**Syllabus**

**DOPP5285 Introduction to Human Rights**

**Winter Term 2023/24**

**Course level MA**

**2 credits/4 ECTS**

**Elective**

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**PLEASE CHECK MOODLE FOR THE MOST UP TO DATE VERSION**

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# Course Description

Learn about the core international human rights standards and the actors responsible for developing, implementing and monitoring them, as well as contemporary human rights problems.

Through an examination of the main human rights laws, and the main mechanisms for monitoring and compliance with human rights, this course will develop students’ knowledge and understanding of the applicable international human rights standards and mechanisms and build students’ skills in critical analysis of human rights issues.

The course has a problem-solving orientation, so that in examining the human rights issues raised by current real-life situations, students will focus on the suitability of existing standards, mechanisms, programmes and policies and consider potential avenues for solutions aimed at improving these situations.

This course is designed for students who have not previously taken a human rights course, but it will also be of interest for those who would like to refresh their understanding of the main standards and mechanisms of international human rights law and build on that knowledge.

While some legal aspects of international human rights will be covered, it is designed for DPP students and a legal background is not required.

Students who complete this course are encouraged to sign up for the *Advanced human rights* course in the Spring Term.

## Learning Outcomes

By the end of this course, students will be able to:

1. Identify core human rights standards and terminology, and understand how they are used in practice.
2. Describe the roles and main features of; (a) the UN Treaty Body system, (b) national implementation of international human rights standards, (c) human rights defenders, NGOs and national oversight bodies including National Human Rights Institutions.
3. Relate the core human rights standards to their application in practice by governments, and understand how policy can be developed using a human rights approach.
4. Be able to work in teams to analyse a situation in terms of the human rights issues involved, apply human rights standards and principles to real life human rights problems, and suggest human-rights-based solutions.
5. Identify important sources of human rights information and understand how human rights are relevant to their future career.

## Approach

This course emphasises developing the skills needed to assess real-life situations against international human rights law standards. It will be participatory and all students are invited to actively engage each week (see *participation policy*, below). The course encourages critical thinking and problem solving through pre-class readings, active in-class discussions, case studies and team exercises, and through the development of an advocacy paper on a topic of interest to the student.

# Assessment and Policies

## Assessment Components

The primary means of assessment is an advocacy paper, which students will develop during the course, and finalise for submission at the end of Term. Because the approach of this course is for active learning in class, there is also a participation\* component to the grade.

The course will be graded as follows:

1. **Active participation\* (20% of the grade)**
   1. engagement in class discussions (through comments, questions) and evidence of having done the readings – including bringing the required materials to class where specified (i.e., Concluding Observations in weeks 2 to 5).
   2. active participation including doing the pre-class tasks and in the advocacy class (week 6), and in practical in-class exercises held in class during the course.
2. **Advocacy Paper (70% of the course grade**).This is an advocacy paper on a current (2023/24) human rights issue or situation of the student's choice (topic selection will be discussed further in class 1). The completion of the paper is divided into two components:
   1. An explanatory note on your topic choice**, plus an annotated outline and literature review** due in week 5 (500 words, **worth 30% of the course grade**)
   2. The outline and literature review is developed into a **final paper** (1,500 words worth **40% of the course grade)** submitted at the end of Term.
3. **Presentation on your topic (10% of the course grade) in week 12.**

IMPORTANT to pass the course, a passing grade (C+) is required in each of the above 4 components (participation, the two components of the paper (a) and (b), and the presentation).

*\* If you have a concern about this element, please see the participation policy, below.*

The grading scheme for the assessments are provided in the Guidance Notes. Examinations and coursework are graded in accordance with the University Grading Scheme (Student Rights, Rules, and Academic Regulations (2022), Annex 2) and the University Grading Rubric (Student Regulations, Annex 3).

NOTE: It is important that you read the further information and guidance on what is required for each of these elements, including grading, in the **Guidance Notes in Moodle**.

## Feedback and Advice on Assessments

You are encouraged, and welcome, to seek feedback on the progress of your advocacy paper. In particular, you might wish to consider sending me your draft around weeks 8/9 to get feedback before completion and submission.

I understand that people have different learning styles. If you would like more feedback than the current approach requires, I am happy to provide interim reviews and feedback on your progress. In any event, we'll have regular check-ins and opportunities for constructive feedback in class during the course to ensure you're on track and not feeling overwhelmed.

Please note however that while you are always welcome to reach out about the assignment, because this is a graded assignment, I cannot give detailed feedback on full/final versions prior to submission.

## Workload

Per CEU policy, the total student workload (for in-class and out of class work combined) is estimated to be approximately 30 hours per ECTS credit. This is a 4 ECTS course, therefore total student workload both in and outside of class would be expected at 110-120 hours over the Term. Readings and the assignment have been prepared with this in mind. If you are struggling with the workload, please reach out.

For guidance purposes, the workload/hours are spread across the different components of the course as follows, I’ve included a suggested weekly breakdown with the below:

* Class time (in class): 21 hours (1.7 hours (100 mins) per week)
* Seminar preparation (readings): 36 hours (3 hours per week)
* Class input/presentation: 10 hours (weeks 10-12 primarily)
* Assignments: 50 hours (3 hours per week + 15 hours in weeks 13&14 (after classes finish).

Total = ~117 hours.

## Communications

You are welcome to email me at any time of the day and week that suits your schedule, but please be aware that I only check and respond to emails during working hours and during the working week (i.e., Monday-Friday). I will try to respond to all student emails within 24 hours within these parameters. If you haven’t heard back within 2 working days, please feel free to try again in case I’ve overlooked your email.

## Policy on plagiarism and Academic Honesty

Please make sure you have read and understand the ‘Academic Dishonesty’ part of the Student Handbook, the CEU Policy on Plagiarism and accompanying guidelines and the CEU Code of Ethics. Plagiarism is extremely serious academic misconduct. If you have any questions or concerns, please just ask! You can also reach out to the Academic Writing Centre for support.

Turnitin software is used to verify the originality of all submitted material.

Please be aware that I have a zero-tolerance policy for academic dishonesty and will pass any suspected cases to the Departmental integrity committee.

