

## **COURSE SYLLABUS**

### **POLI 3505 Human Rights – Foundations**

**Department of Political Science  
Dalhousie University**

**Class Time:** Tuesday 4:30-7:30

**Location:** Dunn 135

**Instructor:** Dr. Margaret Denike

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**Office Hours:** Tuesday 2:00-4:00, or by appointment

## **COURSE DESCRIPTION**

This course examines a wide selection events, institutions, mechanisms, and debates concerning international human rights theories and practices. It provides an overview of international human rights and humanitarian law and policy, including the treaty system and monitoring bodies, the international criminal court, and international criminal tribunals. We will address how states, courts, and non-government organizations have engaged human rights treaty committees on different conventions and areas of law, and we will consider the effectiveness of their applications within domestic law and policy.

In the second half of the course, we will look at the social, psychological, and political challenges posed by genocide and mass atrocities, with attention to the underlying causes and to the role of international human rights mechanisms to address them or provide redress for them. Through selected case studies, we will consider the emerging approaches of the international community to accountability for war crimes, genocide, and crimes against humanity.

### **Required Readings:**

Rhona K.M. Smith. 2012. *Textbook on International Human Rights*. Fifth edition. Oxford University Press.

Students will need to go through their library accounts to access selected journal articles that are *not* included in the text; other articles that are not available electronically will be posted on BLS.

Several links will be provided to various readings that can be found on line. If, for whatever reason, the link to one of the resources does not work, students are asked to search for them independently under the title, before contacting the instructor.

## **ASSIGNMENT PROFILE**

Assignment 1	30% (2000 words max; due Feb 11)
Essay	30% (2000 words max; due Mar 4)
Test	40% (March 25)

Essays are to be submitted electronically to either the instructor or the TA (depending on course size), as an MSWord document. The paper will be evaluated (through ‘track changes’) and returned to the student via email.

All assignments **MUST** be submitted electronically by the deadline, and the test written on the date that it is scheduled in class. Late essays will be penalized at 3% per day.

To receive a grade on work submitted, students are required to follow the instructions, guidelines, and requirements for the assignments. The assignments will not be accepted or graded, if these guidelines are ignored, and/or a penalty of 20% will be deducted as a result.

## **Plagiarism**

All students in this class are required to read and understand the policies on plagiarism and academic honesty as outlined in the Policies and Student Resources sections found at [www.plagiarism.dal.ca](http://www.plagiarism.dal.ca).

Ignorance of such policies is no excuse for violations.

## **MARKING SCHEME**

A+ = 88%+	B+ = 77- 79%	C+ = 67- 69%	D = 50-59%
A = 84 - 87%	B = 74 - 76%	C = 64 - 66%	F = 0 - 49%
A- = 80-83%	B- = 70 - 73%	C- = 60 - 63%	

## **CLASS PARTICIPATION**

There is no participation grade for this course; however, students are expected to attend every class, and to have completed the readings and given themselves time to think about them in advance of each class. Students are required to come to class with the reading for that week in hand, or with notes on the readings, and to be ready to use the reading or notes as a reference when engaging in a discussion about them.

## ESSAY ASSIGNMENTS:

### General Essay Objectives:

- a) Concerning comprehension, breadth of the materials that you cover, and accuracy of content. One objective of this assignment is for you to demonstrate your understanding and thoughtful application of a selection of the readings covered during the course and listed on the syllabus *for this course*. (Including the UNHCHR resources). To ensure that your essay is clearly related to the course material, you are required to ensure that at least four of the chapters or articles or related links that are listed on the syllabus are central to your discussion and analysis.
- b) Concerning format. It is also designed to assist you in developing and/or demonstrating the skills and practices of clearly and accurately representing, documenting, contextualizing, and contrasting the ideas and arguments of other writers on a given topic, while organizing and developing them into a coherent scholarly argument, analysis. (Please ensure that you have a fully developed introduction that clarifies the precise scope and direction of your paper; effective transitions; carefully developed and illustrated paragraphs; properly documented references, including page numbers).
- c) Concerning focus. It is designed to address the politics of a specific human rights practices, mechanisms, aspirations,.... or of an approach or practice of justice in an international context. It also is designed for you to show your consideration and understanding of the implications for public policy for your selected issue.

