capacity and analytical ability; reasonable understanding of relevant issues; evidence of familiarity with the literature.
C+ C C-	2.30 2.00 1.70	65-69 60-64 55-59	Satisfactory	Evidence of some understanding of the subject matter; ability to develop solutions to simple problems; benefitting from his/her university experience.
D	1.00	50-54	Marginal Pass	Evidence of minimally acceptable familiarity with subject matter, critical and analytical skills (except in

				programs where a minimum grade of 'C' is required).
F	0.00	0-49	Inadequate	Insufficient evidence of understanding of the subject matter; weakness in critical and analytical skills; limited or irrelevant use of the literature.

Late Penalties and Absences

If a student fails to submit the research essay proposal or the annotated bibliography on the appropriate due date, 5% will be immediately deducted from the overall grade of the assignment. For every day that the assignment is late, after that initial day, the student will be penalized an additional 2% per day. In regards to the seminar presentation and research essay, a student will receive a grade of 0% if they fail to attend their own presentation or submit the research essay on December 9, 2019.

As of the 2017/2018 academic year: Dalhousie students are asked to take responsibility for their own short-term absences (3 days or less) by contacting their instructor by phone or e-mail prior to the academic requirement deadline or scheduled time and by submitting a completed Student Declaration of Absence to their instructor in case of missed or late academic requirements. Only 2 separate Student Declaration of Absence forms may be submitted per course during a term.

Plagiarism

Plagiarism is a serious academic offence. A finding of plagiarism may result in a **failing grade** of an assignment or course or, if very serious, **suspension** or **expulsion** from the university. In fact, if plagiarism is discovered after a student has completed his or her studies, and the penalty results in that student no longer meeting the requirements of a degree that has been awarded, the university may **rescind** that degree.

Some examples of plagiarism:

- **Failure to attribute authorship** when using sources such as written or oral work, computer codes/programs, artistic or architectural works, scientific projects, performances, web page designs, graphical representations, diagrams, videos, and images.
- Downloading all or part of the work of another from the Internet and **submitting as one's own**.
- **The use of a paper** prepared by any person other than the individual claiming to be the author.

Plagiarism is committed when you do not acknowledge using someone else's:

- words or phrases
- ideas or thoughts
- term paper

- recording
- images
- computer code
- experiment results
- lecture content
- falsified data, citations or other text
- OR your own previously submitted work

Plagiarized materials can come from:

- books
- journal articles
- CD's
- encyclopedias
- web pages
- online term papers
- email or listservs
- talks or lecture

* This information was taken directly from:

https://www.dal.ca/dept/university_secretariat/academic-integrity/plagiarism-cheating.html

Academic Integrity

At Dalhousie University, we are guided in all of our work by the values of academic integrity: honesty, trust, fairness, responsibility and respect (The Center for Academic Integrity, Duke University, 1999). As a student, you are required to demonstrate these values in all of the work you do. The University provides policies and procedures that every member of the university community is required to follow to ensure academic integrity.

Accessibility

The Advising and Access Services Centre is Dalhousie's centre of expertise for student accessibility and accommodation. The advising team works with students who request accommodation as a result of: a disability, religious obligation, or any barrier related to any other characteristic protected under Human Rights legislation (NS, NB, PEI, NFLD).

Student Code of Conduct

Everyone at Dalhousie is expected to treat others with dignity and respect. The Code of Student Conduct allows Dalhousie to take disciplinary action if students don't follow this community expectation. When appropriate, violations of the code can be resolved in a reasonable and informal manner—perhaps through a restorative justice process. If an informal resolution cannot be reached, or would be inappropriate, procedures exist for formal dispute resolution.

Diversity and Inclusion – Culture of Respect

Every person at Dalhousie has a right to be respected and safe. We believe inclusiveness is fundamental to education. We stand for equality. Dalhousie is strengthened in our diversity. We are a respectful and inclusive community. We are committed to being a place where everyone feels welcome and supported, which is why our Strategic Direction prioritizes fostering a culture of diversity and inclusiveness (Strategic Priority 5.2).

Classroom Etiquette

I intend to create a safe and productive learning environment for every student enrolled in POLI 4505. In exchange, I ask that all students respect the views and opinions of their fellow classmates.

