

**PSCI 3307A: Politics of Human Rights**

**Thursday 8:35-11:25**

**Please confirm location on Carleton Central**

**Dr. Stephen Gallagher**

**Office Hours: Thursday 12-1 PM**

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**I. Course Description:**

The objective of this course is to introduce students to a study of human rights as variously understood and identify how international institutions are structured to defend these rights. The focus is on the structures and instruments of the United Nations but references will be made to other international organizations including the various rights protecting instruments of the European Union. After a survey of a selection of concerns and issues which can be understood as central to the study of human rights, I have chosen to focus on one set of rights concerns for the second part of the course. Specifically the focus will be on mobility rights and the rights of migrants and refugees.

FORMAT: The class will meet once every week for a three hour period. Each week, the first part of the class will consist of a lecture on the week's topic. Following this there will be a short break. After the break, students will engage in group discussion and/or individual presentations.

**II. Required Readings:**

Required readings are marked with an asterisk (\*). A Reader, available at the bookstore, has been prepared. It contains ALL required readings.

**III. Evaluation/Course Requirements**

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|-------------------------------------|--|
| 1. Mid-term exam                    | 20% (October 23)                                       |
| 2. Research Paper/Project           | 30% (Due November 20 – <b>Handed to Me in Class!</b> ) |
| 3. Class Participation/Presentation | 10%  |
| 4. Final exam                       | 40%  |

As per early feedback guidelines, the mid-term exam will be returned by October 31<sup>st</sup>.

**Mid-term test:** There will be a mid-term test in class on October 23. The test will be 75 minutes in length. The test will consist of short answer/definition questions. After the mid-term examination there will be a break whereupon I will lecture for the remainder of the class.

**Research Paper:** See requirements below.

**Class Participation:** Part of the class will be given over to class discussion/presentations. Students are expected to attend and contribute substantively to discussions. This requires that students stay current with course readings. A guideline on this component will be handed out early in the course.

**Final Exam:** There will be a final exam during the scheduled exam period, December 4-20<sup>th</sup>. This exam will cover material from the entire course but will be weighted to the second half. The exam will be 3 hours long and will consist of essay questions.

## IV. Research Paper

Your typewritten research paper should number no more than 15 pages (absolute maximum excluding title page, endnotes, bibliography, etc.). Conditions: 1. Papers will only be accepted if the subject is relevant to the course – Deals with an issue related to human rights and has been cleared by me. 2. Papers must contain all the elements expected in an academic paper (e.g., title page, footnotes, bibliography, etc.). Students should consider purchasing: Department of the Secretary of State of Canada, The Canadian Style: A Guide to Writing and Editing. 3. Students must make a copy of the essay BEFORE it is handed in. **IMPORTANT NOTE:** Read the information on plagiarism at the end of this course outline! It basically says that borrowing, whether in the form of direct quotation or paraphrasing, must be acknowledged in a footnote. For increased clarity, be aware that when material is directly quoted, quotation marks **must** be used at all times. Failure to do so **will** make assignments ineligible for grading.

## COURSE OUTLINE AND BIBLIOGRAPHY

### A. HUMAN RIGHTS

#### 1. Introduction (September 4)

-\*Debra L. Delaet, “Chapter 1: The Contested Meaning of Human Rights” *The Global Struggle for Human Rights* (Wadsworth, 2006).

-Tony Evans, *The Politics of Human Rights: A Global Perspective*, 2nd edition, (Pluto Press, 2005) Chapter 1.

#### 2. The Evolution and Typology of Human Rights (September 11)

-\*Christian Tomuschat, “Chapter 3: The Different ‘Generations’ of Human Rights: From Human Rights to Good Governance,” *Human Rights: Between Idealism and Realism* (Oxford University

Press, 2003).

-\*Micheline Ishay, "What are human rights? Six historical controversies," *Journal of Human Rights*, 3 (3), 2004.

-Delaet, "Chapter 2: The Development of International Human Rights Law."

-Rhona Smith, "Chapter 2: Historical Background," *Textbook on International Human Rights* (Oxford University Press, 2003).

### **3. International Human Rights – The Question of Universality (September 18)**

-\*Jack Donnelly, "The Relative Universality of Human Rights," in *International Human Rights* 3<sup>rd</sup> edition (Westview Press, 2007).

