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Interdisciplinary Perspectives on Human Rights

Emory University

Law 819/Pols 585/GH 526

Introduction

Within this course sustainability centers primarily on the issue of human flourishing. Human rights can, to a great extent, be understood as an undertaking with a teleological goal, the preservation and extension of human agency so that human beings, both individually and collectively, can act to effect their visions of the good life, that is to flourish.

Constraints on human agency can be imposed by individuals and groups acting under color of law—e.g. censorship, arbitrary detention, torture, extra-judicial killing—by the realm of necessity—inadequate food, shelter, and hygiene or resource scarcity—and by environmental challenges whether natural or resulting from human activity—typhoons, tsunamis, war, desertification. Such constraints both in and of themselves (e.g. torture) or as a consequence (malnutrition) have serious human rights implications.

In this course we will be examining human rights through the lens of sustainability, as focused on producing human flourishing. In doing so we will analyze how human rights are designed to provide the conditions for the exercise of human agency as the means to enabling people the opportunity to live their versions of the good life. We also will attend carefully and in detail how constraints on that agency generate human rights violations as well as examining the actions necessary to minimize those constraints.

Interdisciplinary Perspectives on Human Rights

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Law 819/Pols 585/GH 526

Fall 2014, Wednesday 8:00-11:00

Center for Ethics, Room 162.

Professors:

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Introduction

This graduate seminar examines the theory and practice of global human rights from an interdisciplinary perspective through the lens of sustainability. In addition to issues of the history, origins and legitimacy of universal human rights, the seminar will discuss standards, institutions and processes of implementation. The seminar will also examine human rights across a variety of substantive issues areas, including; conflict, development, the environment, globalization, social welfare, religion, race and ethnicity, medicine, public health, and rights of women and other vulnerable groups.

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Evaluation will be based on seminar participation, discussion leadership, an analytical essay, a survey paper and major research paper. Students will also make brief presentations of their final papers.

Goals

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

- Understand the interdisciplinary nature of human rights;
- Appreciate conceptions of human rights across disciplines;
- Evaluate human rights policies and practices across a variety of disciplines;
- Describe some of the ambiguities and contradictions inherent in human rights; and
- Understand human rights methods and approaches

Course Materials

All course materials are either available on the class's Blackboard site, through the link provided on the syllabus, or will be e-mailed to the students directly.

Grading

Grades will be determined in the following manner:

Class Participation/Discussion Leadership	20%
Analytical Essay	20%
Literature Review	20%
Major Paper/Project & Presentation	40%

Class Participation & Discussion Leadership

The class participation grade will be based on attendance and productive participation in discussion. Students are expected to attend each class session and come prepared to discuss the weekly readings and with questions about content. Observance of religious holidays will be considered an excused absence. Two unexcused absences per semester are permitted; additional absences will affect your grade.

In addition, once during the semester each of you will serve as a discussion leader for a specific article assigned by the instructors. It will be your responsibility to lead discussion of the article. It may prove useful to address some of the following questions: What are the contributions of the article? How the article related to the broad themes of the class and/or the other readings assigned? What are the shortcomings or weakness of the article?

Analytical Essay

Students are required to write a short (4-6 pages, double spaced) analytical essay (**due October 8th**) on a topic assigned by the instructors. More details on the topic will follow.

Literature Review

Students will complete an interdisciplinary literature review on the topic of their final paper. The literature review will allow students to appreciate how different disciplines approach the same human rights issues. The literature review should include: a general overview of the particular human rights area or issue, a discussion of how the particular topic is approached in different disciplines (at least three (3)), a specification of the major human rights challenges or

problems, a discussion of some of the ways in which these challenges are addressed in different disciplines, and, as appropriate, solutions proposed by the various disciplines. The literature review should run in the range of 5-8 pages and should cover at least three (3) distinct disciplines. The literature review will be due on **November 5th**.

Major Project

Forty percent of your grade will be determined by your major project. We envision that your project will take one of four primary forms (see special requirement for law students below), although we are flexible and willing to consider alternative projects. You will need to get your project approved by the instructor no later than the fourth class (**September 17**), to allow you maximum time for preparation and consultation with instructors, etc.

First, you can design and (time and data permitting) conduct original research on some facet of human rights. Original research generally involves conducting interviews, administering and analyzing surveys, archival/textual analysis, analysis of secondary data, and/or other types of statistical studies. You will need to develop a research question and a set of testable hypotheses that will be set within the context of the existing scholarly debate. You will then propose a research strategy for collecting and examining empirical evidence to assess the validity of the hypotheses. You will need to complete the research design portion of the project and present a tentative analysis of the project. The final version of the project will look quite similar to an academic article.

