

PHIL 535 A01 (CRN 22426)

International Human Rights

Dr. Cindy Holder
(250) 721-7516
clholder@uvic.ca

Office Hours: Mon 3:00-4:00 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 international human rights concepts, legal regimes and institutions, and to enable you to apply the concepts and theoretical frameworks studied to contemporary events and 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.

Evaluation:

- | | |
|--|-------------------------|
| 1 page response to readings (5@2% each) ^a | 5% |
| Due by 10 am on Thurs of the week in which the readings are assigned | |
| 10-12 page paper ^b | 30% DUE Feb 11 |
| Must be based around one of the readings from the first half of the course | |
| Group presentation of a case study ^c | 15% |
| Scheduled during the last two weeks. Case study chosen by the group. | |
| 18-20 page research paper ^d | 50% DUE April 15 |
| Topic open-ended but must relate to international human rights. May be based on the case study covered in group presentation but does not have to be. May draw on material from 10-12 page paper but does not have to. | |

Late assignments will be penalized in the amount of 5% per 24 hours they are late, to a maximum of 30%.

^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 10 am** of the Thursday of the week in which the readings are assigned.

^aAbout the 10-12 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 Group Presentations: The last two weeks will feature group presentations. The groups will be selected by me. Each group will present a case study that illustrates questions or issues related to self-determination. **Groups must advise me of the case study they have chosen by March 10.** The group presentation should last roughly 25 minutes, followed by Q&A. In preparing for the presentation groups should compile an annotated bibliography of the sources they have used. This bibliography is to be submitted on the day of the group's presentation.

^dAbout the 15-20 page paper: The topic for the final paper is to be chosen by you. You may write on the case study of your group presentation but you do not have to do so. You may use your 10-12 page paper as the basis but you do not have to do so. Whatever the topic chosen, you are strongly encouraged to speak to me about it ahead of time.

Grading Scale:

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

N Grades

Students who have completed the 7-9 page paper and the final paper will be considered to have completed the course. Failure to complete one or more of these elements 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.

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

(https://www.uvic.ca/calendar/undergrad/#/policy/Sk_0xsM_V?bc=true&bcCurrent=08%20-%20Policy%20on%20Academic%20Integrity&bcGroup=Undergraduate%20Academic%20Regulations&bcItemtype=policies). 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 (<https://www.uvic.ca/students/academics/academic-integrity/#ipn-resources>).

Academic Supports

The University has a number of academic support services that may help you in this course, such as the Centre for Academic Communication (<https://www.uvic.ca/learningandteaching/cac/>), the Library's Research Anywhere site (<https://onlineacademiccommunity.uvic.ca/ResearchAnywhere/>) and the Library's "Ask Us" service (<https://www.uvic.ca/library/research/ask/index.php>). Information about academic supports can be found through the University's Learn Anywhere site (<https://onlineacademiccommunity.uvic.ca/LearnAnywhere/academic-supports/>)

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 (<https://www.uvic.ca/services/cal/online-services/register/index.php>). 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 (<https://www.uvic.ca/services/cal/programs/academic/index.php>).

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 readings, supplementary resources and assignment sheets
- collect assignments
- set up groups for the group assignment
- give you access to resources for your group project

Please note that **all assignments for this course and all materials posted to Brightspace are the intellectual property of myself and the University of Victoria**. Do not circulate this material or post it 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.

Texts

All readings are posted to Brightspace in the week in which they are assigned and in an online Coursepack

Schedule:

This is the anticipated schedule of readings for the semester. Dates and reading assignments may change over the course of the term. Changes will always be announced in class ahead of time.

Jan 10, 13

Dinah Shelton, "Human Rights Remedies" in *Oxford Public International Law*. Oxford University Press, 2006. <http://opil.ouplaw.com>

Rosa M. Celorio, "The Inter-American Court of Human Rights: Case of González ("Cotton Field") v Mexico" *International Legal Materials* 49:3 (2010), 637-639.

Jan 17, 20

Amartya Sen, "Elements of a Theory of Human Rights" *Philosophy and Public Affairs* 32:2 (2004), 315-356.

Martha Nussbaum, "Capabilities, Entitlements, Rights: Supplementation and Critique", *Journal of Human Development and Capabilities* 12:1 (2011), 23-37.

Pablo Gilibert, *Human Dignity and Human Rights*. Oxford University Press: Oxford, 2018, pp. 113-140 (chapter 5).

Jan 24, 27

Charles Beitz, *The Idea of Human Rights*. Oxford University Press: Oxford, 2009, pp. 102-136 (chapter 5).

Jack Donnelly, *Universal human rights in theory and practice*. Cornell University Press: Ithaca, NY, 2013, pp. 7-23 (chapter 1).

Joseph Raz, "Human Rights Without Foundations", University of Oxford Faculty of Law Legal Studies Research Paper Series Working Paper No 14/2007 March 2007.

