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Spring 2021

## DIPL 6140 International Human Rights

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*Seton Hall University*

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INTERNATIONAL HUMAN RIGHTS  
DIPL 6140  
Professor Miller

Spring 2021

COURSE DESCRIPTION

What are human rights? What do they promise and how often is that promise achieved? This class will examine the law, politics, policy, and advocacy practices of human rights, focusing on the *dilemmas* that ensue. In addition to examining human rights as law, we will also analyze the political, policy, and philosophical implications of human rights. We will explore the role of international and domestic law in enacting and enforcing human rights claims, the institutions of international human rights law, and the relationships between different types of rights.

As we examine different aspects of human rights, we will interrogate the roles of race and colonialism in the development and practice of human rights, as well as the ways in which human rights law and practice protects (or fails to protect) different groups and the problem of representation in human rights. Whose voices do we hear the most? The least? Over the course of the semester, we'll look at both the past and future of human rights. How did we come to understand human rights as a legal and political system? When do human rights act as emancipation and when does a human rights agenda limit our imagination? What should human rights be today, when we are facing so many fundamental challenges, including radical racial injustice, vast poverty and inequality, global health crises, threats to democracy, climate change, mass population movements, conflict and insecurity.

While we will discuss many places, we will often focus on South Africa and the United States. South Africa's experience during and after apartheid provides a key example of a national struggle for democracy and equality and of the constitutionalization of human rights. We examine the United States because it's important to think about the context in which we are studying these issues, because the U.S. is a key player in international law and international relations, and because struggles for racial justice in the U.S. have long used the language of human rights.

By the end of the semester, students should have developed knowledge of the key concepts, doctrines, and debates involved in the study of international human rights, as well as some basic skills of legal reasoning and legal argument. In addition to the weekly reading and writing, students will spend the semester deepening their knowledge of a particular area of human rights for their final presentation and research paper. This research project offers students the opportunity to focus on a particular aspect of human rights that they find compelling and helps to develop critical research and writing skills.

## COURSE MATERIALS

All materials for this course are available on Blackboard. There is no separate textbook. Please make sure to have your readings available for every class, whether printed out or onscreen.

If you have not taken Public International Law (or are eager for a refresher), you may want to take a look at one or both of the following short texts:

Mark Janis, *An Introduction to International Law* (2012)

David Bederman and Chimène Keitner, *International Law Frameworks* (2016)

## EVALUATION

### 1. Reflections and Participation [25%]

**Reflections:** You will each be assigned to 2 classes over the course of the semester. I will post the assignments on Blackboard. For those classes, you are responsible for turning in a **1-2 paragraph reflection on the day's readings.**

- **Reflections are due to me by Saturday at 5:00PM before class.** A good reflection will be written well and concisely, proofread carefully, and demonstrate that you have reflected on more than one of the session's readings. It should be written in Times New Roman, 12pt font.
- Consider yourself **"on call"** for the classes for which you have turned in a reflection, which means you should be prepared for me to call on you during discussion.
- The reflections will be graded on a check, check plus, check minus system.
- **You are expected to participate and contribute regularly, whether or not you are "assigned" to that class.**

**Participation:** This is not a lecture course! That means I depend upon all of you to help me think through ideas, ask questions, and come up with good arguments. Excellent participation means doing your readings, making every effort to understand as much as you can before class, and then begin ready to discuss and to ask questions. You don't need to understand everything we read; you only need to make a real effort to do so. Participation includes speaking up in breakout rooms, asking questions in class, commenting on readings, and answering my questions. You don't need to speak in every single session, but to do well, you should participate consistently over the course of the semester. My goal for every classroom, whether we're in an actual room or we're doing this whole Zoom thing, is to make everyone feel welcome, included, safe, and confident. I include participation as part of the evaluation because it helps us get to know each other better and it helps you learn the material. **All of that said, if you are for any reason uncomfortable speaking in class, please sign up to come chat with me in office hours and we will work together to develop a participation strategy that works for you.**

### 2. Research Paper [45%]

The research paper (3000-3500 words), which you will work on throughout the semester, will give you an opportunity to explore in depth a human rights issue of particular interest to you.