-\*Delaet, "Chapter 3: Are Human Rights Universal?"

-Heiner Bielefeldt, "Western vs. Islamic Human Rights Conceptions? A Critique of Cultural Essentialism in Human Rights Discussions," *Political Theory* Vol. 28, no. 1 (February 2000)

-Tomuschat, "Chapter 4: Universality of Human Rights."

-Jack Donnelly, *Universal Human Rights in Theory and Practice* (Cornell University Press, 2002) Part II.

### **4. Guest Lecturer- Topic TBA (September 25)**

### **5. The Instruments and Institutions of International Justice (October 2)**

-\*Jack Donnelly, "The Multilateral Politics of Human Rights," in *International Human Rights* 3<sup>rd</sup> edition (Westview Press, 2007).

-Zdzislaw Kedzia, "The United Nations Mechanisms to Promote and Protect Human Rights," in *Human Rights* ed. By J. Symonides (UNESCO, 2003).

-Rhona Smith, "Chapter 5: The United Nations Organizational Structure."

-Robert E Riggs, Jack C. Plano, and Lawrence Ziring, *The United Nations: International Organization and World Politics*, 3rd ed., (Harcourt, 2000) 326-344.

-Universal Declaration of Human Rights (the UDHR); the International Covenant on Economic, Social and Cultural Rights (the ICESCR); and the International Covenant on Civil and Political Rights (the ICCPR). European Union, the European Convention on Human Rights, 1950 and the Charter of Fundamental Rights of the European Union, 2000, etc.

#### **Reforming International Rights Institutions:**

-\*Yvonne Terlingen, "The Human Rights Council: A New Era in UN Human Rights Work?" *Ethics & International Affairs*, Vol. 21 no.2 (Summer 2007).

-United Nations, General Assembly, "Report of the Secretary-General of the UN, In larger freedom: towards development, security and human rights for all. (21 March 2005) A/59/2005.

## 6. The Real World of International Rights Protection: R2P (October 9)

- \*Jutta Brunnee and Stephen J. Toope, “Norms, Institutions and UN Reforms: The Responsibility to Protect,” *Behind the Headlines* 63:3 (2006).
- \*Alex J. Bellamy, “Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq” *Ethics & International Affairs*, Vol. 19 no.2 (Summer 2005).
- International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, December, 2001.
- Ian Williams, ‘Righting the Wrongs of Past Interventions: A Review of the International Commission on Intervention and State Sovereignty’, *International Journal of Human Rights*, Vol. 6 no. 3 (2002) 103-113.

## 7. The Politics of International Rights Protection (October 16)

- \*Mirko Bagaric and Penny Dimopoulos, “International Human Rights Law: All Show, No Go,” *Journal of Human Rights*, 4 (2005) 3–21.
- \*Mirko Bagaric and James Allen, “The Vacuous Concept of Dignity” *Journal of Human Rights*, 5 (2006) 257–270.
- Neil Stammers, ‘Human Rights and Power’, *Political Studies*, 41, 70-82
- James Cockayne, “Hybrids or Mongrels? Internationalized War Crimes Trials as Unsuccessful Degradation Ceremonies,” *Journal of Human Rights*, 4 (2005) 455–473
- Thomas Pogge, “World Poverty and Human Rights”, *Ethics and International Affairs*, Vol.19 no. 1 (2005).
- Anthony McGrew, ‘Human rights in a global age: coming to terms with globalization’ in Tony Evans, eds., *Human Rights Fifty Years On: A Critical Appraisal*. (New York: St. Martin’s Press, 1998).
- Michael Ignatieff, “Human Rights as Politics” in M. Ignatieff and Amy Gutmann ed., *Human Rights as Politics and Idolatry*, (Princeton University Press, 2001).

## Mid-Term Examination October 23

## B. HUMAN RIGHTS AND INTERNATIONAL MIGRATION

### 1. Introduction and Background (October 23):

#### a. The Reality of Migration:

- \*Anthony Marsella and Erin Ring, “Human Migration and Immigration: An Overview,” *Migration: Immigration and Emigration in International Perspective* edited by L. Adler and U. Gielen (2003).
- James Hollifield, “The Politics of International Migration: How Can We “Bring the State Back In?” in *Migration Theory: Talking Across Disciplines*, edited by C. Brettell and J. Hollifield (New York: Routledge, 2000).