## Policy on attendance and lateness

I understand everyone leads a busy life, and that CEU workloads can be heavy, but for the benefit of the whole group, it is important that you engage fully in this course. This includes going through the readings assigned before each class, joining each session, and participating actively in the discussions. Each of your voices adds value to our collective learning experience.

If there are any challenges impacting your ability to attend/be on time, please reach out and get in touch with me. Both myself as the instructor, and the Department are here to support you and help find solutions.

Attendance at all classes is required per CEU and DPP policy. A make-up assignment may be required for any missed classes (apart from absence for medical or other extenuating reasons) and will be based on the work done in the missed class.

Out of respect for the instructor and your classmates, please come on time.

Please read the section of the Student Handbook on Attendance so that you are aware of the Department’s policy, including unauthorized absences from class.

Phone use is not permitted during class. If you have any concerns about this policy, please come to see me at the start of term.

## Participation Policy

This course is designed to be a collective learning experience, and your active participation is a valuable part of this process. However, I understand that individual circumstances can sometimes make it challenging to participate in the way I might typically expect. If you are facing such challenges, I encourage you to communicate with me as early as possible – preferably before the course starts - so that we can work together to find a solution that supports your learning.

If you find it challenging to participate during class time, we can discuss alternative ways for you to contribute to the learning environment, such as writing reflective notes on the readings, or sharing thoughts and questions via email or office hours.

Please note that the ultimate goal is your learning in this course. I am here to facilitate that, and appreciate your unique perspectives and contributions. Let's keep the lines of communication open to ensure your success in this course.

## AI Policy

AI tools can be used to assist in understanding course material, brainstorming ideas, and identifying source material. Literature searching tools can help find relevant articles, books, and other resources.

A goal of this course is to enhance your understanding, critical thinking skills, and develop your own voice on the topics we cover. The use of AI tools should always support, not supplant, your learning.

You may use AI tools to practice problem-solving, to get a different perspective on a topic, locate materials or to assist with language translation. We will discuss the usefulness and limitations of some of some of the available tools during the course.

Prohibited Uses: Maintaining academic integrity in your work is essential. Any assignment submitted for a grade must be your own original work, in line with CEU's Policy on Student Plagiarism and the Student Handbook. AI tools may not be used to generate your responses or write some or all of your assignments. Text may not be copy-pasted from an AI tool (such as ChatGPT) into an assignment and presented as your own work. Automated paraphrasing by AI for graded assignments is also prohibited. Presentation of AI generated text as your own work will result in a failing grade on the assignment.

If you incorporate ideas generated by an AI tool into your work, it must be properly cited (quotation marks + reference), just as you would cite any other source. Failing to do so may constitute plagiarism.

Caution in Use: While AI can be helpful, it does not replace critical thinking, original ideas, or deep understanding. Be aware that AI tools, including LLMs, such as ChatGPT, have limitations. They do not understand content in the way humans do and can sometimes generate misleading, inaccurate, and/or incorrect information, including generating false references. Many do not have access to current information (e.g., ChatGPT 3.5/4 currently has a cut-off of 2021). Always double-check any information obtained through these tools.

Please be aware that failing to adhere to these guidelines can result in academic penalties including, but not limited to, receiving a fail grade on an assignment, failing the course, or even facing disciplinary action by the University.

Please also note that these guidelines may be amended given the rapid pace at which AI capabilities are changing, or if a new Departmental/University policy on AI usage is adopted. You will be notified if this occurs during the Term.

If you have any questions on what constitutes appropriate/fair use of AI tools, please reach out to me at any time so we can discuss.

## Office hours

**Wednesdays, [TBC]**

Students are free to email me with any questions or issues or to arrange a meeting at any point before and during the course.

## Recording of lectures

Please be aware that recording of all or part of any class is not permitted without express agreement from all present. Please refer to the Student Handbook for the DPP policy on recording of lectures.

**Course Content**

# Week 1 - Introduction to Human Rights and the International Framework

**Session 1 attendance:** For any student considering taking this course, attendance at class 1 is required so that you can understand the format of the course, how the classes will be run, the assignments, and the basic principles of human rights that will be referred back to throughout

the course.

The purpose of this class is; (1) to introduce the course, including its approach, policies and assignments, as well as (2) to introduce some fundamental human rights principles and features of the international human rights system. It will introduce:

* Origins of the modern human rights system.
* The Universal Declaration of Human Rights (UDHR).
* The international human rights framework and the main human rights actors (governments, NGOs and civil society, National Human Rights Institutions, regional and international organisations) and avenues for redress.
* Key terminology: universality, indivisibility and inalienability, interdependence and interrelatedness, participation and inclusion; ‘respect, protect, fulfil’ v. violations, omissions and excuses.

We will also discuss class policies, and how to develop your advocacy paper.

**Required Reading**

* Course syllabus and Guidance Notes.
* What are human rights? Scottish Human Rights Commission (4 mins) LINK
* Universal Declaration of Human Rights LINK
* Office of the High Commissioner for Human Rights (OHCHR), Human Rights: A Basic Handbook for UN Staff. \*p. 2-5 [‘what are human rights’ to state responsibility] LINK (3 pages)
* Aryeh Neier, The International Human Rights Movement: A History (Princeton: Princeton University Press, 2012), \*Chapter 3 ‘what are rights?’ (36 pages) Please note that you should be able to use Google Books to read the specified portions of this book if you cannot access it via the library IF it is not available to you, please read the following instead: Chan, Human Rights - a Brief Introduction <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/134/2016/07/Human-Rights-A-brief-intro-2016.pdf>
* Australian Human Rights Commission, 'Human Rights Based Approaches' (web page) LINK (1 page)
* Louis Henkin, Sarah Cleveland, Laurence Helfer, Gerard Neuman, Diane Orentlicher, Human Rights, (2 Edition, Foundation Press 2009). \*Chapter 5, ‘The principal international human rights agreements and instruments’ pp. 214-223 (9 pages)