Second, you can design an advocacy/investigation project. A project in this area might include some or all of the following steps: articulate a human rights problem and identify the nature and extent of violations, (e.g., a lack of awareness of individuals of their rights, or a set of biased or discriminatory policies), identify goals, develop alternative strategies for addressing the problem, choose the best strategy, and lay out a plan of action for achieving your goals. This project can be undertaken in conjunction with an actual HR organization (for instance in the Atlanta area you could work with an organization like The Carter Center, Amnesty International, the Atlanta Asylum Network, the IRC, or the Southern Center for Human Rights) or you can design the program for a hypothetical NGO or government agency.

Third, you can conduct a descriptive research project in which you examine some aspect of human rights in greater detail. Projects in this area might include: surveying in detail debates about the nature of specific rights across disciplines or within a discipline over time, examining the philosophical origins and emergence of sets of rights in different disciplines, a detailed comparison of the strategies of several different HR organizations in their advocacy campaigns or investigations, or any of a number of other projects.

Fourth, Students may opt for legal analysis of international human rights law and institutions.

With the exception of law students taking this for writing seminar, any of the options listed above may be selected. If you have any concerns about this, or need further clarification, please contact either instructor.

For Law Students:

“Every student taking a seminar is required to research a topic in depth, to submit drafts of the paper to the faculty member for revision and to produce a substantial paper on the topic. A minimum grade of "C" is required in a seminar in order to satisfy the writing requirement. Attendance and participation in the seminar is required.”

“The deadline for all seminar papers is as follows: SUBSTANTIAL DRAFT DUE NO LATER THAN THE LAST DAY OF CLASSES. FINAL PAPER DUE NO LATER THAN TWO WEEKS AFTER THE LAST DAY OF EXAMS FOR NON-GRADUATING STUDENTS. Graduating students should note that final papers are due no later than the last day of classes.”

“CONTENT OF THE PAPER - Every paper must demonstrate the following:

Complete and thorough research of the topic with appropriate and accurate citation to sources used. Research must include reference to (a) primary sources such as case and statutory authority, and (b) secondary materials including but not limited to legislative history materials, law review articles and other works of legal scholarship and non-legal materials where appropriate;

- Thorough analysis of the researched materials consistent with the logical development of an overall premise or theme;
Demonstration of original analysis including identification of unresolved issues and suggestions for their resolution, conclusions based upon the analysis of the sources and suggestions for likely future developments where appropriate;
- Clear, well organized discussion of the topic with due regard to the fundamentals of good expository writing including conformance with grammatical rules, accurate spelling and punctuation and proper sentence and paragraph structure.

MECHANICAL REQUIREMENTS

Papers must be a minimum of 30 pages in length, exclusive of footnotes and bibliography. Papers must be typed double-spaced on 8 1/2" x 11" paper with one-inch margins, and font no larger than 12 points.

Footnotes must conform to the rules of citation found in the Uniform System of Citation. Footnotes must be attached to the end of the paper.

A bibliography of sources must be attached to the paper.”

During the last two weeks of class students will present the results of their major paper for discussion among the class. The presentation does not assume a finished product. In fact, students are encouraged to use the comments on and questions about their presentation as a way to improve their final paper.

The paper and presentation will account for 50% of the overall course grade.

The major paper/project will be due on December 17 with the exception of law seminar students.

Student Conduct:

At all times students shall conduct themselves in a manner consistent with the norms of Emory College, or their appropriate professional or graduate division, and with their applicable professional standards. Students will be expected to follow all formal university policies. Additionally, by submitting individual work for evaluation by the professors, students assert that the work is their own. Neither plagiarism nor dishonesty will be tolerated and will be dealt with according to the standards of the appropriate division of the University. With this publication students are on notice, both actual and constructive, that all policies of the University apply to every component of this seminar, including but not limited to those relating to academic misconduct.

Emory College

<http://www.emory.edu/COLLEGE/students/honor.html>

School of Law

http://www.law.emory.edu/cms/site/fileadmin/current_students/conduct-code.pdf

Graduate School of Arts and Sciences

http://www.emory.edu/GSOAS/current/student_handbook/honor_code/

Candler School of Theology

<http://www.candler.emory.edu/admissions/pdfs/candler-catalog-2011-2012.pdf>

Rollins School of Public Health

http://www.sph.emory.edu/enrollment_conductcode.php

Course Topics, Schedule, and Readings (Subject to change with appropriate notice.)

Class 1 August 27– Introduction to the Course

Topics to be addressed:

1. Introduction to the Course

- Content
- Expectations
- Requirements

2. Introduction to Human Rights.

3. What are the major HR challenges today?
4. How might different disciplines address human rights issues and challenges?

Readings:

“The Universal Declaration of Human Rights”

<http://www1.umn.edu/humanrts/instree/b1udhr.htm>

“Human Rights.” *Stanford Encyclopedia of Philosophy*

<http://plato.stanford.edu/entries/rights-human>

Class 2 September 3—The Philosophy of HR

1. Where do notions of human rights come from?
2. What philosophical traditions does HR draw on?
3. Are human rights universal?