Your paper should demonstrate critical engagement with a particular human rights challenge; an ability to write clearly and coherently; and the capacity to conduct independent research. You will be paired with someone else in the class and will provide comments to your partner on their introduction later in the semester. I will post information on the paper on Blackboard including types of papers you might write, referencing requirements, and campus writing resources. In order to help you in putting together your paper, there will be several due dates throughout the semester:

- **February 22:** Paper topic due. The choice of topic will be decided in consultation with me; *you must finalize your topic with me prior to that class.*
- **March 15:** Preliminary outline due (1 page), research question, and preliminary list of sources
- **April 9:** Introduction and Detailed Outline Due to me and your writing partner
- **April 23:** Peer comments due
- **May 12: Final Paper Due**

**Your grade for the paper includes your completion on time of each of these internal deadlines.**

### 3. Oral Presentation [30%]

We will devote the final two sessions of the semester to oral presentations on your paper topics. You will prepare an 8-10 minute presentation of your arguments, evidence, and analysis. I will hand out information for these presentations separately.

### ATTENDANCE AND PARTICIPATION

**Attendance, reading, and participation are not optional.** This class depends upon full participation. If due to circumstances beyond your control, you have to miss a class, please alert me by e-mail **BEFORE** class. Barring exceptional circumstances you are responsible for the class reading for any missed class. Note in particular that **excessive absences will result in a failing grade** for this course.

### STUDENT HOURS AND CONTACT INFORMATION.

My meeting-with-students-to-discuss-stuff hours are Tuesdays 2-4:00pm, Wednesdays 2:00-3:00PM and by appointment. My e-mail address is [Zinaida.Miller@shu.edu](mailto:Zinaida.Miller@shu.edu). I do make an effort to respond promptly to all email questions and concerns, but I will not respond to emails received after 9:00PM until the next day. On Blackboard, you will find a link to a Google doc where you can sign up for a slot. These slots are first come, first serve. Please do not change anyone else's appointment! If those times don't work for you, just send me an email and we will find another time.

## IMPORTANT NOTE: ABOUT THIS TIME

Here's the thing. Newsflash! These times are (still!) NOT NORMAL. There's a global pandemic, almost everything feels uncertain, and everyone is struggling in different ways. That's not only understandable; it's expected right now. Neither you nor I need to pretend that things are normal when they are not. Please know that if you need to miss a class, need extra help, need more time on an assignment, you should by all means ask me. I can't necessarily grant every single request, but I can promise I will listen and work with you to make this class work for you. You do not owe me personal information about your life. Most importantly: you will *never* be judged for asking for help. Please know that I am VERY aware that there is a lot going on for all of us and that the watchwords of this semester in particular are flexibility and compassion. **The most important thing you can do is tell me the type of flexibility you need, because I can't know unless you ask. The sooner you tell me what you need, the better I can help you.**

## ACADEMIC INTEGRITY

Plagiarism and other forms of academic dishonesty will be reported to the administration, and may result in a lowered or failing grade for the course and up to possible dismissal from the School of Diplomacy. See University and School standards for academic conduct here: <https://www.shu.edu/student-life/upload/Student-Code-of-Conduct.pdf> and <http://www.shu.edu/academics/diplomacy/academic-conduct.cfm>

In a paper, where you quote language word for word from a source, you must place it in quotation marks or in a block quote and give the exact source for each quoted passage. Where you paraphrase something, you must cite the source. Where you refer to or use an author's insight or idea, you must cite the source. Lifting or paraphrasing language from a web site without indication and citation is plagiarism. ***Any indication of plagiarism will result in a failing grade for the assignment and a reduction in the participation grade for the class.***

## INCOMPLETES

Incompletes will be given only in exceptional cases for emergencies. Students wishing to request a grade of Incomplete must provide documentation to support the request accompanied by a Course Adjustment Form (available from the Diplomacy Main Office) to the professor *before* the date of the final examination. If the incomplete request is approved, the professor reserves the right to specify the new submission date for all missing coursework. Students who fail to submit the missing course work within this time period will receive a failing grade for all missing coursework and a final grade based on all coursework assigned. Any Incomplete not resolved within one calendar year of receiving the Incomplete or by the time of graduation (whichever comes first) automatically becomes an "FI" (which is equivalent to an F). It is the responsibility of the student to make sure they have completed all course requirements within the timeframe allotted. Please be aware that Incompletes on your transcript will impact financial aid and academic standing.