**Additional Resources**

* Alston and Goodman (2012), pp. 689-719 (from ‘Comment on conceptions of enforcement’ to the end of the first page of ‘(3) Special Sessions’) pp. 728 – 731 (‘Thematic Report of Special Rapporteurs’) pp. 735-741 (from 5. Evaluating the Special Procedures, to the end of the section on the UPR on p.741) Please note that you should be able to use Google Books to read the specified portions of this book if you cannot access it in the library: LINK
* Andrew Clapham, Human Rights: A Very Short Introduction, (Oxford University Press, 2015). \*Chapters 1- 3.
* Jack Donnelly, ‘The Relative Universality of Human Rights’ 29(2) Human Rights Quarterly (2007) 281 LINK
* Bertand G. Ramcharan, ‘Universality, Equality and Justice’, in The Fundamentals of International Human Rights Treaty Law (Brill/Martinus Nijhoff, 2011). \*Ch. 10
* ‘Institutional Design: Building Global Structures to Influence States’, in Steiner, Alston and Goodman, International Human Rights in Context: Law, Politics, Morals, (3rd Edition, 2012 Oxford University Press). \*pp. 709-735.
* Samuel Moyn, The Last Utopia: Human Rights in History (Harvard University Press, 2012)
* Lynn Hunt, Inventing Human Rights: A History (Norton & Co., 2007). \*Chapter 3. LINK
* Micheline Ishay, ‘What are human rights? Six historical controversies’, 3(3) Journal of Human Rights 359 (2004) Link Here
* Makau Mutua, ‘Savages, Victims, Saviors: The Metaphor of Human Rights,’ 42(1) Harvard International Law Journal 201 (2001). LINK
* Bertrand Ramcharan, ‘The law making process’, in Dinah Shelton (ed), The Oxford Handbook of Human Rights Law (2013) \*Ch. 21

# Week 2 - Substantive Rights I: Civil and Political Rights

After the adoption of the UDHR in 1948, almost 20 years passed before specific treaties were adopted to formalise and legalise the principles in the Declaration. The Declaration’s standards were eventually divided into two treaties covering civil and political rights, and economic, social, and cultural rights respectively.

The purpose of this class is to introduce civil and political rights arising from the International Covenant on Civil and Political Rights (ICCPR). It will particularly look at the standards on procedural rights in relation to:

* The right to life, liberty and physical security (ICCPR Articles 6-11).
* The right to a fair trial, due process & an effective remedy (Articles 4, 13, 14, 15 16).
* Freedom of thought, expression and association (Articles 17-22).
* It will consider their real-world application, and the event of permissible limitations on these rights.

**NOTE**: we will discuss the Concluding Observations of the Human Rights Committee on your own country in class. See below ‘required reading’.

**Required reading**

* ICCPR Articles 1-27 LINK (4 pages)
* Philip Alston and Ryan Goodman, International Human Rights (Oxford University Press, 2012). \*pp. 157-165 (‘the ICCPR’) (8 pages)
* Freedom House, Freedom in the World Report 2023. \*pp. 2-21. (30 pages) <https://freedomhouse.org/sites/default/files/2023-03/FIW_World_2023_DigtalPDF.pdf>
* **\*\*IMPORTANT\*\*** Read the latest Concluding Observations of the UN Human Rights Committee on your own country (approx. 10 pages). If there is no report on your country, please pick a report from another country of interest to you. **Bring this to class with you please.** To find the reports, follow the below steps:
  + Click/paste the following link <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en>
  + When the page appears: a) click on the tick-box beside your country in the top right box under ‘filter by State…’, b) then click on ‘CCPR’ under ‘filter by committee’ in the box in the middle section, c) then click on ‘concluding observations’ in the right-side box under 'filter by
  + document type', d) finally, click ‘search’ at the very bottom left of the screen.
  + You will then be taken to a page with a list of all the Concluding Observations for your country, and can select the most recent.

**Additional reading/resources**

* OHCHR Fact Sheet on the ICCPR and the Human Rights Committee LINK
* Martin Scheinin, ‘Core Rights and Obligations’ in Dinah Shelton (ed), The Oxford Handbook of International Human Rights Law (Oxford University Press, 2013). \*pp.527-540.
* Eric Richardson & Colleen Devine, Emergencies End Eventually: How to Better Analyze Human Rights Restrictions Sparked by the COVID-19 Pandemic Under the International Covenant on Civil and Political Rights, 42 Mich. J. Int'l L. 105 (2020). LINK
* Kenneth Roth, ‘Tyranny’s False Comfort: Why Rights Aren’t Wrong in Tough Times’ Introduction to Human Rights Watch Annual Report 2015 LINK
* Fair Trials
* A very useful and comprehensive reference guide on fair trial rights is the following manual:
* OSCE Office for Democratic Institutions and Human Rights (ODIHR), Legal Digest of International Fair Trial Rights, (2012) LINK
* United Nations Human Rights Committee, General Comment 32: Article 14: Right to Equality before Courts and Tribunals and to a Fair Trial UN Doc. CCPR/C/GC/32 (2007) LINK
* Human Rights First, ‘What is a Fair Trial: A basic Guide to Legal Standards and Practice’ (2000) https://www.humanrightsfirst.org/wp-content/uploads/pdf/fair\_trial.pdf
* Life, liberty and Security of Person
* United Nations Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person) UN Doc. CCPR/C/GC/35 (2014) LINK
* Thought, Conscience, Religion
* United Nations Human Rights Committee, General Comment 22, Article 18: The right to freedom of thought, conscience and religion (1993) LINK
* Malcolm Evans, ‘From Cartoons to Crucifixes: Current Controversies Concerning the Freedom of Religion and the Freedom of Expression before the European Court of Human Rights’, 26(1) Journal of Law and Religion 345 (2010).
* H. Bielefeldt, ‘Freedom of Religion or Belief—A Human Right under Pressure’, 1(1) Oxford Journal of Law Religion 15 (2012).

# Week 3 - Substantive Rights II: Economic, Social, and Cultural Rights

The purpose of this class is to introduce Economic, Social and Cultural (ESC) Rights, including the issue of the ‘justiciability’ and enforceability of these rights compared to civil and political rights. The class will particularly consider the content of substantive rights in relation to;

* The right to education.
* The right to water.
* The right to health.
* The right to work & social security.

**NOTE**: we will discuss the Concluding Observations of the Committee on Economic Social and Cultural Rights on your own country in class. See below ‘required reading’.

