

Provisional Draft:

This outline gives a sense of how the course will be structured, but **details may change. This is not the final, official outline.**

PHIL 436 A01 (CRN 22552)

The Human Right to Truth

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Office Hours: Tuesdays 1 pm-2 pm
or by appointment

Course Description: This course introduces key concepts and theories in international human rights. The readings focus on ethical and theoretical issues raised by the international human rights law and practices. The assignments and course material are designed to give you a basic understanding of: what it means to claim truth as a human right; the arguments for and against accepting that there is a human right to truth; and how a claim to try applies in cases.

This course is taught in a seminar format. You are expected to do the readings in advance and to come to class ready to ask questions and contribute to discussion.

Texts

All readings are posted to Brightspace.

Evaluation:

- | | | |
|--|-----|-------------------|
| 1 page response to readings (5@ 1% each) ^a | 5% | |
| Due by noon on Thurs of the week in which the readings are assigned | | |
| 7-10 page paper ^b | 35% | DUE FEB 16 |
| Must be based around one of the readings from the first half of the course | | |
| Annotated Bibliography on topic of 12-15 page paper ^c | 10% | DUE MAR 18 |
| Minimum 6 sources | | |
| 12-15 page research paper ^d | 50% | DUE APR 11 |
| Must include discussion of a case study; case study must be drawn from a list provided in the assignment sheet | | |

^aAbout the 1-page responses: Responses should not be more than 1 page double-spaced and should discuss an issue, argument or topic from the readings of the week in which they are handed in. Responses are **due by noon** of the Thursday of the week in which the readings are assigned.

^bAbout the 7-10 page paper: The topic of this term paper must be drawn from at least one of the readings covered in the first five weeks of class (i.e., readings from the week of Feb 7 or earlier).

^cAbout the annotated bibliography: An annotated bibliography is a list of references that provides brief summaries and critical reflections on each item, in addition to the bibliographic information. The annotated bibliography must identify at least 6 sources relating to the topic chosen for your 12-15 page paper that are not included on the course outline.

^dAbout the 12-15 page paper: The final paper must illustrate or address one or more questions related to the right to truth that have come up in the readings for this course **using one of four case studies listed in the assignment sheet.** The final paper may draw on material from 7-9 page paper but does not have to.

Policy on Late Assignments

Exceptions to deadlines are governed by [UVic policies regarding academic concessions](#). If you are unable to meet a deadline because of conflicting responsibilities, or unexpected or unavoidable circumstances **you must contact me as soon as you are aware of the circumstances or conflict.**

Late assignments and papers will be penalized in the amount of 5% per 24 hours to a maximum of 30%. Exceptions to this penalty will only be considered in cases where an alternate deadline was arranged ahead of time or lateness was caused by an unexpected or unavoidable circumstance, as described in [UVic's policies regarding academic concessions](#).

Grade Scale

100-90 = A+, 85-89 = A, 80-84 = A-, 77-79 = B, 73-76 = B, 70-72 = B-, 65-69 = C+, 60-64 = C, 50-59 = D, 0-49 = F

For more details see the [regulations on grading in the Undergraduate Calendar](#)

N Grades

Students who have completed both tests and the 7-9 page paper will be considered to have completed the course. Failure to complete at both tests or to submit the 7-9 page paper will result in a grade of "N" regardless of the cumulative percentage on other elements of the course. N is a failing grade and factors into GPA as a value of 0. percentage on other elements of the course. N is a failing grade and factors into GPA as a value of 0.

Brightspace

A Brightspace page has been set up for this course. You may access it by signing in with your netlink id. This page will be used to post announcements, to:

- give you online access to coursepack readings, tests, the essay assignment sheet, powerpoints, and supplementary resources
- administer and collect assignments

Please note that all quizzes, answer keys, and assignment sheets, and all lecture notes and teaching materials posted to Brightspace are the intellectual property of myself and the University of Victoria. **Do not circulate course materials or post them to note-sharing sites without my permission.** Posting course materials to note-sharing sites or otherwise circulating course materials without the permission of your instructor violates the [Policy on Academic Integrity](#). Any evidence you are circulating materials without permission will be referred to the Chair of the Philosophy Department for investigation.

Expectations Regarding Conduct

All members of the university community have the right to experience, and the responsibility to help create, a respectful and supportive learning environment. These rights and the responsibilities are present both in interactions in person and online. Racism, sexualized violence, and any form of discrimination, bullying or harassment are not acceptable and will not be tolerated.

By logging into UVic's learning systems and interacting with online resources you are engaging in a university activity. This means that your conduct is subject to [University policies](#) in those settings.

Professionalism is expected from all students enrolled in courses in the Faculty of Humanities. As part of professionalism, students, faculty and staff are expected to be familiar with University policies, including the [Tri-Faculty's Standards for Professional Behaviour](#).

Academic Integrity

Any and all sources used in preparing work that is submitted for evaluation must be acknowledged. This includes websites and other students' work. **Plagiarism and other forms of cheating will not be tolerated.** Such conduct is contrary to the University's academic regulations and shows a profound lack of respect for me, for fellow students and for the university as an institution of higher learning.

You are expected to read the University's [Policy on Academic Integrity](#). You can find it in the Undergraduate Calendar. It is your responsibility to know and follow the University's regulations regarding academic integrity. Penalties for academic integrity violations are harsh and are applied as written.