Additionally, I am asking that all students avoid the needless use of messaging and social media platforms on their phones, laptops, and tablets during lectures. Using these platforms can be distracting to both the instructor and fellow students.

E-mail Policy and Important Announcements

When communicating with the instructor via e-mail, please include **POLI 4505** in the subject line, as well as proper greetings and salutations (using your full name). I will do my best to respond within 24 hours.

Please be sure to regularly check the “News” section on Brightspace for important announcements regarding the course and other relevant events going on in the Department of Political Science, Dalhousie University, or the surrounding community. If you have an event that you would like posted on Brightspace, please feel free to contact the instructor.

Recognition of Mi’kmaq Territory

Dalhousie University would like to acknowledge that the University is on Traditional Mi’kmaq Territory. The Elders in Residence program provides students with access to First Nations elders for guidance, counsel and support. Visit the office in the McCain Building (room 3037) or contact the programs at elders@dal.ca or 902-494-6803 (leave a message).

University Policies and Programs

- Important Dates in the Academic Year (including add/drop dates)
http://www.dal.ca/academics/important_dates.html
- University Grading Practices: Statement of Principles and Procedures
https://www.dal.ca/dept/university_secretariat/policies/academic/grading-practices-policy.html
- Scent-Free Program
<https://www.dal.ca/dept/safety/programs-services/occupational-safety/scent-free.html>

Learning and Support Resources

- General Academic Support - Academic Advising: https://www.dal.ca/campus_life/academic-support/advising.html
- Copyright and Fair Dealing: <https://libraries.dal.ca/services/copyright-office/fair-dealing/fair-dealing-guidelines.html>
- Libraries: <http://libraries.dal.ca>
- Student Health and Wellness (includes Counselling and Psychological Services): https://www.dal.ca/campus_life/health-and-wellness/services-support/student-health-and-wellness.html
- Black Student Advising: https://www.dal.ca/campus_life/communities/black-student-advising.html
- Indigenous Student Centre: https://www.dal.ca/campus_life/communities/indigenous.html
- ELearning Website: <https://www.dal.ca/dept/elearning.html>
- Student Advocacy Services: <http://dsu.ca/dsas>
- Dalhousie Ombudsperson: https://www.dal.ca/campus_life/safety-respect/student-rights-and-responsibilities/where-to-get-help/ombudsperson.html
- Writing Centre: https://www.dal.ca/campus_life/academic-support/writing-and-study-skills.html
- Studying for Success program and tutoring: https://www.dal.ca/campus_life/academic-support/study-skills-and-tutoring.html

Lecture Schedule

Week 1

September 2, 2019

- Labour Day, Dalhousie University is closed.

Week 2

September 9, 2019

Introduction: Exploring International Human Rights

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Introduction
- Michael Freeman, *Human Rights: An Intersectional Approach – Third Edition* (Malden, Massachusetts: Polity Press, 2017).
 - Introduction: Thinking about Human Rights
- Christian Reus-Smit, *Individual Rights and the Making of the International System* (New York: Cambridge University Press, 2013).
 - Chapter 1: The Expansion of the International System

Week 3

September 16, 2019

The Historical Foundations of International Law and Human Rights in the Pre-WWII Era

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Chapter 2: Historical Background
- John Locke, *Second Treatise of Government* (1689).
 - <https://www.earlymoderntexts.com/assets/pdfs/locke1689a.pdf>
- *Declaration of Independence* (1776).
 - https://avalon.law.yale.edu/18th_century/declare.asp
- *Declaration of the Rights of Man and of the Citizens* (1789).
 - https://avalon.law.yale.edu/18th_century/rightsof.asp
- Geneva Conventions, *Laws of War: Red Cross Convention* (1864).
 - https://avalon.law.yale.edu/19th_century/geneva04.asp
- Hague Conference of 1899, *Laws of War: Final Act of the International Peace Conference* (1899).
 - https://avalon.law.yale.edu/19th_century/final99.asp
- *The Covenant of the League of Nations, including Amendment* (1924)
 - https://avalon.law.yale.edu/20th_century/leagcov.asp

Week 4**September 23, 2019**

The United Nations and the International Bill of Human Rights, 1945 to the Present

