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Diplomacy Syllabi

School of Diplomacy and International
Relations

Spring 2023

DIPL 4106 AA Human Rights Law and Policy

Belachew Fikre Ph.D.

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Seton Hall University

DIPL 4106 AA: Human Rights Law and Policy

Semester: Spring 2023

Class Hours: Wednesdays 2pm – 4.30pm

Location: Room SH 208

Instructor: Belachew Fikre (Ph.D)

Contact: belachew.fikre@shu.edu

OFFICE HOURS

In-person or virtual meetings can be arranged for any course-related discussions using the email provided above.

COURSE DESCRIPTION

This course introduces students to the historical development and emergence of the human rights movement that began several decades ago, particularly following World War II. With four interrelated parts, the course begins by examining some of the historical antecedents that led to the crafting of the Universal Declaration of Human Rights and the subsequent normative instruments spanning civil and political rights, economic, social, and cultural rights. This is followed by the second part where specific human rights topics will be discussed based on globally agreed standards such as the Covenant on Civil and Political Rights (ICCPR), and the Covenant on Economic, Social and Cultural Rights (ICESCR). The third part focuses on overall enforcement mechanisms that exist at international, regional as well as domestic levels. The final part raises some of the contemporary topics such as climate change, pandemics, and technology as they relate to human rights.

Overall, the course endeavors to provide a firm grounding to students' understanding on human rights regimes and the institutions mandated to protect same.

COURSE OBJECTIVES

This course aims to familiarize students with analytical, critical, and contextual background to international human rights. It will cover the three levels of implementation: international, regional, and domestic. These are broadly categorized as UN Charter system, UN treaty bodies, Regional and Domestic enforcement mechanisms. It further envisages to bring to the fore some of the contemporary topics relating to international human rights and some of the challenges surrounding their implementation in a rather globalized world.

LEARNING OUTCOMES

- Demonstrate the ability to explain the evolution of human rights systems and norms at the global level.

- Exhibit the analytical skills on complex topics of major human rights issues impacting relations between and among states.
- Able to discuss and evaluate the various institutional mechanisms of protection of human rights that exist at different levels.

COURSE REQUIREMENTS

Attendance and Participation (15%): Both regular attendance and active participation during class discussions are vital for the successful completion of the course. Several case studies and group works are involved in the course beginning from first day of class that necessitate active participation (asking questions, leading group work, introducing new ideas, etc) for effective running of classes. Unjustified tardiness will be counted as absenteeism. Only full attendance and acceptable level of participation shall earn a student a full mark for this purpose.

Mid-term essay (25%): With a view to assess the understanding of the fundamentals of human rights concepts and instruments, students will submit a response to a question/s in an essay format. While the topic, word limits and exact submission date will be discussed in class, each paper is expected to demonstrate originality, critical thinking, and proper grasp of the course objectives.

Research Paper (35%): Students are expected to start working on their research paper from the start of the course and will be due on **March 29, 2023**, no later than 5pm. Details about the Research Paper are described in detail in subsequent section of this syllabus.

Final Exam (25%): The course concludes with a take home final exam that.

All written submissions including the final exam are expected to demonstrate originality and aptly employ class reading materials. In terms of formatting, do please consider 1.5 spacing, 12-point characters with 'Times New Roman' font. Students must indicate and consistently apply the citation style being adopted in their written works. Please note that any of the three styles (Chicago, MLA, or APA) are accepted so long as clearly indicated and consistently applied. Students must also abide by the requirements of originality and must not submit any copious writings or otherwise plagiarized materials from any source whether it be an internet site or another student. Plagiarism or academic dishonesty of any kind will result in a failing grade in this course.

CLASS ETIQUETTES

- Punctuality and regular attendance are required. It is vital to notify the instructor in advance any justifiable absence and/or tardiness.
- Students are expected to fully comply with University's policies on plagiarism, academic integrity, and other standards of acceptable behavior.
- Laptop computers and tablets may only be used for purposes of taking notes and any other course related work.

