

PHIL 500 A03 (CRN 22486)

Dr. Cindy Holder (she/her)
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Office Hours: CLE B322
Wednesdays 10 am-11:30 am

I acknowledge with respect the Ləkʷəŋən (Songhees and Esquimalt) Peoples on whose territory the University of Victoria stands, and the Ləkʷəŋən and WSÁNEĆ Peoples (including the Tsartlip, Pauquachin, Tsawout, Tseycum and Malahat nations) in whose territories and waters the university operates and whose historical relationships with the land continue to this day.

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. Readings in the final three weeks will focus on concepts and issues related to the human rights of children.

This course will:

- introduce you to key concepts and issues in theoretical treatments of human rights
- give you a basic understanding of the international legal regimes governing human rights violations
- enable you to identify central theoretical and ethical issues raised by international human rights law and its enforcement
- improve your ability to critically engage with academic literature
- improve your writing skills
- improve your ability to relate theoretical arguments to practical examples

This course is taught in a seminar format and will include undergraduate students, law students and graduate students. Many of the students in this course will have a background in philosophy but not everyone will have this background and many people will have no background in international politics or international law. The supplemental readings will include material you can use to shore up your understanding of material and concepts that you have not previously studied.

The material covered in this course includes case studies and descriptions of experiences of physical and psychological abuse, group-based violence and other human rights violations. For this reason you should be prepared to engage with difficult and disturbing materials.

Evaluation

1 page response to readings (x5). (5%) **Due by 10 am on Friday**
Must use the readings of the week in which it is handed in

7-9 page (1750-2250 words) paper (35%). **Due Feb 14**
Must be based around one of the readings from the first half of the course

Annotated Bibliography on topic of 12-15 page paper (10%) **Due Mar 12**
Minimum 7 sources

14-18 page (3500-4500 words) research paper. (50%) **Due Apr 10**
Topic open-ended but must relate to international human rights. Must incorporate a case study chosen by the student. May draw on material from 7-9 page paper but does not have to.

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 the two papers will be considered to have completed the course.

Failure to complete both papers 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.

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 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 in both in-person and online interactions. 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. **This course does not permit the use of generative AI to generate answers or prepare assignments for this course.** Plagiarizing and using generative AI when you have been advised it is prohibited are forms of cheating and show a profound lack of respect for me, for fellow students and for the university as an educational institution.

You are expected to read the University's [Policy on Academic Integrity](#). You can find it in the Graduate 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](#).

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 6, 9

Dinah Shelton, "Human Rights Remedies" in *Oxford Public International Law*. Oxford University Press, 2006.

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.

Inter-American Commission on Human Rights, *Report No. 8/16 Case 11.661 Merits (Publication) Manickavasagam Suresh v Canada* OEA/Ser.L/II.157 Doc. 12 April 13, 2016, excerpts.

Jan 13, 16

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

Jan 20, 23

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" in *Philosophy of International Law*, Samantha Besson

and John Tasioulas, eds. Oxford University Press: Oxford, 2010, pp. 321-337 (chapter 15).

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

Jan 27, 30

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

Uppendra 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 3, 6

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

Feb 10, 13

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).

7-9 page paper due Feb 14

Feb 17-21

Reading Break

Feb 24, 27

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 3,6

Michael Freeman, *The human rights of children: Selected essays on children's rights*. Brill Publishers: Leiden, NL, pp.1-46 (chapter one).

Paulo David, “Implementing the Rights of the Child Six Reasons Why the Human Rights of Children Remain a Constant Challenge”, *International Review of Education* 48:3–4 (2002), 259–263.

Richard Hiskes, “The Image of a Lesser God: Imago Dei and the Human Rights of Children”, *Human Rights Quarterly* 45 (2023), 513-532.

Sonja Grover, “OP3-CRC Hypothetical Case Illustrating the Risks of Weighting the Child’s Views Based on the Child’s Age and/or Attributed Level of Maturity” in *Children Defending their Human Rights Under the CRC Communications Procedure: On Strengthening the Convention on the Rights of the Child Complaints Mechanism* Springer: New York, 2015, pp. 189-212.

Mar 10, 13

Andrea Schapper, “Children’s Rights Implementation as a Multi-Level Governance Process”, *Human Rights Quarterly* 39 (2017), 104–129.

Judith Ennew, “Has Research Improved the Human Rights of Children? Or Have the Information Needs of the CRC Improved Data About Children?” in *‘Children Out of Place’ and Human Rights: In Memory of Judith Ennew*, Antonella Invernizzi et al eds. Springer: Dordrecht, 2017, pp. 25-50.

Wendy Hesford, “Children’s Rights and Humanitarian Rationalities” in *Violent exceptions: children’s human rights and humanitarian rhetorics*, Ohio State University Press: Columbus, OH, 2021, pp. 1-38.

Annotated Bibliography Due Mar 12

Mar 17, 20

Alejandro Fuentes and Marina Vannelli, “Human Rights of Children in the Context of Migration Processes. Innovative Efforts for Integrating Regional Human Rights Standards in the Americas”, *Laws* (2019), 31-54.

Rusmilawati Windari and Tolib Effendi, “Child Rights and Human Security: Promoting Child Protection at the Tourist Attractions on Madura”, *International Journal of Business, Economics and Social Development* 2:4 (2021), 162-170.

Mohammad Abbas Ali, Mohammad Vaqas Ali and Faiza Abbas, “Hidden hazardous child labor as a complex human rights phenomenon: A case study of child labor in Pakistan’s brick-making industry”, *Cogent Social Sciences*, 3:1 (2017), <https://doi.org/10.1080/23311886.2017.1369486> .

Mar 24, 27

Ann Linnarsson, Vanessa Sedletzki, “Independent Human Rights Institutions for Children: An Actor for the Protection of Children’s Rights During Armed Conflict?”, *Human Rights Quarterly* 36:2 (2014), 447-472.

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.

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 31, Apr 3

Sharanjeet Parmar and Yann Lebrat, “Minors and miners: 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.

15-20 page research paper due Apr 10