-James Hollifield, "Migration and the 'New' International Order: The Missing Regime," in *Managing Migration: Time for a New International Regime?* Edited by Bimal Ghosh (Oxford University Press, 2000).

#### **b. International Law and Migrant Rights:**

-United Nations, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003); United Nations, Convention Relating to the Status of Refugees, 1951 with Protocol (1967); United Nations, Convention against Torture, 1984; Various Mentions of Mobility Rights; Various Mentions of the Right of Family Solidarity.

### **2. Mobility Rights: Sovereignty Contested (October 30)**

-\*Joseph Carens, "Aliens and Citizens: The Case for Open Borders," in *The Rights of Minority Cultures* ed. By Will Kymlicka (Oxford University Press, 1995).

-\*David C. Hendrickson, "Migration in law and ethics: A realist perspective," and Commentaries in *Free Movement: Ethical Issues in The Transnational Migration of People and Of Money*, edited by B. Barry and R. Goodin, (The Pennsylvania State University Press, 1992).

-David Held, "Cosmopolitanism: Taming Globalization," in *The Global Transformations Reader* 2nd edition, Edited by David Held and Anthony McGrew (Polity Press, 2003).

-Seyla Benhabib, *The Rights of Others*, Cambridge, Cambridge University Press, 2004, Chapter 1.

-Rainer Baubock, "Legitimate Immigration Control," in *Legitimate and Illegitimate Discrimination: New Issues in Migration*. Edited by Howard Adelman, (York Lanes Press, 1995).

### **3. The Right of Refuge: Accepted in Principle – 'Managed' in Practice (November 6)**

-\*Charles B Keely, "The international refugee regime(s): The end of the Cold War matters," *The International Migration Review* 35 (Spring 2001).

-\*Adrienne Millbank, "The Problem with the 1951 Refugee Convention," Social Policy Group, Parliament of Australia, 5 September 2000.

-Matthew J. Gibney, "Liberal democratic states and responsibilities to refugees," *The American Political Science Review* 93:1 (March 1999): 169-181.

-L. Barnett, "Global Governance the Evolution of the International Refugee Regime," *International Journal of Refugee Law* Vol. 14 no. 2/3 (2002).

-UN, General Assembly, Executive Committee of the High commissioner's Programme, Fifty-third Session, Agenda for Protection: Addendum (a/ac.96/965/add.1, 26 June 2002).

### **4. Migrant Worker Rights: We won't get fooled again! (November 13)**

-\*Fernand de Varennes, *Strangers in Foreign Lands; Diversity, Vulnerability and the Rights of Migrants* (UNESCO, 2003).

-\*Victor Piché, Eugénie Pelletier and Dina Epale, Action Canada for Population and Development, "Identification of the Obstacles to the Ratification of the United Nations International Convention

on the Protection of the Rights of All Migrant Workers and Members of their Families: The Canadian Case,” Report Commissioned by UNESCO, August 2006.

-Martin Ruhs and Ha-Joon Chang, “The Ethics of Labor Immigration Policy,” *International Organization* 58 (Winter 2004) 69–102.

## **5. The Rights of Irregular Migrants and Access to Regularization (Nov. 20)**

-\*Demetrios G. Papademetriou, “The Mexico Factor in US Immigration Reform,” *Migration Policy Institute*

-\*Andreas Feldmann and Helena Olea, “New Formulas, Old Sins: Human Rights Abuses against Migrant Workers, Asylum Seekers, and Refugees in the Americas,” in *From the Margins of Globalization: Critical Perspectives on Human Rights*, Ed. by Neve Gordon, (Lexington Books, 2004).

-United States Conference of Catholic Bishops, Inc. and Conferencia del Episcopado Mexicano, “Strangers No Longer: Together on the Journey of Hope: A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States,” (2003).

-Joanna Apap, Philippe de Bruycker & Catherine Schmitter, “Regularisation of Illegal Aliens in the European Union: Summary Report of a Comparative Study,” *European Journal of Migration and Law* 2 (2000) 263–308.