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Chapter 3: The United Nations
 - Chapter 4: The International Bill of Human Rights
- D. Whelan and J. Donnelly, “The West, Economic and Social Rights and the Global Human Rights Regime: Setting the Record Straight,” *Human Rights Quarterly* 29, no. 4 (2007), 908–949.
- *Universal Declaration of Human Right* (1948)
 - https://avalon.law.yale.edu/20th_century/unrights.asp
- *International Covenant on Civil and Political Rights* (1966)
 - <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Week 5**September 30, 2019**

The Philosophical and Theoretical Foundations of Human Rights

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Chapter 11: Substantive Rights—General Comments
- Michael Goodhart (editor), *Human Rights: Politics and Practice – Third Edition* (New York: Oxford University Press, 2016).
 - Chapter 1: Normative and Theoretical Foundations of Human Rights
- James Griffin, *On Human Rights* (New York: Oxford University Press, 2008).
 - Chapter 6: The Metaphysics of Human Rights
- **Due: Research Essay Proposal**

Week 6**October 7, 2019**

International Bodies and their Purposes

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Chapter 5: The United Nations—Organizational Structures
- P. Alston, “Neither Fish nor Fowl: The Quest to Define the Role of the UN High Commissioner for Human Rights,” *European Journal of International Law* 8, no. 2 (1997), 321–335.
- Kevin Boyle (editor), *New Institutions for Human Rights Protection* (New York: Oxford University Press, 2009).
 - Chapter 2: The United Nations Human Rights Council: Its Special Procedure and Its Relationship with the Treaty Bodies: Complementary or Competition
- J.P. Muldoon Jr., J. Fagot Aviel, R. Reitano, and E. Sullivan (editors), *The New Dynamics of Multilateralism: Diplomacy, International Organizations, and Global Governance* (Boulder, Colorado: Westview Press, 2011).
 - Chapter 2: Systemic Change, International Organizations, and the Evolution of Multilateralism

Week 7**October 14, 2019**

- Thanksgiving Day, Dalhousie University is closed.

Week 8**October 21, 2019**

Regional Systems and Human Rights

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Chapter 6: Regional Protection of Human Rights
 - Chapter 7: Europe
 - Chapter 8: The Americas
 - Chapter 9: Africa
- **Due: Annotated Bibliography**

Week 9**October 28, 2019**

Accountability, Actions, and Restrictions of State and Non-State Actors

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Chapter 10: Monitoring, Implementing, and Enforcing Human Rights
- Jack Donnelly, *International Human Rights – 4th Edition* (Boulder, Colorado: Westview Press, 2013).
 - Chapter 10: Transnational Human Rights Advocacy
- Daniel A. Bell and Jean Marc Coicaud (editors), *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations* (New York: Cambridge University Press, 2007).
 - Chapter 9: Defending Economic, Social, and Cultural Rights: Practical Issues Faced by an International Human Rights Organization

Week 10**November 4, 2019**

Self-Determination and Indigenous Peoples' in Settler States

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Chapter 17: The Right to Self-Determination
 - Chapter 21: Indigenous Peoples' and Minority Rights
- **Seminar Presentations**

Week 11**November 11, 2019**

Reading Week

- No assigned readings.

Week 12**November 18, 2019**

Legal Equality and Freedom from Discrimination

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Chapter 16: Equality Before the Law—The Right to a Fair Trial
- M. O’Flaherty and J. Fisher, “Sexual Orientation and Gender Identity in International Human Rights Law: Contextualizing the Yogyakarta Principles,” *Human Rights Law Review* 8, no. 2 (2008), 207–248.
- **Seminar Presentations**

Week 13**November 25, 2019**

Protections Against the Inhuman Treatment of People

- Rhona K. M. Smith, *International Human Rights Law – 8th Edition* (New York: Oxford University Press, 2018).
 - Chapter 14: Freedom from Torture; Cruel, Inhuman, and Degrading Treatment or Punishment
- Bridget Anderson and Julia O’Connell Davidson, *Trafficking – A Demand Led Problem?* (Washington, D.C.: Save the Children, 2002).
 - <http://lastradainternational.org/lsidocs/11%20Trafficking%20-%20a%20demand%20led%20problem.pdf>
- **Seminar Presentations**

Week 14**December 2, 2019**

Conclusion: Looking to the Future

- No assigned readings.
- Please bring a draft of your research essay.
- **Seminar Presentations**
- **Due: Research Essay (December 9, 2019)**