ACADEMIC INTEGRITY

Plagiarism, academic dishonesty, and other forms of disregard to acceptable standards of behavior in an academic environment will lead to lower or failing marks for the course. Students are accordingly directed to carefully revisit the University's standards for academic conduct: [Student Code of Conduct, SIU](#). The Code of Conduct defines plagiarism as encompassing "*the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by*

another person or agency engaged in the selling or providing of term papers or other academic materials.” Therefore, strict compliance to these rules is required and do please refrain from engaging in acts of copying others’ works without attribution.

DISABILITY SERVICES STATEMENT

It is the policy and practice of Seton Hall University to promote inclusive learning environment. If you have a documented disability, you are eligible for reasonable accommodations in compliance with University policy, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the New Jersey Law against Discrimination. Please note, students are not permitted to negotiate accommodation directly with the professor. For being granted with the full benefits of accommodations, the student is expected to self-identify with the Office of Disability Support Services (DSS), Duffy Hall, Room 67 at the beginning of the Semester. For more information, contact DSS at (973) 313-6003 or via email at dss@shu.edu.

GRADING SCALE

A	>94	C	>73
A-	>90	C-	>70
B+	>87	D+	>67
B	>83	D	>63
B-	>80	D-	>60
C+	>77	F	<59

RESOURCES

Students are expected to follow closely the full reading schedules which are keyed to the detailed class description.

Main text and recommended materials

- Alston, Philip and Goodman, Ryan. 2013. *International Human Rights*. Oxford University Press: Oxford
- Susan Marks and Andrew Clapham. 2005. *International Human Rights Lexicon*. Oxford University Press. Oxford
- It is advisable to purchase a printed collection of major international human rights instruments. One example would be Oxford University Press. 2012. *Blackstone's International Human Rights Documents*. Oxford. Alternatively, there are several web-based resources that have consolidated list of all the instruments.

RESEARCH PAPER

All papers are due for electronic submission on **March 29, 2023, before or at 5pm**. This will be your work that focusses on contemporary human rights violation that you yourself identify (thematic selection) in a country of your choice (geographic focus). In the paper, you are expected

to (a) succinctly describe the problem, (2) point out the human rights being violated (normative basis), and (3) suggest workable recommendations for addressing the violation. That will mean that the paper will have addressed problem description, legal analysis, and policy recommendation/proposed solutions.

The exercise of writing this research paper envisages developing skills of students on how to apply a human rights perspective for understanding of and seeking remedy unjust social conditions/relations. You are expected to develop a coherent, realistic, and context-specific narrative together with policy recommendations as a solution that considers existing structures of implementation and enforcement. The following steps are recommended as guides to starting and completing the research paper.

- A. Choosing and developing the topic:** - As possible sources of information for this stage, you may wish to consult the following institutional reports/documentations:
- [US State Department Country Reports on Human Rights](#). The site enables you complete a search for country specific reports relating to human rights topics.
 - [Human Rights Watch](#). Here you will find significant analyses on human rights that are categorized both thematically as well as on country-by-country level. A thorough reading of the materials on the specific topic/country of your choice is recommended that goes beyond and above mere skimming.
 - [Amnesty International](#). This is yet another useful resource to identify your topic and go deeper in understanding the specific country situation.
 - [American Civil Liberties Union](#). This is specific to the US, and you may choose a topic using the 'Issues' tab. The several reports you find through the search command provide you with information relating to the different topics of your choice.
 - Scholarly publications and journal articles are also relevant to build your case and as you work on your research paper. For any of the scholarly writings, it is strongly recommended to use Google Scholar as well as the Seton Hall Library searches.
- B. Identifying the specific human rights being violated:** - You will have to closely look at the circumstances and review all related human rights standards to correctly identify the violated normative standard. It is also useful to take note of and describe as appropriate the fact that violation of one human right may undermine yet another right. The foundation for many of the human rights instruments being the UDHR, it will be advisable to start with the provisions of the Declaration and see if the topic is covered under any of the specific Articles. If in case the topic is missing, it would be a plus to examine why the UDHR went silent regarding that human right violation and record the explanation.

You will have to also consult the country-level treatment of the topic. This is to be found in the country's Constitution and you may refer to www.constituteproject.org and search for your country of research by clicking on the 'Countries' tab.

You are expected to further identifying the relevant human rights treaty instrument that covers the violation and describing same as correctly defined in the treaty. Do please focus on the Core International Human Rights Instruments as listed here: the [UN Office of the High Commissioner for Human Rights](#).