## INCLUSIVE LEARNING

It is the policy and practice of Seton Hall University to promote inclusive learning environments. If you have a documented disability you may be eligible for reasonable accommodations in

compliance with University policy, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and/or the New Jersey Law against Discrimination. Please note, students are not permitted to negotiate accommodations directly with professors. To request accommodations or assistance, please self-identify with the Office for Disability Support Services (DSS), Duffy Hall, Room 67 at the beginning of the semester. For more information or to register for services, contact DSS at (973) 313-6003 or by e-mail at [DSS@shu.edu](mailto:DSS@shu.edu).

### CAPS

As part of our commitment to the health and well-being of all students, Seton Hall University's Counseling and Psychological Services (CAPS) offers initial assessments, counseling, crisis intervention, consultation, and referral services to the SHU community. The CAPS office is located on the second floor of Mooney Hall, room 27. Appointments can be made in-person or by calling 973-761-9500 during regular business hours, Monday-Friday, 8:45 a.m. - 4:45 p.m. In case of a psychological emergency, call CAPS (973-761-9500) at any time to speak to a crisis counselor. For more information, please visit: <https://www.shu.edu/counseling-psychologicalservices/index.cfm>

# Part I. Introductions: International Law, Human Rights, and History

## Class 1 (February 1)

### Introduction to the Course and Human Rights

## Class 2 (February 8)

### The Development of Human Rights

*What do we mean when we talk about “human rights”? When did they become influential in the world? What is a human rights system and when did it begin? Why does it matter? In today’s class, we will compare different accounts of the precursors and rise of human rights in the world. We will also do a close reading of the Universal Declaration of Human Rights. Are human rights for everyone? Are some rights more important than others? More universal?*

#### 1. Overview

- Bates, “History” in Moeckli et al

#### 2. The Anti-Slavery Movement

- Adam Hochschild, *Bury the Chains: Prophets and Rebels in the Fight to Free an Empire’s Slaves* (2005), 1-8

#### 3. 1940s and the Universal Declaration of Human Rights

- Universal Declaration of Human Rights
- Alston & Goodman, 145-54 (Mary Ann Glendon, Makau Mutua, Hersch Lauterpacht on the UDHR)
- Jack Donnelly, “The Relative Universality of Human Rights” (excerpts)

#### 4. The 1970s

- Sam Moyn, “Human Rights in History,” *The Nation* (August 11, 2010)

#### 5. But wait, what about all those years in between?

- Steven L. B. Jensen, Decolonization—not western liberals—established human rights on the global agenda”, *Open Global Rights* (Sept. 29, 2016)
- Joseph Slaughter, “Hijacking Human Rights: Neoliberalism, The New Historiography, and the End of the Third World,” *Human Rights Quarterly* 40(4)(2018), excerpts

## Class 3 (February 15)

### Introducing International Law & International Human Rights Law

*In this class, we will discuss human rights as a species of international law and international law as a reference for national law. We will focus on two cases, one from South Africa and one from the U.S., both on the death penalty. As you read them, consider the ways in which the two courts discuss international law and its role in their domestic law. After we look at the cases in detail,*

*we will turn to some divergent perspectives on the role of international law in the United States in particular. What are the different perspectives? How does each author defend their idea? What do you think about the role of international law in domestic courts generally and in the U.S. in particular? What does all this mean for human rights as a form of international law?*

### **1. An Emerging International Common Law?**

- Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary*, Cambridge University Press, 2010 (pp. 31-34)

### **2. International Law in National Courts Case Study: Death Penalty Litigation**

- WATCH “Apartheid, 46 Years in 90 Sections,” *BBC News*, <https://www.youtube.com/watch/2f2k6iDFCL4>
- Alston & Goodman, *International Human Rights Law*, pp18-41, 51-56 (Pay attention to the differences between the South African and U.S. approaches in *Makwanyane* and *Roper*)
- Alison Nathan, “Arresting Juxtapositions: The Story of *Roper v. Simmons*” in *Human Rights Advocacy Stories*, pp 318-322, 329-331