Readings:

Ignatieff, Michael “Human Right as Politics and Idolatry” Princeton, N.J. : Princeton University Press, 2001.

www.tannerlectures.utah.edu/lectures/documents/ignatieff_01.pdf

Amartya Sen, “Human Rights and Asian Values.” Sixteenth Morgenthau Memorial Lecture on Ethics and Foreign Policy. Carnegie Council on Ethics and Foreign Affairs. Viewable at:

www.globalcitizen.net/Data/Pages/1613/Papers/20090304171648705.pdf

George Weigel, “Are Human Rights Still Universal.” On Blackboard site.

Class 3 September 10—Historical Evolution of Human Rights. Treaties and the Law

Topics to be addressed:

1. How have human rights understandings evolved over the last 60 years?
2. Currently what are some of the most pressing and emerging HR issues?

Readings:

Buergenthal, Thomas. The Concept of Human Rights: International human rights in an historical perspective.

ICCPR <http://www1.umn.edu/humanrts/instree/b3ccpr.htm>

ICESCR <http://www1.umn.edu/humanrts/instree/b2esc.htm>

CEDAW <http://www1.umn.edu/humanrts/instree/e1cedaw.htm>

C on Rights of the Child <http://www1.umn.edu/humanrts/instree/k2crc.htm>

CERD <http://www1.umn.edu/humanrts/instree/d1cerd.htm>

Additional Human Rights documents by topic locatable here:
<http://www1.umn.edu/humanrts/instree/ainstlsa2.html>

Class 4 September 17— Implementation I—NGOs, Domestic law, and Politics

Topics to be addressed:

1. Who is responsible for implementing HR?
2. What factors encourage or discourage states from respecting and protecting HR?
3. What roles do domestic actors play in the implementation of human rights?

Readings:

Jeffrey K. Staton and Will H. Moore. 2011. "Judicial Power in Domestic and International Politics." *International Organization*, 65: 553-587

Linda C. Keith, C. Neal Tate and Steven C. Poe. 2009. "Is the Law a Mere Parchment Barrier to Human Rights Abuse?" *Journal of Politics* (April 2009) 71(2):644-660. (read through the literature review and then skim the findings.

Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," in Thomas Risse, Stephen Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), pp. 1-39.

September 17, 5:30-7:00. Visiting Speaker. Christine Bader, Advisor to BSR, and author of *When Girl Meets Oil: The Evolution of a Corporate Idealist*. See www.christinebader.com. Students are strongly encouraged to attend this talk!!!!

Class 5 September 24—Implementation II—Regional Mechanisms, and the U.N.

Topics to be addressed:

1. What role can and should international actors play in HR implementation?
2. What role do regional mechanisms play in the implementation of HR?

Readings:

Philip Alston "Assessing the UN Human Rights Regime" (just read through page 12)

Shirley Williams. 2000. "Human Rights in Europe" In Power and Allison. (eds). *Realizing Human Rights*. St. Martin's Press.

Tuesday Night September 30. Ethics, Human Rights, and the Environment movie series.
Blood Diamonds.

Class 6 October 1—Natural Resources and Human Rights.

Guest Speaker (first half): Joe Rozza, Global Water Resource Sustainability Manager, Coca Cola.

Topics to be addressed:

1. How and under what conditions does the scarcity or abundance of natural resources give rise to situations or regimes that are violative of human rights?
2. How does the control of resources support and fund human rights violation?
3. What are possible responses to such situations?

Readings:

DeMeritt, J. H.R., Young, J. K. (2010) "A Political Economy of Human Rights: Oil, Natural Gas, and State Incentives to Repress." (On Blackboard)

Hsiang, S. M., Burke, M., Miguel, E. (2013) "Quantifying the Influence of Climate Change on Human Conflict." *Science*, 1-21.

<https://www.sciencemag.org/content/341/6151/1235367.full>

"Avoiding the Resource Curse: Advancing Human Rights within the oil and gas sector in Kenya." http://www.business-humanrights.org/media/documents/ihrb_knchr_ohchr_meeting_report_-_6_nov_-_final.pdf

"Keeping Conflict Minerals Out of your Cell Phone."

<http://www.businessweek.com/articles/2012-04-12/keeping-conflict-minerals-out-of-your-cell-phone>

"Conflict-free Tantalum." <http://resourceclips.com/2013/03/24/conflict-free-tantalum/>

"Mission 2016: The Future of Strategic Natural Resources: Human Rights & Developing Countries."

<http://web.mit.edu/12.000/www/m2016/finalwebsite/problems/humanrights.html>

Tuesday Night October 7. Ethics, Human Rights, and the Environment movie series.
Silkwood.