**Required Reading**

* ICESCR Articles 1- 15 (3 pages) LINK
* Philip Alston and Ryan Goodman, International Human Rights (2012). \*‘Economic and Social Rights’ pp. 277-290 (13 pages)
* OHCHR, 'Frequently Asked Questions on a Human-Rights Based Approach to Development Co-operation' LINK\*pp.15-21 (6 pages)
* OHCHR, 'A human rights based approach to health' LINK (4 pages)
* OHCHR, ‘Human Rights and the Millennium Development Goals in Practice: A review of country strategies and reporting’ (2010). \*Section 3 ‘prioritising rights in policy’ pp. 20-25 (6 pages) [while this is written on the Millennium Development Goals (MDGs) it provides a useful overview on how the OHCHR considers ESC rights should be considered in developing policy] LINK (NOTE the Millennium Development Goals referred to in this document have been replaced by the Sustainable Development Goals, which are a set of commitments agreed to by UN Member States. For more information, see here LINK)
* **\*\*IMPORTANT\*\*** Read the latest Concluding Observations of the Committee on Economic Social and Cultural Rights on your own country (approx. 10 pages). If there is no report for your country, please read a recent one for a country of interest to you. **Bring this to class with you please.**

To find the reports, follow the below steps:

* + Click/paste the following link http://tbinternet.ohchr.org/\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en
  + When the page appears: a) click on the tick-box beside the relevant country name in the top right box under ‘filter by State…’, b) then select ‘CESCR’ under ‘filter by committee’ in the middle section, c) then select ‘concluding observations’ in the bottom right-side box.
  + After clicking ‘search’, you will be taken to a page with a list of all the CESCR Concluding Observations for your country, and can select the most recent.

**Additional Reading/Resources**

* OHCHR, ‘Frequently Asked Questions about Economic, Social, and Cultural Rights’ LINK
* Committee on Economic Social and Cultural Rights, General Comment No. 13: The Right to Education, UN Doc E/C12/1999/10 (1999).
* Andrew Clapham, “Food, Education, Health, Housing, and Work,” in Human Rights: A Very Short Introduction(Oxford University Press, 2015).
* Kenneth Roth, ‘Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization,’ 26(1) Human Rights Quarterly 63 (2004) http://www.jstor.org/stable/i20069712
* Leonard Rubenstein, ‘How International Human Rights Organizations Can Advance Economic, Social and Cultural Rights: A Response to Kenneth Roth’, 26(4) Human Rights Quarterly 845 (2004).
* Kenneth Roth, ‘Response to Leonard Rubenstein’, 26(4) Human Rights Quarterly 873 (2004). (Please use Jstor.org or Muse to access this)
* Leonard Rubenstein, ‘Response by Leonard Rubenstein’, 26(4) Human Rights Quarterly 879 (2004). (Please use Jstor.org or Muse to access this)
* Mary Robinson, ‘Advancing Economic, Social, and Cultural Rights: The Way Forward’, 26(4) Human Rights Quarterly (2004) https://muse.jhu.edu/article/174738/summary
* Katarina Tomasevski, ‘Un-asked Questions about Economic, Social and Cultural Rights from the Experience of the Special Rapporteur on the Right to Education (1998-2004): A Response to Kenneth Roth, Leonard S. Rubenstein, and Mary Robinson’, 27(2) Human Rights
* Quarterly 709-720 (2005). https://muse.jhu.edu/article/182779
* Philip Alston and Gerard Quinn, ‘The Nature and Scope of States Parties' Obligations under the International Covenant on Economic, Social and Cultural Rights’, 9(2) Human Rights Quarterly 156 (May 1987). http://www.jstor.org/stable/762295
* ‘Masstricht Guidelines on Violations of Economic, Social and Cultural Rights’, Maastricht, January 22-26, 1997 LINK
* Daniel J. Whelan and Jack Donnelly, ‘The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight’ 29(4) Human Rights Quarterly 908 (2007).
* Philip Alston, ‘Ships Passing in the Night: The Current State of the Human Rights and Development Debate seen through the Lens of the Millennium Development Goals’ 27(3) Human Rights Quarterly 755 (2005)
* Manisul Ssenyonjo, ‘Reflections on state obligations with respect to economic, social and cultural rights in international human rights law’ 15(6) International Journal of Human Rights 969 (2011)
* OHCHR Fact sheet 16, The Committee on Economic, Social and Cultural Rights LINK
* Audrey Chapman and Benjamin Carbonetti, ‘Human Rights Protections for Vulnerable and Disadvantaged Groups: The Contributions of the UN Committee on Economic, Social and Cultural Rights’, 33 Human Rights Quarterly 682 (2011).
* OHCHR, 'Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies' LINK

# Week 4 - Substantive Rights III: Non-Discrimination

The purpose of this week’s class is to discuss some of the concept of discrimination, through the provisions of the Convention on the Elimination of Racial Discrimination (CERD). The class will consider in particular:

* The specific provisions of the Convention.
* The concept of 'Hate Speech' and considerations in relation to social media
* The introduction of ‘special measures’ to support specific groups.

Using the same approach as in the previous two weeks, please locate, read, and bring to class the most recent Concluding Observations of the Committee on the Elimination of Racial Discrimination about your country, or, if not available, a country of interest to you.

**Required Reading**

* CERD http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx \*Articles 1-7
* OHCHR, Minority Rights: International Standards and Guidance for Implementation, (2010) LINK \*pp. 7-13 (II. Scope of Minority Rights Protection). (6 pages)
* Andrew Clapham, Human Rights: A Very Short Introduction, (Oxford University Press, 2015). \*Chapter 8, discrimination (6 pages)
* Committee on the Elimination of Racial Discrimination, General Recommendation No. 35 'Combatting racist hate speech' LINK (10 pages)
* The Guardian, First Nations leader urges Canada to prosecute 'out of hand' hate speech, 27 July 2017 LINK (1 page)
* The Atlantic, Wendy Kaminer, 'Why we need to tolerate hate', 28 November 2012 LINK (2 pages)
* Hate Speech on Social Media: Global Comparisons, Council on Foreign Relations LINK (6 pages)

**Not required, but may be of interest:**

* Sacha Baron Cohen Speech at the Anti-Defamation League (2019) https://www.youtube.com/watch?v=ymaWq5yZIYM
* Ana DuVernay, '13th' & 'when they see us (films/documentaries)