### 1. Essay (Due March Feb 11) 2000 words max

**Objective:** Show your understanding of the international human rights system, as applied to an identifiable group (using the course materials and links through the UNHCHR resources)

As members of an international community that has expressed its commitment to recognizing and supporting (or advancing) human rights, and to seeking and preserving “justice,” each state, including Canada, has considered, acknowledged and/or ignored commitments to their principles and practices (for example, in ratifying, rejecting or applying human rights conventions; participating in international justice or redress mechanisms; engaging in forms of intervention, etc.). With this in mind, and drawing on the course readings, and arguments raised in class discussion, write an essay on the “politics” (a term that can be used in many different ways, as per our class lectures) of these commitments, as practiced –or not–by a specific state on any given rights issued covered in the course materials and class discussion.

Consider, for example, what enables and/or impedes the rights of any particular minority group on any given issue (Muslim men in the former Yugoslavia; aboriginal people in Canada; prisoners at Guantanamo Bay; refugees anywhere; Tutsis in Rwanda; gays and lesbians in Iraq;

victims of torture in the US, etc.) to enjoy rights that might otherwise be considered “universal”. What accounts for the failure or success in the realization of specific rights (or forms of justice), and how effective are the international human rights mechanisms?

**\*\*For this assignment, you are required to work with a minimum of two chapters or articles that are listed on the syllabus for this course (or included within the text for this course), as well as resources located through the UN High Commission for Human Rights website. The UNHCHR resources will provide you with specific and current examples\*\***

**2. Essay 2: Contemporary Debates on Human Rights Institutions or Practices (2000 words max).**

**Objective:** Show your understanding of a specific approach to or critique of human rights, its difference from others, and its implications for public policy.

**You can choose one of the two following topics:**

**Topic 1:** As the author of the course text, Rhona Smith’s understanding of the politics of international human rights have been central to the discussions of this course.

While her descriptions of the processes of international treaty bodies, UN committees, or international courts may seem fully objective and indisputable, other scholars or commentators (many of whom she makes reference to) have taken very different positions on the same subjects.

With attention to this difference between Smith and others, you are asked to demonstrate your understanding of a leading question or central debate on any topic of your choice covered in these readings and/or course discussion; clarify Smith’s position together with any other analysis or critique brought to the subject by at least one other author; and conclude with a consideration of the implications for public policy. Such policy considerations do not need to be restricted to the Canadian government. Depending on your focus, your discussion or recommendations may be directed to whatever country your topic concerns (if appropriate); be it a judicial body (the ICC, domestic courts); an administration; or an institution of the UN, etc.

You are encouraged to supplement these resources with additional research materials or scholarly journals, etc., but you are expected to engage with the course text (i.e., Smith’s approach) and particularly the questions or themes that these give rise to.

**Topic 2:** In the list of readings provided for March 19, you will find three different critical approaches to human rights providing by the leading scholars –Costas Douzinas, Makau Mutua, and Robert Meister.

Choose one of these authors; show your understanding of their critique of, concern with, or approach to human rights, and elucidate its bearing on –or implications for—any of the issues or topics covered in the course.

With attention to the implications of their argument, you are asked to demonstrate your understanding of a leading question or central debate on any topic of your choice covered in these readings and/or course discussion, and conclude with a consideration of the implications for public policy. Such policy considerations do not need to be restricted to the Canadian government. Depending on your focus, your discussion or recommendations may be directed to whatever country your topic concerns (if appropriate); be it a judicial body (the ICC, domestic courts); an administration; or an institution of the UN, etc.

## WEEKLY TOPICS, READINGS, and RECOMMENDED RESOURCES

### Jan 7

#### Introduction and Overview

#### Human Rights as an Idea; Historical Foundations; International Law

- Claire L'Heureux-Dube, (Lawyers Human Rights Watch Canada) "International Human Rights and Humanitarian Law" Lecture, Part 1, Available at: [http://www.youtube.com/watch?v=Q7\\_UmbjgmCQ](http://www.youtube.com/watch?v=Q7_UmbjgmCQ); and Part 2, available at: <http://www.youtube.com/watch?v=1cP0nKmMnCQ>
- Samuel Moyne (Columbia Univ.), "The Last Utopia: Human Rights in History, available at: <http://www.youtube.com/watch?v=oqtFJZB27M8&feature=related> (on the history of human rights; their prominence as of the 1990s; human rights as an idea with historical foundations, with a source that came to be accepted by people who see it as an ideal, a utopia in the world)