### **3. International Law, Human Rights, and Sovereignty: Competing Positions**

- Harold Koh, “Transnational Legal Process After September 11<sup>th</sup>”, *Berkeley Journal of International Law* (2003-2004)
- John Bolton, “The First Post-American President and American Sovereignty”, Speech to the American Enterprise Institute (2010)
- Michael Hirsch, “Scholars Fear a More Nationalist Supreme Court Under Barrett”, *Foreign Policy* (Oct. 14, 2020)
- Antony Anghie, Introduction and Conclusion, *Imperialism, Sovereignty, and the Making of International Law* (2005)

## **Part II. Rights and Rights-Holders**

### **Class 4 (February 22)**

#### **Civil and Political Rights**

*This week, we will discuss the general idea of civil and political rights and its development in the International Covenant on Civil and Political Rights and then focus on two particular topics: the right to be free from torture and the suspension of certain rights in times of emergency. The first set of readings is about the post-UDHR developments at the United Nations, in particular the writing of the ICCPR and the practices of the Human Rights Committee (its monitoring body). The second set of readings is about the prohibition against torture. Focus on the arguments made about why torture should sometimes be permissible in democracies or why it should not. If we know that torture will happen, what does that mean for the prohibition? What role does popular culture play in shaping our understandings of torture? Finally we'll turn to the topic of emergency and terrorism. It turns out that the government can sometimes “suspend” our rights - lawfully. What does that mean and when can it happen? Is it a good system?*

### **1. Development of the ICCPR and the Human Rights Committee**

- Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary*, Cambridge University Press, 2010 (12pp.)
- International Covenant for Civil and Political Rights
- Alston & Goodman, *International Human Rights*, pp763-765 (Human Rights Committee)

## 2. Case Study: Torture

- UN Convention Against Torture
- Alston & Goodman, *International Human Rights*, pp 238-264 (The Torture Prohibition)
- Susan Marks and Andrew Clapham, “Torture”, *International Human Rights Lexicon*
- Carol Rosenberg, “Psychologist Who Waterboarded for the CIA to Testify at Guantanamo,” *The New York Times* (Jan. 20, 2020)
- Kiran Grewal, “To change torture practices, we must change the entire system”, *Open Global Rights* (March 15, 2017)

## 3. States of Emergency: Suspending Civil and Political Rights

- Alston & Goodman, *International Human Rights*, pp 394-403 (Public Emergencies and Derogations)
- Susan Marks and Andrew Clapham, “Terrorism”, *International Human Rights Lexicon*
- Martin Scheinin, “Covid-19 Symposium: To Derogate or Not to Derogate?” *Opinio Juris* (April 6, 2020)

## Class 5 (March 1)

### **Economic and Social Rights**

*This week we will look at another major category of human rights: economic, social and cultural rights. Although these two categories were formally separated in the two Covenants (partly for ideological and political reasons), they are now considered indivisible and interdependent. Nonetheless, the two Covenants differ in how they frame these types of rights. How different are they? How similar? What does it look like when economic rights are put into action in national constitutions? We will use South Africa as our example here, reading two of the more famous early post-apartheid cases on economic rights.*

#### 1. What Are Economic, Social, and Cultural Rights?

- International Covenant for Economic, Social, and Cultural Rights
- Alston & Goodman, *International Human Rights*, pp. 291-299, 305-6 (Competing Perspectives on Economic Rights)

#### 2. Case Study: South Africa’s Constitutionalization of Economic and Social Rights

- Alston and Goodman, *International Human Rights* pp. 353-355, 358-369: (Excerpts, South African Constitution; *Government of South Africa v. Grootboom*; *Treatment Action Campaign v. Minister of Health*)
- Amy Kapczynski & Jonathan Berger, “The Story of the TAC Case” in *Human Rights Advocacy Stories*, 43-51, 78-79

- William Forbath, “Cultural Transformation: Deep Institutional Reform and ESR Practice: South Africa’s Treatment Action Campaign,” in *Stones of Hope: How African Activists Reclaim Human Rights* (ed. Lucie White and Jeremy Perelman), pp 55-56

## Class 6 (March 8)

### **Race, Racism, and Human Rights**

*What happens at the intersection of racism, racial justice, and human rights? In the first part of class, we will discuss the most obvious way in which international law has address race: the prohibition on discrimination based. We will read a case from the Inter-American Court of Human Rights to see how that plays in practices as well as an important critique of the focus on antidiscrimination in human rights law. The rest of class will be focused on the United States. Black activists and their allies have deployed the human rights framework to address racial inequality in the U.S. since the founding of the United Nations – with varying successes and failures. Today, many Black Lives Matter activists have evoked the human rights framework too. We’ll discuss what it means to think of the struggle for racial justice as a human rights struggle. What are the benefits and limitations of the framework? How do activists use human rights to advance an agenda for justice?*