**Additional Reading/Resources**

***Hate Speech***

* ECRI General Policy Recommendation No. 15 on Combatting Hate Speech, Adopted 8 December 2015 LINK
* Study no. 406/2006 of the Venice Commission, “Report on the relationship between freedom of expression and freedom of religion: the issue of regulation and prosecution of blasphemy, religious insult and incitement to religious hatred”, doc. CDL-AD(2008)026, 23 October 2008. LINK
* European Court of Human Rights Fact-Sheet 'Hate Speech' July 2017 LINK
* Minorities
* Rhona K Smith, Textbook on International Human Rights (7 Edition). \*Ch. 21 Minority Rights & 22 Rights for specific categories of persons
* United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Adopted by General Assembly resolution 47/135 of 18 December 1992. LINK
* Ethnic Conflict, Minority Protection and Conflict Resolution: Human Rights Perspectives, An Interdisciplinary Discussion held at the Rockefeller Foundation, Harvard Law School Human Rights Program 2004. LINK
* Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities, ‘Commentary on the Effective Participation of Persons Belonging to National Minorities
* in Cultural, Social and Economic Life and in Public Affairs’ ACFC/31DOC(2008). LINK (see: “commentary on participation”
* OHCHR, Minority Rights: International Standards and Guidance for Implementation, (2010) LINK
* OHCHR Minority Rights website: LINK

***Indigenous Rights***

* “United Nations Declaration on the Rights of Indigenous Peoples,” 13 September 2007. LINK
* Website of the UN Permanent Forum on Indigenous Issues, http://www.un.org//esa/socdev/unpfii/index.html
* Anaya, J. & Williams, R. A. (2001). "The Protection of Indigenous Peoples' Rights over Lands and Natural Resources Under the Inter-American Human Rights System." Harvard Human Rights Journal 14.
* OSCE - The Lund Recommendations on the Effective Participation of National Minorities in Public (1999) LINK

# Week 5 – Substantive Rights IV: The Prohibition on Torture

The Convention Against Torture (CAT), the use of torture globally, issues of impunity, and the debate relating to the ‘usefulness’ of torture, particularly as expounded by the US in its defence of ‘enhanced interrogation’ techniques.

Using the same approach as in the previous two weeks, please locate, read, and bring to class the most recent Concluding Observations of the Committee Against Torture about your country, or, if not available, a country of interest to you.

**Required Reading**

* Convention Against Torture, Articles 1- 16 LINK
* European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 'Combatting Impunity', (5 pages) LINK
* Lisa Hajjar, ‘Does Torture Work? A Sociolegal Assessment of the Practice in Historical and Global Perspective’, 5 Annual Review of Law and Social Science 311 (2009). \*pages 311-316 ( from the Introduction to ‘Torture’s past’) and pp. 323 to 336 (from ‘modern torture regimes’ to the end of the piece) (18 pages) 10.1146/annurev.lawsocsci.093008.131501 LINK
* Amnesty International ‘Detention and Imprisonment’ LINK (please read the webpage – Overview, The Problem, What Amnesty is Calling For, Key Facts) (1 page)
* Amnesty International, Prisons within Prisons: Torture and Ill-Treatment of Prisoners of Conscience in Viet Nam’ 2016) LINK \*pp. 5-10 (6 pages)

**Additional Reading**

* OHCHR, ‘Who will be accountable? Human rights and the Post-Development Greg Miller, Adam Goldman and Julie Tate, ‘Senate report on CIA program details brutality, dishonesty’, The Washington Post 9 December 2014 LINK (Article & accompanying video - 2:16 minutes)
* Agenda’ (2013) LINK \*Mechanisms for Accountability, pp. 32-46 (12 pages)
* Deepika Udagama, ‘The Politics of Domestic Implementation of International Human Rights Law: A Case Study of Sri Lanka’ 16(1-2) Asia-Pacific Journal on Human Rights and the Law 104 (2015) LINK \*Conclusion (2 pages)
* Amnesty International, ‘Torture in 2014: 30 years of broken promises’ media briefing LINK
* UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) LINK
* UN Basic Principles for the Treatment of Prisoners (1990) LINK
* Jessica Wolfendale, ‘The Myth of “Torture Lite”’ (23)1 Ethics & International Affairs 47 (Spring 2009)
* Manfred Nowak, ‘What Practices Constitute Torture: US and UN Standards,’ 28(4) Human Rights Quarterly 809 (2006).
* Amnesty International, “United States of America: Human Dignity Denied: Torture and Accountability in the ‘War on Terror,’ (2004) LINK
* Mazia Bahari with Aimee Molloy, ‘Then They Came For Me: A Story of Injustice and Survival in Iran's Most Notorious Prison’ (Oneworld Publications, 2012)
* Lynn Hunt, ‘Inventing Human Rights’ (2007). \*Chapter 2 ‘Abolishing Torture’. LINK
* M Rafiqul and S M Solaiman, ‘Torture under Police Remand in Bangladesh: A Culture of Impunity for Gross Violations of Human Rights’, 4 Asia-Pacific Journal on Human Rights and the Law LINK
* OHCHR, Human Rights and Prisons: Manual on Human Rights Training for Prison Officials (2005) LINK
* European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), The CPT Standards, LINK
* Irish Penal Reform Trust, Human Rights in Prisons (2009), LINK
* Global Research, The Prison Industry in the United States: Big Business or a New Form of Slavery? LINK
* Website of the UN Committee Against Torture: LINK
* Association for the Prevention of Torture (NGO): LINK
* Amnesty International, Prisoners are bottom of the pile’ The Human Rights of Inmates in Ghana (2012). LINK

# Week 6 - Advocacy Approaches

This week we will focus on advocacy approaches, it will be a practical class in which we consider different available advocacy tools, the pros and cons (trade-offs) of selecting one approach over the other, setting an advocacy framework, goals and objectives, monitoring and evaluation. This week is also designed to assist you in developing your advocacy paper.

There is limited reading for this class, but two pre-class tasks.

**Reading:**

* The Advocates for Human Rights' practitioners guide, Chapter 7 'Advocacy' LINK (Note: The aim of this reading is to provide an introduction to and food-for-thought on potential advocacy tools and strategies from a practitioner perspective, we will discuss it in class.)

