

Course Outline

COURSE:	LAWS 3602A – International Human Rights
TERM:	FALL 2018
PREREQUISITES:	0.5 credit from LAWS 2105, LAWS 2502, LAWS 2601 and 0.5 credit in LAWS at the 2000 level.
CLASS:	Day & Time: Thursday 11.30am – 2.30pm Room: Please check Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Dr. Hembadoon I. Oguanobi
CONTACT:	Office: B442 Loeb Building (Contract Instructor’s Office) Office Hrs: By appointment only Telephone: Email: I will respond to student email within 24 hours, during standard work hours, Monday through Friday, between the hours of 8 a.m. and 5 p.m.

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

Plagiarism:

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn

from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://carleton.ca/studentaffairs/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

CALENDAR COURSE DESCRIPTION

The developing international law relating to the protection of human rights. General concepts, rules and institutions. Specific issues include self-determination, aboriginal rights, the refugee problem, and torture. The inherent problems and overall potential of international law.

The [Universal] Declaration [of Human Rights] retains an echo ... because men, indeed, are not born free, nor equal ... the liberty and equality of men is not a foregone conclusion, but an ideal to be pursued; not a reality, but a value; not a truth, but a duty ...

Norberto Bobbio

Human rights language exists to remind us that there are some abuses that are genuinely intolerable, and some excuses for these abuses that are genuinely unbearable.

Michael Ignatieff

COURSE DESCRIPTION

This program will allow students the opportunity to explore the concept and practicalities of international human rights law in the 21st century. As a class, we will examine the theoretical underpinnings and historical origins of human right trends that are important in understanding the role of international institutions, nations and individuals in protecting and promoting human rights in modern day society. In collaboration, we will unpack the complexities, issues and dilemmas around the problem of naming and confronting human rights abuses that affect the most vulnerable in society. In particular, the course will allow us to explore the role of the United Nations, Regional Human Rights Institutions and other human rights instruments that impact citizens; we will examine how human rights systems impact refugees, indigenous people, minorities, people in conflict zones; people's right to health. Ultimately, we are concerned with the criminal prosecution of human rights violations as an instrument to deter further human right abuses.

LEARNING OBJECTIVES

By the end of the course, students should be able to:

1. Develop an ability to use a critical human rights lens to recognise and critique events and experiences
2. Appreciate the complexities of the origins of 21st-century human rights
3. Understand the basic conceptions of human rights and their importance
4. Familiarize themselves with a range of human rights declarations, treaties and conventions
5. Dissect scholarly writings from a variety of sources and present it to colleagues in collaborative ways
6. Develop creativity in critical thinking and academic writing

REQUIRED TEXTS

- 1) Jack Donnelly, *Universal Human Rights in Theory and Practice*. 2nd ed (Ithaca, NY: Cornell University Press, 2003).

- ❖ The above textbook has been ordered and is available to purchase at Octopus Books (116 Third Ave, Ottawa, 613 233 -2589). Please note that you can borrow this book from the library, an option that is particularly useful if you are on a tight budget.
- ❖ Other required readings are available electronically through the online course site, cuLearn or the University library's journal database.

COURSE EXPECTATIONS

- ❖ Students are expected to engage critically with the course material and to participate actively in all activities, namely, individual reading, research, in class discussions and completion of individual and group assignments

- ❖ Students should carefully read and follow the instructions for assignments
- ❖ All deadlines for assignments need to be respected, exceptions will be granted only in extraordinary cases

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

The grade for this course is comprised of FOUR components:

Assignments	Dates	Percentage (%)
1. Participation	Ongoing	10%
2. Reading reflection	18 October 22 November	20%
3. Group Assignment: In class presentation	Various dates	30%
4. Final Paper	Dec 7	40%

1.PARTICIPATION (10%)

In each class, you will have the opportunity to engage in weekly interactions in small groups with peers. These discussions will be conducted professionally in groups. The purpose of these activities is to engage you in dialogue and debate around concepts and ideas you are learning. From a social constructivist learning perspective, it is through participation in these discussions that you will gain some of the most valuable insights into the course. Any absence from a class must be explained in writing at the earliest possible time.