#### **1. Discrimination Based on Race in International Human Rights Law**

- David Weissbrodt and Connie de la Vega, *International Human Rights Law*
- Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- *Simone André Diniz v. Brazil*, Inter-American Court of Human Rights, Report on the Merits
- Anna Spain Bradley, Human Rights Racism, *Harvard Human Rights Journal* 32(1)(2019), Excerpts

#### **2. U.S. Racial Justice as a Human Rights Struggle**

- Margaret Somers and Christopher Roberts, “Toward a New Sociology of Rights,” *Annual Review of Law and Social Science*, 392-94 (2008)
- Carol Anderson, *Eyes Off the Prize: The United Nations and the African-American Struggle for Human Rights, 1944-55* (2003), Excerpts
- Malcolm X, “The Bullet or the Ballot” (1964)
- Hope Lewis, “Race, Class and Katrina: Human Rights and (Un)natural Disaster” in *Environmental Justice in the New Millennium* (2008)
- Michelle Alexander, Introduction, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010)
- Frederick C. Harris, “The Next Civil Rights Movement,” *Dissent Magazine* (Aug 15, 2015)
- Opal Tometti and Gerald Lenoir, Black Lives Matter Is Not a Civil Rights Movement, <https://www.opaltometti.org/black-lives-matter-is-not-a-civil-rights-movement/>
- Sejal Parmar, “The Internationalisation of Black Lives Matter at the Human Rights Council”, *EJIL Talk* (June 26, 2020), <https://www.ejiltalk.org/the-internationalisation-of-black-lives-matter-at-the-human-rights-council/>

## Class 7 (March 15)

### **Women's Rights**

*What does it mean to say women's rights are human rights? What are women's rights and how are they different or the same as any others? In this class we will examine the prohibition on discrimination against women and the ways in which ideas of women's rights have developed over time. We will then use this as an opportunity to discuss the question of conflicting rights. We will read a series of cases from the European context in which courts grapple with restrictions on different forms of religious attire directed particularly at Muslim women.*

#### **1. Women's Rights as Human Rights**

- Convention on the Elimination of Discrimination Against Women
- De Schutter, *International Human Rights Law*, p. 292-297
- Alston & Goodman, *International Human Rights*, pp191-98 (*Velasquez-Rodriguez and Private Violence*)
- Dianne Otto, "Women's Rights," in *International Human Rights Law*, pp 319-328
- "Across the Globe, a Serious Backlash Against Women's Rights", *The New York Times*, December 4, 2019
- Charlotte Bunch and Niamh Reilly, "Women's Rights as Human Rights: 25 Years On," in *International Human Rights of Women* (2019)
- Lisa Levenstein, "The Forgotten Origins of 'Women's Rights as Human Rights'," *Open Global Rights* (Sept. 29, 2020)

#### **2. Intersectional Human Rights**

- Hope Lewis, "Embracing Complexity: Women's Rights in Critical Race Feminist Perspective," *Columbia Journal of Law and Gender* 12(3): 510-520 (2003)

#### **3. When Rights Collide: "L'Affaire Foulard" Case Study**

- Dunoff et al, *International Law*, pp. 391-413 and update
- Alston & Goodman, *International Human Rights*, pp633-642 (*Sahin v. Turkey*)

## Class 8 (March 22)

### **The Rights of Refugees**

*What does it mean to be a refugee? Legally, experientially, politically, what is a refugee? Who gets to move freely in the world and who does not? How is refugee status assessed and what protections do refugees receive? Is the system broken? How has the Covid-19 pandemic affected global movement patterns and mobility? In this class, we will discuss these questions from multiple perspectives: how international law establishes refugee rights; what the experience of being a refugee might be; and what the current status of global population movement is. What do you think of the current system? How might we rethink our understandings of population movement, sovereignty, and individual rights?*

- UN Convention Relating to the Status of Refugees (1951) and Protocol to the UN Convention on Refugees (1967)
- Alice Edwards, "International Refugee Law" in *International Human Rights Law*, 513-527