**Pre-class task 1**

* Find an example of a tactic or strategy used by a human rights organisation to tackle a human rights issue that you find particularly interesting, innovative or inspiring. I will ask everyone to give their example, this will be short and informal, so there is no need to prepare anything in writing, but please be ready to describe what the organisation did and why you found it particularly interesting/innovative/inspiring. The tactic and organisation can be anything e.g., Amnesty International's first letter-writing campaign, the development of international standards on Business and Human Rights by the UN, or indigenous land rights protests in Australia resulting in legislative change. (Please don't use these examples!)

**Pre-class task 2**

* Using your own topic for your advocacy paper as a basis, please bring a (max 1 page) note to class with:
  + A goal for your advocacy paper
  + 2-3 related objectives
  + A primary target for each objective
  + 2-3 related SMART recommendations using the 'who, when, how' formula

The class will take a workshop format. Part of the class will be critiquing (constructively) each other's goals, objectives, targets and recommendations from the perspective of developing advocacy approaches.

We will also use some of this class to discuss developing communications approaches, choosing advocacy activities, preparing recommendations.

# Week 7 - Monitoring and Compliance I: The UN Human Rights System

How are the international human rights standards monitored and how, why and how well do states comply with these international standards? The purpose of this week is to examine in more depth issues of monitoring and compliance with international human rights standards that we have already introduced in previous weeks with the Concluding Observations.

The question of state compliance is an extensive field of scholarship, and this class will consider the UN human rights system, as well as giving an overview of some of the main theories on compliance. It will discuss:

* The UN human rights system;
* Treaty body mechanisms.
* The Human Rights Council and Universal Periodic Review (UPR).
* Theories of state compliance with international human rights law, and why it matters.

**Required Reading**

* Alston and Goodman (2012), pp. 689-719 (from ‘Comment on conceptions of enforcement’ to the end of the first page of ‘(3) Special Sessions’) pp. 728 – 731 (‘Thematic Report of Special Rapporteurs’) pp. 735-741 (from 5. Evaluating the Special Procedures, to the end of the section on the UPR on p.741) (40 pages) Please note that you should be able to use Google Books to read the specified portions of this book if you cannot access it in the library: LINK
* Luka Glušac, Universal Periodic Review and Policy Change: The Case of National Human Rights Institutions, *Journal of Human Rights Practice*, Volume 14, Issue 1, February 2022, Pages 285–304, <https://doi.org/10.1093/jhuman/huab055>

**Additional Reading/Resources**

* A useful basic guide to the process and procedure of the UN Treaty Bodies is International Service for Human Rights LINK
* The reports under the Universal Periodic Review Process by country are available here: LINK (See the documents linked to ‘Report of the Working Group’, the final recommendations made to each state are found in the “Conclusions and/or recommendations” section).
* The Human Rights Council’s webpage with reports and resolutions can be found here: LINK
* Discussing the development in human rights scholarship: Thomas Risse and Tanja A. Borzel, ‘Human Rights: The New Agenda’ Transworld Working Paper 07 (2012) LINK
* Sir Nigel Rodley, ‘The Role and Impact of Treaty Bodies’ in Dinah Shelton (ed), The Oxford Handbook of International Human Rights Law (OUP, 2013) \*pp.621-649.
* Beth Simmons, Mobilizing for Human Rights: International Law in Domestic Politics (CUP, 2009). \*pp 112-159 and pp 349-381.
* David Kennedy, ‘The international human rights regime: still part of the problem?’ in Rob Dickinson et. al. (eds) Examining Critical Perspectives on Human Rights (Cambridge University Press, 2012) LINK
* James R. Hollyer and B. Peter Rosendorff, ‘Do Human Rights Agreements Prolong The Tenure Of Autocratic Ratifiers?’ 44 International Law and Politics 791 (2012) LINK
* Andrew Clapham, Human Rights: A Very Short Introduction, (Oxford University Press, 2015). \*Ch. 3 ‘Human Rights foreign policy and the role of the United Nations’.
* Bertrand Ramcharan, ‘The Law Making Process’, in Dinah Shelton (ed), The Oxford Handbook of Human Rights Law(2013) \*Ch. 21.
* O. A. Hathaway, ‘Do Human Rights Treaties Make a Difference?’ 111 Yale Law Journal 1870 (2002).
* C. D. Creamer and Beth A. Simmons, ‘Ratification, Reporting, and Rights: Quality of Participation in the Convention against Torture,’ 37(3) Human Rights Quarterly 580 (2015). LINK
* Kathryn Sikkink, ‘From State Responsibility to Individual Criminal Accountability: A New Regulatory Model for Core Human Rights’, in W. Maltti and N. Woods (eds) The Politics of Global Regulation (Princeton University Press, 2009).
* R. Freedman, The United Nations Human Rights Council: A critique and early assessment, (Routledge, 2013). \*pp. 253 – 292 “Innovative Mechanisms”.
* Human Rights Watch, ‘Keeping the Momentum: One Year in the Life of the UN Human Rights Council’ (2011) LINK
* B. Ramcharan, The Law, Policy and Politics of the UN Human Rights Council, (Brill, 2015). \*pp. 55-65.
* Harold Hongju Koh, ‘How Is International Human Rights Law Enforced?’, 74(4) Indiana Law Journal, Article 9 (1999). LINK
* Rosa Freedman and Jacob Mchangama, ‘Expanding or Diluting Human Rights?: The Proliferation of United Nations Special Procedures Mandates’, 38(1) Human Rights Quarterly 164 (2016). LINK
* Lynn Hunt, Inventing Human Rights (2007). \*Ch. 5 The Soft Power of Humanity LINK
* Christopher J Fariss, ‘Respect for Human Rights Has Improved Over Time: Modeling the Changing Standard of Accountability’, 108(2) American Political Science Review 297 (2014). http://dx.doi.org/10.1017/S0003055414000070
* Todd Landman, ‘Measuring Human Rights’ in Michael Goodhart (ed) Human Rights: Politics and Practice (Oxford University Press 2013). \*Ch. 21.
* Ann Marie Clark, ‘The Normative Context of Human Rights Criticism: Treaty Ratification and UN Mechanisms’, in Ed. Thomas Risse, Stephen C. Ropp & Kathryn Sikkink (eds) The Persistent Power of Human Rights: From Commitment To Compliance, (Cambridge University Press, 2013). \*pp. 125-144.
* Kathryn Sikkink, The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics (Norton & Company, 2011).
* Eric Cox, ‘State Interests and the Creation and Functioning of the United Nations Human Rights Council’, 6(1) Journal of International Law and International Relations 87 (2010) LINK

# Week 8 - Monitoring and Compliance II: Regional Mechanisms & Standards

While the United Nations is the foremost global inter-governmental organisation working on human rights issues, numerous regional systems also seek to develop, monitor and enforce human rights in different areas of the world. The purpose of this week is to introduce some of the main regional human rights mechanisms and standards.