Re-printed in *Philosophy of International Law*, S. Besson and J. Tasioulas, eds. Oxford University Press: Oxford, 2010, chapter 15.

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

Jan 31, Feb 3

Makau Mutua, *Human Rights: A Political and Cultural Critique*. University Of Pennsylvania Press: Philadelphia, 2002, pp. 10-70 (Chapters 1 and 2)

Upendra Baxi, *The Future of Human Rights, Third Edition*. Oxford University Press: Oxford, 2006,

pp. 200-234 (chapter 7).

Abdullahi A. An-Nai'im, "The Legal Protection of Rights in Africa: How to Do More With Less" in *Human Rights: Concepts, Contests, Contingencies*, A. Sarat and T. R. Kearns, eds. University of Michigan Press: Ann Arbor, MI, 2002, pp 89-116.

Feb 7, 10

Shannon Speed, *Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas*. Stanford University Press: Stanford, CA, 2008, pp. 38-56 (chapter 2).

Mark Goodale, "Human rights and moral agency" in *Human Rights: The Hard Questions*, C. Holder and D. Reidy, eds. Cambridge University Press: Cambridge, UK, 2013, pp.418-435.

Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* Cambridge University Press: Cambridge, 2003, p 233-271 (chapter 8).

Hannah Miller, "From 'rights-based' to 'rights-framed' approaches: a social constructionist view of human rights practice", *International Journal of Human Rights* 14:6 (2010), 915-931

7-9 page paper due Feb 11

Feb 14, 17

Sally Engle Merry, "Measuring the World: Indicators, Human Rights and Global Governance", *Current Anthropology* 52:3 (2011), S83-S95.

Mark Franke, "Refugee registration as foreclosure of the freedom to move: the virtualisation of refugees' rights within maps of international protection", *Environment and Planning D: Society and Space* 27 (2009), 352-369.

Steffen Jensen, Tobias Kelly, Kocha Andersen, Catrine Christiansen and Jeevan Raj Sharma, "Torture and Ill-Treatment Under Perceived: Human Rights Documentation and the Poor", *Human Rights Quarterly* 39:2 (2017), 393-415.

A. Sarfaty, "Measuring Justice: Internal Conflict over the World Bank's Empirical Approach to Human Rights" in *Mirrors of Justice: Law and Power in the Post-Cold War Era*, K.M. Clarke and M. Goodale, eds. Cambridge University Press: Cambridge, UK, pp. 131-170 (chapter 6).

Feb 21-Feb 25 Reading Break

Feb 28, Mar 3

Galit Eileen Pittaway, Linda Bartolomei and Richard Hugman, "'Stop Stealing Our Stories': The Ethics of Research with Vulnerable Groups", *Journal of Human Rights Practice* 2:2 (2010), 229-251.

Tshepo Madlingozi, "On Transitional Justice Entrepreneurs and the Production of Victims", *Journal of Human Rights Practice* 2:2 (2010), 208-228.

Cheryl Lawther, "Heroes and hierarchies: the celebration and censure of victimhood in transitional justice", *International Journal of Human Rights* (2021).

Mar 7, 10

Dinah Shelton, "Environmental Rights and Brazil's Obligations in the Inter-American System", *George Washington International Law Review* 40 (2009), 733-777.

Catherine Nolin and Jacqui Stephens, "We Have to Protect the Investors: 'Development' & the Canadian Mining Companies in Guatemala", *Journal of Rural and Community Development* 5:3

(2010), 37-70.

Rob Nixon, *Slow Violence and the Environmentalism of the Poor*. Harvard University Press (Cambridge, MA), 2011, pp. 1-44 (Introduction).

Mar 14, 17, 21

Johanna Higgs, *Militarized Youth: The Children of the FARC* Palgrave Macmillan: Cham, 2020, pp. 11-44 (chapter 2).

Grace Akello, "Child agency and resistance to discourses within the Paris Principles in rehabilitation and reintegration processes of former child soldiers in Uganda" in *Research Handbook on Child Soldiers*, M. Drumbl and J. Barrett eds., Edward Elgar Publishing: Cheltenham, 2019 pp 436-451.

Sharanjeet Parmar and Yann Lebrat, "Minors and minors: accountability beyond child soldiering in the Democratic Republic of Congo" in *Research Handbook on Child Soldiers*, M. Drumbl and J. Barrett eds., Edward Elgar Publishing: Cheltenham, 2019 pp.298-323.

Marit Ursin, "Militarized everyday lives, logics and responses among children and youth in a violent community in urban Brazil", *Childhood* 27:3 (2020), 325-339.

Jason Hart, "The Mobilization of Children: What's the Difference?" in *Understanding Collective Violence*, Yvan Guichaoua, ed. Palgrave Macmillan: New York, 2012, pp.59-84.

Mar 24, 28, 31 Group Presentations

April 7 Group Presentations

15-20 page paper due April 15