- Hannah Arendt, ‘We Refugees’, *Menorah Journal* 30(1)(1943)
- James Davis, “Rethinking the Role of Human Rights in the International Refugee Regime,” *Lawfare* (Mar 10, 2017)
- International Rescue Committee, How the U.S. Vetting and Resettlement Process Works, <https://www.rescue.org/article/how-us-refugee-vetting-and-resettlement-process-really-works>
- E. Tendayi Achiume et. al., Introduction to the Symposium on COVID-19, Global Mobility, and International Law, *AJIL Unbound*, pp 312-315
- John Reynolds, Fortress Europe, Global Migration, and the Global Pandemic, *AJIL Unbound*
- **WATCH** Exodus: Our Journey to Europe, Ep. 1 (56 min) available at <https://vimeo.com/185455685>

## Part III. Advocacy and Enforcement

### Class 9 (March 29)

#### **Enforcing Human Rights Law**

*Although enforcement is in many ways a weak area of human rights, there is a long tradition of prosecuting certain international crimes whether in national courts or in specialized international tribunals. This week we will look at both, focusing first on the practice of universal jurisdiction, in which individuals including ex-heads of state can be tried for certain human rights crimes, and second on the practice of international criminal law. For both, we will be asking two types of questions: first, what is required legally to pursue a human rights prosecution? How does it actually happen? Second, is criminal law a good way to enforce human rights? Do we want more criminal punishment or less? Are human rights crimes different from domestic crimes or the same?*

- 1. Prosecuting Human Rights Violations Domestically: Universal Jurisdiction**
  - Introduction to Universal Jurisdiction: Hannum et al, 1003-1010
  - Case of Pinochet Materials
  - Henry Kissinger, “The Pitfalls of Universal Jurisdiction”
  - *Arrest Warrant Case*, International Court of Justice
  - Glenn Frankel, “Belgian War Crimes Law Undone by its Global Reach: Cases Against Political Figures Sparked Crises”
  - European Center for Constitutional and Human Rights Q&A on prosecutions of Syrian officials in Germany
- 2. Prosecuting Human Rights Violations Internationally: International Tribunals**
  - Susan Marks and Andrew Clapham, “International Crimes” in *International Human Rights Lexicon*
  - Opening Statement, Chief Counsel for the U.S. Robert Jackson, Nuremberg, Excerpts
  - Judgment, International Military Tribunal at Nuremberg, Excerpts
  - Ronald C. Slye and Beth Van Schaak, *International Criminal Law: The Essentials*
  - Rome Statute of the International Criminal Court

- Zeid Ra'ad Al-Hussein, "Despite Setbacks, Fight Against Impunity Continues," *ICTJ Debate* (March 4, 2015)
- Thierry Cruvellier, "The ICC, Out of Africa," *The New York Times* (Nov. 6, 2016)
- Gareth Evans, "Peace v. Justice"

**\*\*NO CLASSES APRIL 5\*\***

## Class 10 (April 12) **Transitional Justice**

*Prosecutions are only one of the ways in which societies and states approach mass atrocity and the violation of human rights over time. Others include truth commissions, reparations, and amnesties for past violence. Together with prosecutions, we call these practices "transitional justice", an enterprise that developed towards the end of the Cold War and continues today. In this class, we will examine the history and practice of transitional justice, particularly truth commissions. We will first examine the development of transitional justice in the Latin American context before turning to the case of South Africa, whose Truth and Reconciliation Commission remains the most famous in the world. Then we will discuss the application of transitional justice to the United States. Does the US need a truth and reconciliation commission?*

### **1. Introduction to Transitional Justice**

- David Weissbrodt and Connie de la Vega, *International Human Rights Law*
- Guidance Note of the Secretary-General, United Nations Approach to Transitional Justice (2010), Excerpts
- Thabo Mbeki and Mahmood Mamdani, "Courts Can't End Civil Wars", *New York Times*

### **2. Truth & Reconciliation in South Africa**

- Truth & Reconciliation Commission Final Report, Excerpts
- *AZAPO v. President of South Africa*, South African Constitutional Court, 25 July 1996