**Required Reading**

* David S. Weissbrodt and Connie de la Vega, International Human Rights Law: An Introduction (University of Pennsylvania Press, 2007). \*p. 311-337 - 'Regional Instruments and Procedures' (26 pages)

**Additional Reading/Resources**

* For regional human rights documents see: Dinah Shelton and Paolo Carozza, Regional Protection of Human Rights – Basic Documents (2 Edition, Oxford University Press 2013).

Europe

* Alston and Goodman (2012). \*Chapter 11-A – The European Convention System
* R. A. Cichowski, ‘Courts, Advocacy Groups, and Human Rights in Europe’, in A. Brysk ed. The Politics of the Globalization of Law: Getting from Rights to Justice, (Routledge, 2013). \*pp. 107 – 124
* K. Sithole, ‘The Council of Europe, Rights and Political Authority’, 21(1) European Review (2013).
* Mark Janis, Richard Kay, Anthony Bradley, European Human Rights Law: Texts and Materials (3 Edition, 2008, Oxford University Press).

Americas

* Alston and Goodman (2012). \*Chapter 11.B – The Inter-American System
* Sonia Cardenas, Human Rights in Latin America: A Politics of Terror and Hope, (University of Pennsylvania Press, 2012). \*pp. 89-100 (“The Regional Human Rights System”).
* E Lutz and K. Sikkink, ‘International Human Rights Law and Practice in Latin America’ 54(3) International Organizations 633 (2000).
* Robert Goldman, ‘History and Action: the Inter-American Human Rights System and the Role of the Inter-American Commission on Human Rights’, 31 Human Rights Quarterly 856 (2009).
* Darren Hawkins and Wade Jacoby, ‘Partial Compliance: A Comparison of the European and Inter-American Courts of Human Rights’, 6(1) Journal of International Law and International Relations 5 (2010) LINK

Africa

* Alston and Goodman (2012). \*Chapter 11.C - Africa
* Frans Viljoen, International Human Rights Law in Africa, (2 Edition, Oxford University Press, 2012).
* Anne Pieter Van der Mei, ‘The New African Court on Human and Peoples Rights: Towards an Effective Human Rights Protection Mechanism for Africa?’ 18 Leiden Journal of International Law 113 (2005).
* Carolyn Shaw, ‘The Evolution of Regional Human Rights Mechanisms: A Focus on Africa’, 6(2) Journal of Human Rights 209 (2007).
* Malcolm Evans and Rachel Murray, The African Charter on Human and Peoples' Rights: The System in Practice 1986-2006, (2 Edition, Cambridge University Press 2011).
* Frans Viljoen, ‘Human rights in Africa: normative, institutional and functional complementarity and distinctiveness’, 18(2) South African journal of International Affairs 191 (2011).

Middle East

* Mervat Rishmawi, ‘The Revised Arab Charter on Human Rights: A Step Forward?’ 5(2) Human Rights Law Review 361 (2005)
* ‘The New Politics of Human Rights in the Middle East’, Foreign Policy October 30, 2012 LINK
* Mahmood Monshipouri (ed), Human Rights in the Middle East: Frameworks, Goals, and Strategies (Palgrave Macmillan, 2011)

Asia

* Bilahari Kausikan, ‘Asia's Different Standard’ 92 Foreign Policy 24 (Autumn 1993) LINK
* B. Saul et. al., ‘Resistance to regional human rights cooperation in the Asia-Pacific: demythologising regional exceptionalism by learning from the Americas, Europe and Africa’, in B. Saul and H. Nasu (eds), Human Rights in the Asia-Pacific Region: Towards Institution Building,
* (Routledge, 2011) \*pp. 107 – 127.
* Andrea Durbach, Catherine Renshaw and Andrew Byrnes, ‘A Tongue but No Teeth: The Emergence of a Regional Human Rights Mechanism in the Asia Pacific Region’, (2009) 31 Sydney Law Review 211.

# Week 9 - Implementation and Accountability I: National Implementation

In order for individuals to benefit from international human rights standards, they must be implemented nationally. The purpose of this week's classes is to consider the means by which international standards are implemented domestically. We will also consider some of the challenges to domestic implementation.

The class will particularly look at:

1. The components of the national human rights infrastructure
2. The implementation of international human rights standards through national legislation, policy and courts.
3. National policies such as National Action Plans for human rights.

**Required Reading**

* Steven LB Jensen, Stéphanie Lagoutte & Sébastien Lorion (2019) The Domestic Institutionalisation of Human Rights: An Introduction, *Nordic Journal of Human Rights*, 37:3, 165-176 (11 pages) LINK
* Vazquez and Delaplace, Public Policies from a Human Rights Perspective: A Developing Field, *SUR International Journal on Human Rights* 2011 (20 pages) LINK