You will have to check if the country you're studying has ratified the treaty under discussion. A country has ratified a treaty if there is a date appearing in the "Accession, Succession, Ratification" column in this page: [UN Treaty Body](#).

Though optional, and depending on your country of study being in either of the regions of Africa, the Americas, or Europe, you might want to look at the relevant region's human rights treaties - the [African Charter on Human and Peoples' Rights](#), the [American Convention on Human Rights](#), or the [European Convention on Human Rights](#). Here you may wish to investigate whether the regional human rights standard treats the topic/the violation adequately and the extent to which it is aligned with the international human rights treaty you may have already identified. Checking the ratification status of the regional human rights treaty will also be helpful for the country you are investigating for purposes of your research paper.

- C. **You will develop policy recommendations for the problem:** - Depending on the nature of the problem, your recommendations may be addressed to governments, civil society groups, national citizens, international actors and/or human rights organizations. To adequately frame your recommendations, you will need to critically consider the nature and causes of the problem, the responsible parties, and the kinds of actions, reforms and transformations needed to provide effective and durable remedy. Here you will need to be realistic, and constructive.

You must document sources for all specific information provided in your essay. You will have to use a standard referencing format consistently. The research paper **shall not be more than 4,000-word counts** excluding references.

DETAILED CLASS SCHEDULE

Class 1	Part I: Introduction
Date	January 18
Topic	Course introduction
Required reading	Course Syllabus

Class 2	Development of Human Rights
Date	January 25
Topics	<ul style="list-style-type: none"> - What do we mean by 'human rights'? - The overall corpus of human rights system and its development - Are there any hierarchies in human rights, and their subjects? - Has the UN Charter provided the impetus for the development of human rights/or undermine same? - What historical process led to the UDHR? What are the core topics covered? Are they far too many or far too few?

Required reading	<ul style="list-style-type: none"> - Preamble of the Universal Declaration of Human Rights - Jack Donnelly. 2007. "The Relative Universality of Human Rights" <i>Human Rights Quarterly</i> - Alston and Goodman. Part A.1&2
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Class 3	International Law and International Human Rights
Date	February 1
Topics	<ul style="list-style-type: none"> - The international law regime - International law in domestic courts - International law, human rights, and sovereignty: convergence and competition
Required reading	<ul style="list-style-type: none"> - Alston and Goodman. Part B Introduction - John Barton, "The likely effects of the new American Convention on Human Rights" in Paula R. Newberg. 1980. <i>The Politics of Human Rights</i>. NYU Press. New York pp. 249-284 - <i>More readings to be added</i>

Class 4	Part II: Substantive Rights: Civil and Political Rights
Date	February 8
Topics	<ul style="list-style-type: none"> - From the UN Charter to the ICCPR - Case study - Suspending Civil and Political Rights in times of emergencies
Required readings	<ul style="list-style-type: none"> - Alston and Goodman. Part B.3 - The International Covenant on Civil and Political Rights

Class 5	Economic and Social Rights
Date	February 15
Topics	<ul style="list-style-type: none"> - What are Economic, Social and Cultural Rights? - Challenges to Economic and Social Rights - The Bearer and Nature of Duties under the ICESCR - Resource constraints or political will? - Justiciability of economic and social rights
Required Reading	<ul style="list-style-type: none"> - Alston and Goodman. Part B.4 - Jack Donnelly. 2013. "The West and Economic and Social Rights" in <i>Universal Human Rights Theory and Practice</i>, (pp. 235-253). Cornell University Press. Cornell - The International Covenant on Economic, Social and Cultural Rights

Class 6	Race, Racism, and Human Rights
Date	February 22
Topics	<ul style="list-style-type: none"> - The meaning and contents of discrimination based on race in international human rights law - U.S. racial justice as a human rights struggle: Do racial disparities in the U.S. criminal legal system constitute racial discrimination? Do they

	place the United States in violation of international human rights law? What should be done to address this problem? How should this be understood as a human rights problem?
Required reading	<ul style="list-style-type: none"> - Margaret Somers and Christopher Roberts. 2008. "Toward a New Sociology of Rights" <i>Annual Review of Law and Social Science</i> pp. 392-94 - Rodney Balco. 2020. The Washington Post. "There is overwhelming evidence that the criminal justice system is racist. Here's the proof" The Washington Post