For additional information about the University's expectations with respect to academic integrity and resources to help you meet those expectations, visit [the University's Academic Integrity page](#).

Academic Supports

The University has a number of academic support services that may help you in this course, including the [Centre for Academic Communication](#) the [Library's Research Anywhere site](#) and the [Library's "Ask Us" service](#)). Information about academic supports can be found through the [University's Learn Anywhere site](#).

Academic Accommodations

The University of Victoria is committed to creating a learning experience that is as accessible as possible. If you anticipate or experience any barriers to learning in this course, please feel welcome to discuss your concerns with me. If you believe you will require academic accommodations to address barriers to your education in this course and you are not already registered with the Centre for Accessible Learning, please do so using the [CAL registration process](#). The Centre for Accessible Learning is the office designated to make arrangements for accommodations. You can find information about academic accommodations through the [Centre for Accessible Learning's website](#) .

Schedule of Readings

The following is the anticipated schedule of readings and assignments. Dates and readings may be modified over the course of the year. Such changes will be announced ahead of time.

Week 1: Jan 9-12

Patricia Naftali, "Crafting a "Right to Truth" in International Law: Converging Mobilizations, Diverging Agendas? *Champ pénal/Penal field* Vol. XIII (2016),2-19 . DOI : 10.4000/champpenal.9245

Week 2: Jan 16-19

Kristen Hessler, *Feminist Human Rights: A Political Approach*. Lexington Books: 2023, pp. 1-33

Allen Buchanan, *The Heart of Human Rights* . Oxford University Press: New York, 2013, pp. 50-84 (chapter 2).

Cindy Holder, "Human Rights Without Hierarchy: Why Theories of Global Justice Should Embrace the Indivisibility Principle" in Johnny Antonio Davilà, ed. *Cuestiones de justicia global*. Tirant lo Blanch, Valencia: 2020, pp. 125-150.

Week 3: Jan 23-26

González et al. ("Cotton Field") v Mexico (2009)
Loyola International and Comparative Law Review Case Summary

Manuel Bolaños v Ecuador (1995)

Week 4: Jan 30-Feb 2

Melanie Klinker and Howard Davis, *The Right to Truth in International Law*. Routledge:2020, pp. 1-31.

Teresa Godwin Phelps, "Truth Delayed: Accounting for Human Rights Violations in Guatemala and Spain", *Human Rights Quarterly* 36 (2014), 820-843.

Week 5: Feb 6-9

Ian Werkheiser, "A Right to Understand Injustice: Epistemology and the "Right to Truth" in International Human Rights Discourse", *Southern Journal of Philosophy* 58:1 (March 2020), 186-199.

Jeffrey Davis, *Seeking Human Rights Justice in Latin America: Truth, Extra-Territorial Courts, and the Process of Justice*. Cambridge University Press; 2013, pp. 90-116.

Week 6: Feb 13-16

Patrick Rysiew, "Veritism, Values and Epistemic Norms" *Philosophical Topics* 45:1 (Spring 2017), 181-203.

Cindy Holder, "Truthfulness and Transition" in Larry May and Elizabeth Edenberg, eds., *Jus Post Bellum and Transitional Justice* (Cambridge University Press: 2013), pp. 244-261.

READING BREAK FEB 20-23

Week 7: Feb 27-Mar 1

Jens Boel, Perrine Canavaggio and Antonio González Quintana, "Records and archives documenting gross human rights violations" in *Archives and Human Rights*. Routledge: 2021, pp. 21-40.

Inge Bundsgard, "The Question of Access: The Right to Social Memory versus the Right to Social Oblivion", *Archives, Documentation, and Institutions of Social Memory : Essays from the Sawyer Seminar*, F. X. Blouin and W. G. Rosenberg, eds. University of Michigan Press: 2007, pp. 114-121.

Julia Viebach, "Transitional archives: towards a conceptualisation of archives in transitional justice", *The International Journal of Human Rights* 25:3 (2021), 403-439.

Week 8: Mar 5-8

Grażyna Baranowska and Aleksandra Gliszyńska-Grabias, "Right to Truth and Memory Laws: General Rules and Practical Implications", *Polish Political Science Yearbook*, 47(1) (2018), 97-109.

Edita Gruodytė and Silvija Gervienė, "The Right to Know the Truth in the Light of the Right to Privacy: The Case of Victims of the Communist Regime in Europe", *Baltic Journal of European Studies* 7:2 (2023), 284-310.

Week 9: Mar 12-15

Cynthia Milton, "Curating memories of armed state actors in Peru's era of transitional justice", *Memory Studies* 8:3 (2015), 361-378.

Week 10: Mar 19-22

Tim Kelsall, "Truth, Lies, Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone" *Human Rights Quarterly* 27 (2005), 361-391.

Michael J. Lazzara, "Kidnapped Memories: Argentina's Stolen Children Tell Their Stories", *Journal of Human Rights* 12:3 (2013), 319-332.

Week 11: Mar 26-27

David Bruser Jim Rankin Joanna Smith Tanya Talaga Jennifer Wells and Andrew Bailey, "Nearly half of murdered indigenous women did not know or barely knew killers, Star analysis shows", *The Star* Dec 14, 2015.

Week 12: April 2-5

James Badcock, "Facing jail: Spanish 'stolen baby' who searched for her mother", *BBCNews*, 30 June 2017.

Last Day of Classes: Apr 8

Review and Reflection

12-15 page essay due April 11 before midnight