We will discuss more about “participation” as an evaluation tool in class.

2. READING RESPONSE (30%)

1. The criteria for this segment of the assignment is that by the end of a four week bloc, you should choose a topic done within the 4-week bloc and reflect on the assigned readings of the topic.
2. You should write a reading response
3. There are 2 readings in total to write, each response carries a total of 10%
4. The word count should not exceed 500 words per response
5. You will be required to submit your reading response on cuLearn

Week 2	Discoursing Human Rights: Concept, Theory and Lens.	BLOC 1
Week 3	History and Origins of Human Rights and the Dilemmas of Democracies	
Week 4	Making Sense of the United Nations	
Week 5	Universal vs Culturally Relative Human Rights	
Week 6	Regional Human Rights	
Week 7	Right to life: On Genocide and crimes against Humanity	
Week 7	<i>Post a reading response on ANY of the topics done in Wk 2 – 7</i>	BLOC 1 Due date: 18 Oct
Week 8	READING WEEK	
Week 9	Vulnerable Groups, Refugees and Forced Migration	
Week 10	Indigenous Peoples: Group Rights and Justice	
Week 11	Right to Health: Extending the Conversation beyond Pills	
Week 12	Sex and Gender	
Week 12	<i>Post a reading response on ANY of the topics done in Wk 9 – 12</i>	BLOC 2 Due date: 22 Nov

- **What is a reading response?**

- This is the process where you analyze the text as an individual reader. This process is as much about YOU as it is about the text you are responding to.
- This process is about YOU, what are your thoughts on the article or topic.
- The process allows you to take a systematic and analytical approach to the paper you are reading.
- Does the text or experience have anything to do with you? Think of something that has happened to you in the past or present, perhaps something you read in the news. How does the topic, law, or application of it make you feel?
- Did anything that happen that week clash with your views or stand on an issue?
- What did you learn from the reading? How has it changed your views or opinions? Give examples.

- How effectively does the text or topic address issues that you care about? Perhaps things that affects your community, ethnic group, gender, race, or sexuality.
- Your reader response will be read only by me.
- With this assignment, I hope you are able to write creatively, at the same time addressing important human rights issues. You can agree or disagree with the author.

3. GROUP ASSIGNMENT: IN CLASS PRESENTATION (30%)

- For this presentation, 5 colleagues will be assigned one of the two to choose from (a) one of the weekly readings or (b) a case study which deals with a human rights issue.
- Each group will present the human rights concerns/ issues that they have identified in their reading/case study as a way of informing and educating the class to develop their critical human right lenses when considering every day scenarios or experiences.
- It is my hope that by doing your presentation, you will come to appreciate that human rights education is about more than just the simple knowledge of a set of rules and principles, indeed it is also about taking a position, engaging in a practice, and changes in attitude.

Please bear the following in mind when preparing for your presentation:

1. Presenters should not only provide the class with a general understanding of the relevant human rights instrument, but demonstrate their relevance when applied to defend human rights
2. Your chosen case study should provide guidance for moving forward on the issues it presents
3. You are encouraged to be creative in your presentation and to engage the class actively
4. By way of content, the presentation should: briefly introduce the case/paper, identify and describe the actors or issues. Note: class members will be asked to read the case/paper before coming to class so they should be familiar with the material
5. Provide an analysis of the case that draws on
 - a) the case material
 - b) relevant treaties or processes
6. Assess some of the strengths, limitations or complementarities of the different perspectives
7. Provide direction(s) about how to move forward on the issue(s) in the case, along with a supporting rationale
8. Each group is required to submit some supporting written documentation (e.g., PowerPoint presentation, speaking points or hand-outs, etc.) that provides an accurate record for the instructor
9. The presentations will be scheduled for delivery during the classes. A google doc document will be shared, allowing groups to sign up for the topic of presentation and preferred presentation day
10. Each Presentation should not exceed 25 minutes

4. FINAL PAPER (40%)

The criteria below should be met in order to get a higher mark:

- The paper will be between 3000 and 3500 words. The word count must be on the title page. The word count does not include the bibliography