Another fabulous preparatory lecture:

- Talal Asad, On the Origins of Human Rights, available at: <http://vimeo.com/15788132>

Primary resource for your first assignment:

- Check out the website of the United Nations High Commission on Human Rights (UNHCHR): at [www.ohchr.org/EN/Pages/WelcomePage.aspx](http://www.ohchr.org/EN/Pages/WelcomePage.aspx) -- including, "List of Issues", "International Law" (including 'related links' to human rights declarations and covenants), "Countries," "Human Rights Bodies". You will find all the information that you need, from shadow reports, state reports, details about ratifications and reservations, etc.

### Jan 14

#### Historical Background

- Rhona Smith, Chapter 2: Historical Background, pp. 5-25 (TEXT)
- Rhona Smith, Chapter 3: The United Nations, pp. 25-36 (TEXT)

*Additional resources, recommendations and suggestions:*

- Anthony Langlois, "Normative and Theoretical Foundations of Human Rights, Chapter 1 in Michael Goodhart, ed., *Human Rights: Politics and Practice*. NY: Oxford UP, 1009, pp. 12-24

### Jan 21

#### The International Bill of Human Rights

- Rhona Smith, Chapter 4: The International Bill of Human Rights, pp. 37-51

- Universal Declaration of Human Rights, adopted by United Nations, General Assembly Resolution 217A (III) of 10 December 1948, (please google this, if it is not available at <http://www.un.org/en/documents/udhr/>)
- International Covenant on Civil and Political Rights. Available at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- International Covenant on Economic, Social and Cultural Rights. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

**Jan 28**

### **The United Nations and the Treaty System**

- Rhona Smith, Chapter 5: The United Nations Organizational Structure, pp. 52-85.
- Rhona Smith, Chapter 11: Substantive Rights – General comments, pp. 180- 194

**Feb 4**

### **The Treaty Process, Instruments and Institutions**

- Rhona Smith, Chapter 10: Monitoring, implementing and enforcing human rights, pp. 153-180.

Reference:

- UNHCHR, *An Introduction to the Core Human Rights Treaties and Treaty Bodies: Fact Sheet No. 30* < <http://www2.ohchr.org/english/bodies/docs/OHCHR-FactSheet30.pdf>>

**Feb 11**

### **Engaging in the Treaty Process: Equality and Non-Discrimination CEDAW and the Politics of Sex Discrimination**

- Rhona Smith, Chapter 12: Equality and non-discrimination, pp. 195-216
- FAFIA, “Women’s Inequality in Canada,” Submission to the UN CEDAW Committee, available at: [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/FAFIACanadaCEDAW2008\\_2.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/FAFIACanadaCEDAW2008_2.pdf) (chapters 1-3; conclusion; summary of recommendations)

References:

- Charlotte Bunch and Samantha Frost. 2000. “Women’s Human Rights: An Introduction” in *Routledge International Encyclopedia of Women: Global Women's Issues and Knowledge*, Routledge, Available at: <http://www.cwgl.rutgers.edu/globalcenter/whr.html>
- Jennifer Koshan. 2009. “International Law as a Strategic Tool for Equality Rights Litigation,” in Fay Faraday, Margaret Denike, and M. Kate Stephenson, eds, *Making Equality Rights Real: Securing Substantive Equality under the Charter*. Toronto: Irwin, pp. 443-470.
- Catharine MacKinnon. 2006 [2004]. “The Promise of CEDAW’s Optional Protocol,” in *Are Women Human? And Other International Dialogues*. Cambridge: Belknap Press, pp. 64-67.

## Feb 18 Reading Week

### Feb 25

#### The Politics of Genocide and Ethnic Cleansing

- Ben Keirnan. 2007. "Introduction," *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur*. New Haven: Yale University Press, pp. 1-40.