-Pia M. Orrenius and Madeline Zavodny, *Do Amnesty Programs Encourage Illegal Immigration? Evidence from IRCA* (October 2001)

-Commission of the European Communities, *Communication: Study on the links between legal and illegal migration*, Brussels, 4.6.2004 COM(2004) 412 final

## **6. Family Reunification Rights (November 27)**

-\*Canadian Council for Refugees, Non-citizens in Canada: equally human, equally entitled to rights: Report to the UN Committee on Economic, Social and Cultural Rights on Canada’s compliance with the International Covenant on Economic, Social and Cultural Rights (March 2006).

-\*European Union, Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

-Court of Justice of the European Communities, Family reunification and the Union’s Charter of Fundamental Rights, Judgment of 27 June 2006, Case C-540/03, Parliament v. Council.

## **7. Conclusion and Review (Date to be Determined)**

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## Academic Accommodations

**For students with Disabilities:** Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (9500 University Drive) for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, **no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations**. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 7, 2008**, for December examinations, and **March 6, 2009**, for April examinations.”

**For Religious Observance:** Students requesting accommodation for religious observances should apply in writing to their instructor for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Instructors and students may contact an Equity Services Advisor for assistance ([www.carleton.ca/equity](http://www.carleton.ca/equity)).

**For Pregnancy:** Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a *letter of accommodation*. Then, make an appointment to discuss your needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

**Plagiarism:** The Undergraduate Calendar defines plagiarism as: "to use and pass off as one's own idea or product, work of another without expressly giving credit to another." The Graduate Calendar states that plagiarism has occurred when a student either: (a) directly copies another's work without acknowledgment; or (b) closely paraphrases the equivalent of a short paragraph or more without acknowledgment; or (c) borrows, without acknowledgment, any ideas in a clear and recognizable form in such a way as to present them as the student's own thought, where such ideas, if they were the student's own would contribute to the merit of his or her own work. Instructors who suspect plagiarism are required to submit the paper and supporting documentation to the Departmental Chair who will refer the case to the Dean. It is not permitted to hand in the same assignment to two or more courses. The Department's Style Guide is available at: <http://www.carleton.ca/polisci/undergrad/Essay%20Style%20Guide.html>

**Oral Examination:** At the discretion of the instructor, students may be required to pass a brief oral examination on research papers and essays.

**Submission and Return of Term Work:** Papers must be handed directly to the instructor and will not be date-stamped in the departmental office. Late assignments may be submitted to the drop box in the corridor outside B640 Loeb. Assignments will be retrieved every business day at **4 p.m.**, stamped with that day's date, and then distributed to the instructor. For essays not returned in class please attach a **stamped, self-addressed envelope** if you wish to have your assignment returned by mail. Please note that assignments sent via fax or email will not be accepted. Final exams are intended solely for the purpose of evaluation and will not be returned.

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

**Course Requirements:** Students must fulfill all course requirements in order to achieve a passing grade. Failure to hand in any assignment will result in a grade of F. Failure to write the final exam will result in a grade of ABS. FND (Failure No Deferred) is assigned when a student's performance is so poor during the term that they cannot pass the course even with 100% on the final examination. In such cases, instructors may use this notation on the Final Grade Report to indicate that

a student has already failed the course due to inadequate term work and should not be permitted access to a deferral of the examination. Deferred final exams are available ONLY if the student is in good standing in the course.

**Connect Email Accounts:** The Department of Political Science strongly encourages students to sign up for a campus email account. Important course and University information will be distributed via the Connect email system. See <http://connect.carleton.ca> for instructions on how to set up your account.

**Carleton Political Science Society:** The Carleton Political Science Society (CPSS) has made its mission to provide a social environment for politically inclined students and faculty. Holding social events, debates, and panel discussions, CPSS aims to involve all political science students in the after-hours academic life at Carleton University. Our mandate is to arrange social and academic activities in order to instill a sense of belonging within the Department and the larger University community. Members can benefit through numerous opportunities which will complement both academic and social life at Carleton University. To find out more, please email [carletonpss@gmail.com](mailto:carletonpss@gmail.com), visit our website at [poliscisociety.com](http://poliscisociety.com), or come to our office in Loeb D688.