Class 7	Mid-term paper
Date	March 1
Topics	Reading and writing

Class 8	NO CLASS
Date	March 8
Class 9	Rights of Refugees and IDPs
Date	March 15
Topics	<ul style="list-style-type: none"> - The legal definition of a refugee and protections accorded under the various standards. - The state of being a refugee - Rethinking population movement, sovereignty, and individual rights
Required reading	<ul style="list-style-type: none"> - UN Convention Relating to the Status of Refugees (1951) and Protocol to the UN Convention on Refugees (1967) - Alice Edwards. 2017. "International Refugee Law" in <i>International Human Rights Law</i> Chap. 27 - Hannah Arendt, "We Refugees"

Class 10	Women's Rights
Date	March 22
Topics	<ul style="list-style-type: none"> - Women's rights as human rights - What distinguishes women's rights from other ones?
Required reading	<ul style="list-style-type: none"> - Convention on the Elimination of Discrimination Against Women - "Why nations that fail women fail" 2021, The Economist - Hillary Rodham Clinton. 2014. "Unfinished business for the world's women" The Economist - Heather Barr. 2022 "Speak up on behalf of Afghan Women" Human Rights Watch - Lisa Levenstein. 2020. "The forgotten origins of 'Women's rights as human rights'" Open Global Rights

Class 11	Part III: Advocacy and Enforcement: Enforcing Human rights
Date	March 29

Topics	<ul style="list-style-type: none"> - The idea of universal jurisdiction - International tribunals - Treaty bodies - Regional systems
Required reading	<ul style="list-style-type: none"> - Henry Kissinger.2001. "The pitfalls of Universal Jurisdiction" <i>Foreign Affairs</i> - Pinochet materials (case study) - Susan Marks and Andrew Clapham. 2005. "International Crimes" in <i>International Human Rights Lexicon</i>. Oxford University Press. Oxford - Thierry Cruvellier. 2016. "The ICC, Out of Africa" <i>The New York Times</i> - Gareth Evans. 2008. <i>The Responsibility to Protect: Ending mass atrocity crimes once and for all</i>. Brookings Institution Press. Brookings - Gareth Evans Lecture on Peace v. Justice (it provides a summary of the book)

Class 12	Transitional Justice
Date	April 5
Topics	<ul style="list-style-type: none"> - Introduction to Transitional Justice - Truth and Reconciliation processes: South Africa - A need for transitional justice in the United States?
Required reading	<ul style="list-style-type: none"> - Thabo Mbeki and Mahmood Mamdani.2014. "Courts Can't End Civil Wars" <i>The New York Times</i>

Class 13	The Politics and Practice of Human Rights Work
Date	April 12
Topics	<ul style="list-style-type: none"> - What does it mean to 'do' human rights work? - Structured implementation/enforcement mechanisms and advocacy works
	<ul style="list-style-type: none"> - Human Rights Watch. About Our Research - Susan Marks and Andrew Clapham. "Victims" in <i>International Human Rights Lexicon</i> - Teju Cole. 2012. "The White Savior Industrial Complex" <i>The Atlantic Monthly</i> - WATCH Kony 2012 video

Class 14	Part IV: Emerging Human Rights Topics:
Date	April 19
Topics	<ul style="list-style-type: none"> - Human Rights, Climate Change, and the idea of "just transition" - Poverty and Inequality - Pandemics and vaccines monopoly - Cybersecurity as human rights
	<ul style="list-style-type: none"> - Deborah Brown.2020. "It's time to treat cybersecurity as a Human Rights issue" <i>Human Rights Watch</i>

	<ul style="list-style-type: none"> - See some of the reports linking <u>Human Rights and Climate Change</u> by the UN Office of the High Commissioner for Human Rights - “The pandemic has eroded democracy and respect for human rights” 2020. <u>The Economist</u> - “The Right to be left alone: Why people cherish privacy, yet cheerfully surrender it” 2015. <u>The Economist</u> - Abigail McGregor et al. 2022. “Achieving just transition: Human rights and renewables” <u>Norton Rose Fulbright</u>
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Class 15	Final exam
Date	April 26