### **3. Transitional Justice for the United States?**

- TBA

## Class 11 (April 19)

### **Advocacy: The Politics and Practice of Human Rights Work**

*What does it mean to "do" human rights work? There are, of course, many answers to that question and we've seen quite a few over the course: there are court cases, there are UN monitoring bodies, there are prosecutions. But a huge part of human rights work is finding facts and disseminating stories of what's happening to people. This week we have two parts to our study: first, some general readings fact-finding and advocacy. Second, we'll watch the Kony2012 video and read some critical pieces about it. Please watch the video first so that you can form your own opinions, and THEN read the pieces so you can decide whether you agree or disagree. In class, we'll discuss the ways human rights researchers go about their work and the efficacy and shortcomings of the Kony2012 advocacy strategy.*

## 1. Fact-Finding and Transnational Advocacy

- Human Rights Watch, “About Our Research”, <https://www.hrw.org/about-our-research>
- Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders*, **READ pp 102-110, 116-120**
- Susan Marks and Andrew Clapham, “Victims” in *International Human Rights Lexicon*

## 2. Case Study: *Kony 2012*

- **WATCH *Kony 2012* video** (30 minutes), <https://invisiblechildren.com/kony-2012/>
- Mareike Schomerus, “‘Make Him Famous’: The Single Conflict Narrative of Kony and Kony 2012” in *Advocacy in Conflict: Critical Perspectives on Transnational Activism*, edited by Alex de Waal, pp 142-163.
- Teju Cole, “The White-Savior Industrial Complex,” *The Atlantic Monthly*, March 21, 2012
- Adam Branch, “Dangerous Ignorance: The Hysteria of Kony 2012”, *Al-Jazeera*, March 12, 2012

## Part IV. New Frontiers

### Class 12 (April 26)

#### **The Present and Future(s) of Human Rights**

*The world faces many crises right now. In addition to conflict, insecurity, and population movement, we are also facing radical economic inequality, horrific poverty even in rich nations, and the existential threat of climate change, and a global pandemic. What, if anything, does human rights have to do with these problems?*

## 1. Human Rights and Climate Change

- UN Office of the High Commissioner for Human Rights, “Human Rights and Climate Change” Intro (October 2018)
- OHCHR, “Key Messages on Human Rights, Climate Change and Migration”
- Universal Rights Group, “Human Rights, Climate Change and Cross-Border Displacement” (Aug. 2015)
- Sam Varvastian, “**Children’s climate change case at the European Court of Human Rights: what’s at stake?**” *The Conversation* Dec. 4, 2020), <https://theconversation.com/childrens-climate-change-case-at-the-european-court-of-human-rights-whats-at-stake-151417>
- LISTEN: <https://soundcloud.com/user-163824213/bbc-world-service-features-glans-climate-change-action> (4 min.)

## 2. Poverty and Inequality

- Samuel Moyn, “Do Human Rights Increase Inequality?” *The Chronicle of Higher Education* (May 26, 2015)

- OpenDemocracy Debate Contributions
- Mariano Aguirre, “The Impact of COVID-19 is All Down to Inequality”, *opendemocracy* (April 7, 2020)

*Where should the human rights movement go in the future? What are the pitfalls and promises? What kinds of goals can human rights accomplish? Are we tackling the right things in the right ways? Do we need different objectives and/or different strategies? Kennedy’s “Part of the Problem” was written over 15 years ago and lists a series of ways in which human rights might be “part of the problem” instead of the solution. What do you think about his list? How does it compare with the Open Global Rights pieces about the future of human rights?*

### **3. Are Human Rights Part of the Problem?**

- David Kennedy, “The International Human Rights Movement: Part of the Problem?”, *The Dark Sides of Virtue: Reassessing International Humanitarianism* (2004)
- Philip Alston, “Human Rights in the Populist Era” (April 18, 2017)
- Sam Moyn, “How the Human Rights Movement Failed”, *New York Times* (Apr. 2018)

### **4. The Future of Human Rights**

- William F. Schulz & Sushma Raman, “The Coming Good Society: Why new realities demand new rights” *Open Global Rights* (Jan. 20, 2021)
- César Rodríguez-Garavito, “Can Human Rights Deal with Existential Risks to Humanity and the Planet?” *Open Global Rights* (Jan. 22, 2021)

## **Class 13 (May 3)**

Student Presentations

## **Class 14 (May 10)**

Student Presentations