- Your paper is expected to have at least 6 academic sources, which must be books and/or peer-reviewed journal articles only
- Newspaper, documentaries, films, magazine articles, web resources, blogs, governmental websites etc. may be used if properly referenced, however, they do not count towards the 6 required sources
- Wikipedia and other online encyclopedias may be used but do not count toward the 6 required sources for bibliography
- Your paper should exhibit an understanding of, a critical reflection upon, and a distinctive approach to the theories, concepts and issues addressed
- Your paper should be well-written (i.e., coherent, logically arranged, grammatically correct and free of spelling errors) and should be supported with citations of the readings and other materials that are used in their development
- The formal evaluation of written assignments will be based upon demonstration of: Knowledge, understanding and application of laws, theories, concepts, practices; Analytical and critical thinking; Integration of course content; Organization and distinctiveness of the presentation of ideas, insights, arguments
- It is recommended that you use McGill 8th referencing guide as your method of citation, however you may use other citation styles as long as they are consistent

SCHEDULE

All readings are from the recommended texts, available on cuLearn through web-links provided or attached in cuLearn.

Wk 1 - September 6: Introduction to the Course

Wk 2 - September 13: Discursing Human Rights: Concept, Theory and Lens.

Reading #1: Donnelly "Chapter 1"

Reading #2: Tina Maschi, "Understanding and Applying a Human Rights Lens" In *Applying a Human Rights Approach to Social Work Research and Evaluation* (New York: Springer Cham, 2016) at 11.

Reading #3: Lucy Michael, "Defining Dignity and its Place in Human Rights"(2014) 20:1 *The New Bioethics* 12.

Wk 3 - September 20: History and Origins of Human Rights and the Dilemmas of Democracies

Reading #1: Christian Tomuschat, *Human Rights: Between Idealism and Realism*, 3d ed (Croydon, Oxford University Press, 2014). "Chapter 2"

Reading #2: Donnelly "Chapter 5"

Reading #3: Serena Parekh, "A Meaningful Place in the World: Hannah Arendt on the Nature of Human Rights" (2004) 3:1 *J. Hum. Rts* 41.

Wk 4 - September 27 Making Sense of the United Nations

Reading #1: Jussi M Hanhimaki, *United Nations: A Very Short Introduction*, 2d ed (Oxford: Oxford University Press. 2015) Ch 1

Reading # 2: Frédéric Mégret and Florian Hoffmann. "The UN as a Human Rights Violator? Some Reflections on the United Nations Changing Human Rights Responsibilities" (2003) *Hum. Rts. Q* 314.

Access online:

- "United Nations Human Rights System: treaties, Mechanisms and Documents" (Available at <https://www.escr-net.org/resources/united-nations-human-rights-system-treaties-mechanisms-and-documents>)
- "Universal Declaration of Human Rights" (Available at <http://www.un.org/en/documents/udhr/>)
- "International Covenant on Economic, Social and Cultural Rights" (Available at <http://www2.ohchr.org/english/law/ceschr.htm>)
- "International Covenant on Civil and Political Rights" (Available at <http://www2.ohchr.org/english/law/ccpr.htm>)

Wk 5 - October 4

Universal vs Culturally-Relative Human Rights

Reading #1: Donnelly "Chapter 6"

Reading #2: Thomas M. Franck, "Are Human Rights Universal?" (2001) 80:1 *Foreign Affairs* 19.

Reading #3: Michael Goodhart, "Neither Relative nor Universal: A Response to Donnelly" (2008) 30:1 *Hum. Rts. Q* 183.

Wk 6 - October 11

Regional Human Rights

Reading #1: Donnelly "Chapter 11" - Pages 172-179.

Reading #2 Bantekas, Ilias & Lutz Oette. "Regional human rights treaty systems" in *International Human Rights Law and Practice*, ed (Cambridge: Cambridge University Press, 2013) 219. - Chapter 6

Reading #3: Marie Joseph Ayissi, "African Commission on Human and Peoples' Rights v. Libya" (2017) 111: 3 *Am. J. Int'l L* 738.

Wk 7 - October 18:

Right to Life: on Genocide and Crimes against Humanity

Reading #1: Donnelly "Chapter 15"

Reading #2: Kimberly A. Ducey, *Dilemmas of Teaching the "Greatest Silence": Rape-as-*

Genocide in Rwanda, Darfur, and Congo," (2010) 5:2 GSP 310.