**Additional Reading/Resources**

* OHCHR, ‘Who will be accountable? Human rights and the Post-Development Agenda’ (2013) LINK \*Mechanisms for Accountability, pp. 32-46 (12 pages)
* Deepika Udagama, ‘The Politics of Domestic Implementation of International Human Rights Law: A Case Study of Sri Lanka’ 16(1-2) Asia-Pacific Journal on Human Rights and the Law 104 (2015) LINK \*Conclusion (2 pages)
* Human Rights Law Centre, Key Issues in Implementing a National Action Plan, 2011 <http://www.humanrightsactionplan.org.au/nhrap-blogs/key-issues-in-developing-and-implementing-a-national-human-rights-action-plan>
* Bertand G. Ramcharan, ‘The Requirement of a National Protection System’, in Ramcharan, The Fundamentals of International Human Rights Treaty Law (Brill/Martinus Nijhoff, 2011). \*Ch. 2
* CEDAW General Recommendation No. 6 - Effective National Machinery and Publicity (1988) LINK [scroll down page for relevant recommendation]
* Nisuke Ando, ‘National Implementation and Interpretation’ in Shelton (ed) The Oxford Handbook of Human Rights (2013). \*pp. 698-719.
* OHCHR, Handbook on National Human Rights Plans of Action, Professional Training Series No. 10 (2002) LINK
* Some National Plans of Action for Human Rights can be found here on the OHCHR website: LINK
* Alston and Goodman (2012), ‘Vertical Interpenetration: International Human Rights Law within States’ Legal and Political Orders’ \*pp. 1047-1080.
* Human Rights Watch, ‘Submission to the United Nations Committee on the Elimination of Racial Discrimination in advance of its review on Greece July 2016’, LINK
* Compare the above to the State Report by Greece: CERD, Consideration of reports submitted by States parties under article 9 of the Convention - Twentieth to twenty-second periodic reports of States parties due in 2015: Greece, UN Doc. CERD/C/GRC/20-22 (27 November
* 2015). LINK
* Andrew Clapham, Human Rights: A Very Short Introduction (2015). \*Chapter 6: Balancing Rights.
* Steven Greer, ‘The Margin Of Appreciation: Interpretation And Discretion Under The European Convention On Human Rights’, Council of Europe Human rights files No. 17 (2000) LINK
* Matthew Saul, ‘The European Court of Human Rights’ Margin of Appreciation and the Processes of National Parliaments’ 15(4) Human Rights Law Review 745 (2015).
* Andrew Legg, The Margin of Appreciation in International Human Rights Law (Oxford University Press, 2012). \*Chapters 3, 7.

# Week 10 - Implementation and Accountability II: The Role of Independent National Actors & Measuring Human Rights

While states may have the primary responsibility to respect, protect and fulfil human rights, there are a range of actors that defend, monitor and promote human rights at the national level. The purpose of this class is to consider the role of non-governmental or independent state bodies in human rights implementation, monitoring and oversight of international human rights standards. In particular, it will look at the role of:

1. Human Rights Defenders, civil society and NGOs.
2. The media and Journalists.
3. National Human Rights Institutions (NHRIs) and Ombudsmen.

**Required Reading**

* OHCHR, ‘National Human Rights Institutions: History, Principles, Roles and Responsibilities’, Professional Training Series No. 4 (Rev.1) (2010). LINK \*pp. 13-29 (16 pages)
* Bertand G. Ramcharan, ‘The Preventative Strategies of NGOS’, in Preventative Human Rights Strategies (Routledge, 2010). \*Ch. 8 (9 pages)
* OHCHR, Human Rights Indicators: A Guide to Measurement and Implementation, Geneva, 2012 pp. 16-24 (I.C & D), pp.30-41 ('the conceptual framework’) pp 82-85 (measuring discrimination), pp. 87-93 <http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf>

**Additional Reading/Resources**

* Protection International, Criminalisation of Human Rights Defenders (2012) Chapter 2 (8 pages) LINK
* Steiner, Alston and Goodman, International Human Rights in Context: Law, Politics, Morals, (3rd Edition, 2012 Oxford University Press). \*Ch. 15-C. International Non-Governmental Organisations.
* David Weissbrodt, ‘Roles and Responsibilities of Non-State Actors’ in Dinah Shelton (ed), The Oxford Handbook of International Human Rights Law (Oxford University Press, 2013).
* David Kennedy, ‘International Human Rights Movement: Part of the Problem?’ 15 Harvard Human Rights Journal 101 (2002) LINK
* Sebastian Mallaby, ‘NGOs: Fighting Poverty, Hurting the Poor’, Foreign Policy 26 October 2009 LINK
* Charles Chernor Jalloh, ‘The Role of Non-Governmental Organizations in Advancing International Criminal Justice’, 1 African Journal of International Criminal Justice (2015).
* Robert Charles Blitt, ‘Who Will Watch the Watchdogs? Human Rights Non-Governmental Organizations and the Case for Regulation’, 10 Buffalo Human Rights Law Review 261 (2004).
* R. P. Claude, ‘What Do Human Rights NGOs Do?’ in Richard Pierre Claude and Burns H. Weston (eds) Human Rights in the World Community: Issues and Action (3 Edition. University of Pennsylvania Press, 2006).
* Christof Heyns, Sharath Srinivasan, ‘Protecting the Right to Life of Journalists: The Need for a Higher Level of Protection’, 35(2) Human Rights Quarterly 304 (2013)
* Tom Pegram, ‘Compliance Agents: National Human Rights Institutions and the Inter-American Human Rights System’, paper prepared for the Latin American Studies Association Annual Conference 2014. LINK
* OSCE Guidelines on the Protection of Human Rights Defenders (2014) LINK
* OHCHR, Handbook: National Action Plans http://www.ohchr.org/Documents/Publications/training10en.pdf
* Christopher j. Fariss, Respect for Human Rights has Improved Over Time: Modeling the Changing Standard of Accountability, American Political Science Review Vol. 108, No. 2 May 2014 LINK

# Week 11 – Human Rights and Public Policy

This session seeks to explore the relationship between human rights and public policy. Building on your existing knowledge of the international human rights framework, substantive rights, advocacy, monitoring and compliance mechanisms, and implementation and accountability, we will examine the practical applications of these concepts in the realm of public policy. We will consider strategies for integrating human rights into public policy or legislation, principles such as stakeholder engagement, and challenges such as resource constraints and lack of awareness.

\*\*Readings will be added to Moodle. Please check there.\*\*

# Week 12 – Paper Topic Presentations & Discussion

This week, students will make a short presentation about the topic of their paper (note: this is a graded component). The goal of the presentation is to get across to the audience (rest of the class) why you chose this topic, why it is important, and your proposed advocacy strategy. Please see the Guidance Notes for more detail on content and expectations.

There is no pre-reading for this class to allow you time to prepare your presentations.

In class, we will do a reflection exercise on your research and work on your paper.

# Guidance Notes & Grading

[see Moodle]