#### Reference and commended resources:

- Film: *The Last Just Man* or *Shake Hands With the Devil*
- David Rieff, "Rwanda," *A Bed for the Night: Humanitarianism in Crisis*. NY: Simon and Schuster, 155-193.
- Anne Orford, Ch. 3: "Localizing the Other" from *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law*. Cambridge University Press, 2003, pp. 96-110 (selections)
- Film clip: *A Cry From the Grave*. BBC documentary available on line through *Top Documentary Films* at: <http://topdocumentaryfilms.com/srebrenica-cry-from-the-grave/>
- Samantha Power, "Bosnia: No More than Witnesses at a Funeral," Chapter 9 of her book, *"A Problem from Hell": America in the Age of Genocide*. NY: Perennial, pp. 247-327.

### Mar 4

#### Genocide and the Right to Life

- Rhona Smith, Chapter 13: the Right to Life, pp. 217-232.

### Mar 11

#### Torture, Lawlessness, and the Politics of Accountability

- Rhona Smith, Chapter 14, "Freedom from Torture,..." pp. 233-247.
- International Committee of Jurists, "Chapter 3: The Legality and Consequences of a 'War on Terror'," *Assessing Damage, Urging Action: Report of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights*. 2009. Available in pdf at: <http://ejp.icj.org/IMG/EJP-Report.pdf>, pp. 49-64 (selections)

#### Reference:

- International Committee of Jurists, *Assessing Damage, Urging Action: Report of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights*. 2009. Available in pdf at: <http://ejp.icj.org/IMG/EJP-Report.pdf>, pp. 1-25.
- Nasser Hussain and Austin Sarat. 2010. "Introduction: Responding to Government Lawlessness: What does the Rule of Law Require?" In Austin Sarat and Nasser Hussain, eds. *When Governments Break the Law: The Rule of Law and the Prosecution of the Bush Administration*, NY: New York University Press, pp. 1-36.
- Department of Justice (Canada), *Anti-Terrorism Act*. (Overview of the sunset clause, review, and parliamentary hearings. Available at: <http://www.justice.gc.ca/antiter/home-accueil-eng.asp>



- Kent Roach, “Submission to ICJ Eminent Jurists Panel on Canadian Anti-Terrorism Law” Available at: <http://ejp.icj.org/IMG/submissionroach.pdf>
- Mandate of the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  
<http://www2.ohchr.org/english/issues/torture/rapporteur/index.htm>

**Mar 5**

### **The International Criminal Court**

- William Schabas. 2007. “The Court Becomes Operational,” Creation of the Court,” Chapter 2 of his book, *An Introduction to the International Criminal Court*. Third edition. NY: Cambridge University Press, 22-57.
- Coalition for Gender Justice (2006).  
<http://www.iccwomen.org/publications/resources/docs/Gender%20Justice%20Team%20Advocacy%20Papers.pdf>

Reference:

- Erna Paris. 2008. “The Inauguration” and “Roots and Tendrils,” from her book, *The Sun Climbs Slow*. Toronto: Knopf, pp. 7-34.
- William Schabas, 2007. “Creation of the Court,” Chapter 1 of his book, *An Introduction to the International Criminal Court*. Third edition. NY: Cambridge University Press, 1-21.
- Film Clip: *The Reckoning*

**Mar 19**

### **Questioning Foundations: A Genealogy of Human Rights**

#### **The Political Exploitation of Human Rights**

- Makau Mutua. 2001. “Savages, Victims, and Saviors: The Metaphor of Human Rights,” 42/1 *Harvard International Law Journal* (Winter 2001), pp. 201-245
- Costas Douzinas. 2007. “The End of Human Rights?,” in Costas Douzinas, ed. *Human Rights and Empire: The Political Philosophy of Cosmopolitanism*. NY: Routledge-Cavendish, pp. 3-33.
- Robert Meister. 2011. “The Ideology and Ethics of Human Rights,” *After Evil: A Politics of Human Rights*. NY: Columbia University Press, pp. 20-49.

Reference:

- Uprenda Baxi, “Human Rights at 50: Voices of Suffering and the Future of Human Rights” 8 *Transnational Law and Contemporary Problems*, pp. 125- 169. (for a critical examination of contemporary developments in human rights)
- Brown, Wendy. 2004. ‘The most we can hope for...’: human rights and the politics of fatalism. *The South Atlantic Quarterly* 103: 2/3 (Spring/Summer): 451-463

**March 26 Test**

**April 2: Film or Guest Lecture and other festivities**