Reading #3: Elodie Tranchez, "Tyrannicide and International Law: Can They Possibly Coexist?" (2018) 20:2 JGR 207.

Guest Speaker:
Ottawa.

Gino Vlavonou, Doctoral Candidate, School of Political Science, University of

WEEK 8 - FALL BREAK - NO CLASSES

Wk 9 - November 1: Vulnerable Groups, Refugees and Forced Migration

Reading #1: Rhona KM Smith, *International Human Rights Law*, 8d ed (Glasgow, Oxford University Press, 2018) "Chapter 22"

Reading #2: Colin Harvey, "Time for Reform? Refugees, Asylum-seekers, and Protection Under International Human Rights Law" (2015) 34:1 Refug Surv Q 43.

Reading #3: Lourdes Peroni and Alexandra Timmer "Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law" (2013) 11:4 Int J. of Con L 1056.

Wk 10 - November 8: Indigenous Peoples: Group Rights and Justice

Reading #1: Jennifer Hendry and Melissa L. Tatum "Human Rights, Indigenous Peoples, and the pursuit of justice" (2015) 34 Yale L. & Pol'y Rev 351.

Reading #2: Damien Short "Cultural Genocide and Indigenous Peoples: A Sociological Approach (2010) 14: 6 Int J Hum Rights 833.

Reading #3: Lindsey Kingston "The Destruction of Identity: Cultural genocide and indigenous peoples" (2015) 14:1 J Hum Rights 63.

Access online:

United Nations Declaration on the Rights of indigenous peoples.
https://www.iwgia.org/images/publications/0460_ACHPR_Advisory_Op-UNDRIP_UK_2010.pdf

Wk 11 - November 15: Right to Health: Extending the Conversation Beyond Pills.

Readings #1: Alicia Ely Yamin "Taking the right to health seriously: Implications for health systems, courts, and achieving universal health coverage" (2017) 39:2 Hum. Rts. Q 341.

Reading #2: Lauren Eyler and Saira Mohamed and Isabelle Feldhaus and Rochelle Dicker et. al. "Essential Surgery as a Component of the Right to Health: A Call to Action (2018) 40: 3 Hum. Rts. Q 641.

Readings #3: Jo Anne Banks "Storytelling to Access Social Context and Advance Health Equity Research" (2012) 55:5 Prev Med 394.

Wk 12 - November 22: Sex and Gender

Reading #1: Donnelly "Chapter 16"

Reading #2: Kay Lalor "Constituting Sexuality: Rights, Politics and Power in the Gay Rights Movement" (2011) 15:5 Int'l J HR 683.

Reading #3: Paula Gerber and Joel Gory, "The UN Human Rights Committee and LGBT Rights: What is it doing? What could it be doing?" (2014) 14:3 *Hum Rights L Rev* 403

Wk 13 - November 29: Environment and the Future

Reading #1: Alan Boyle "Human Rights and the Environment: Where Next?" (2012) 3:1 EJIL 613.

Reading # 2: Jon Barnett and W. Neil Adger "Climate Change, Human Security, and Violent Conflict" (2007) 26 *Political Geogr* 639.

Reading # 3: Richard P. Hiskes "With Apologies to the Future: Environmental Human Rights and the Politics of Communal Responsibility" (2017) 21:9 Int'l JL HR 1401.

Wk 14 - December 6: Prosecution of Human Rights Violations: Hope or Despair?

Reading # 1: Stephan Landsman "Alternative Responses to Serious Human Rights Abuses: Of Prosecution and Truth Commissions" (1996) 59:4 LC& P 81.

Reading # 2: Antonio Cassese, "On the Current Trends towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law" (1998) 9 EJIL 2

Michele Mitchell and Nick Louvel. (Director). (2015). *The uncondemned*. [Motion Picture] **in class viewing and response.**

Late Assignment Policy

Assignments which are submitted after the due date without an agreed extension will be considered late assignments. The penalty on late assignment is a gross deduction of 5% per day up to a maximum of 10 days, after which time assignments will not be accepted.