Class 7 October 8—Labor rights, supply chains, and outsourcing.

Guest lecturer—Ed Potter, Director, Global Workplace Rights Coca-Cola Company.

Topics to be addressed:

1. What is the relationship between labor rights and human rights?

2. When and under what conditions do or should corporations bear responsibility for human rights abuses committed by suppliers or contractors?
3. What status do corporations have as parties under current human rights law?
4. What role do and can corporations play in furthering human rights?

Readings:

Locke, Richard, Matthew Amengual and Akshay Mangla. 2009. "Virtue out of Necessity? Compliance, Commitment, and the Improvement of Labor Conditions in Global Supply Chains." *Politics and Society* 37: 319-351.

Review *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* and other materials viewable at: <http://www.business-humanrights.org/SpecialRepPortal/Home/Protect-Respect-Remedy-Framework/GuidingPrinciples>

Tuesday Night, October 14. Ethics, Human Rights, and the Environment movie series.
Srebrenica: A Cry from the Grave.

Class 8 October 15— International Humanitarian Law.

Guest Lecturer, Professor Laurie Blank, Director, International Humanitarian Law Clinic, Emory Law School.

Topics to be addressed:

1. What is International Humanitarian Law/the Law of Armed Conflict?
2. How and to whom is it applied and how is it enforced?
3. What is its relationship to human rights law?

Readings:

International Humanitarian Law <http://www.icrc.org/eng/ihl>

Tuesday Night, October 21. Ethics, Human Rights, and the Environment movie series.
El Norte.

Class 9 October 22— War, the environment, and refugees.

Topics to be addressed:

1. What is a refugee? An asylum seeker?
2. What status do they have under international human rights law?
3. What role do war, natural disasters, and climate change produce in creating refugees?

Readings:

“Convention and Protocol Relating to the Status of Refugees.”

<http://www.unhcr.org/3b66c2aa10.html>

Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. Commentary - Art. 44. Part III : Status and treatment of protected persons #Section II : Aliens in the territory of a party to the conflict--Refugees
<http://www.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?key=refugees&action=openDocument&documentId=ECCFBF83D7C4D815C12563CD0042C1E9>

“Lifeline to ‘Climate Refugees’.” <http://www.irinnews.org/report/97862/lifeline-to-climate-refugees%20>

“Climate Refugees Suffer in Obscurity.”

<http://www.usnews.com/opinion/articles/2013/11/21/after-typhoon-haiyan-international-law-needs-to-acknowledge-climate-refugees>

Tuesday Night, October 28. Ethics, Human Rights, and the Environment movie series. *Contagion*.

Class 10—October 29—Health and Human Rights

Topics to be addressed:

1. How is health understood to be a human right?
2. What is the relationship between public health and human rights? Where do they converge? Conflict?
3. How does medical treatment and research serve or impinge on human rights?
4. What role should the health fields play in the furtherance of human rights?
5. Where have and do they fail in advancing human rights?

Readings:

Office of the High Commissioner for Human Rights. Factsheet 31: The Right to Health.

Committee on Economic, Social & Cultural Rights. “General Comment 14 The Right To The Highest Attainable Standard Of Health.

Asha George, Mickey Chopra, Daniel Seymour, Paolo Marchi. “Making Rights More Relevant for Health Professionals *The Lancet*, Volume 375, Issue 9728, 22 May 2010-28 May 2010, Pages 1764-1765.

Paul Hunt, “Right to the Highest Attainable Standard of Health.” *The Lancet*, Volume 370, Issue 9585, 4 August 2007-10 August 2007, Pages 369-371.

Stephanie Kelly, "Testing Drugs on the Developing World." *Atlantic Monthly*.
<http://www.theatlantic.com/health/archive/2013/02/testing-drugs-on-the-developing-world/273329/>

Amartya Sen, "Why and How is Health a Human Right?" *The Lancet*, Volume 372, Issue 9655, 13 December 2008-19 December 2008, Page 2010.

World Medical Association, "Declaration of Helsinki."
<http://www.wma.net/en/30publications/10policies/b3/>

Tuesday Night, November 4. Ethics, Human Rights, and the Environment movie series.
"Shake Hands with the Devil."

Class 11 November 5—Religious, Ethnic, and Linguistic Minorities

1. What is the relationship between religion and human rights?
2. How is religion viewed in human rights law?
3. What are human rights of ethnic and linguistic minorities?

Readings:

Abdullahi An'Naim. "[The Interdependence of Religion, Secularism, and Human Rights](#)".

Hilary Charlesworth. "The Challenges of Human Rights Law for Religious Traditions"

[Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.](#)

[Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.](#)

[Annual Report of the United States Commission on International Religious Freedom, 2006](#)

Tuesday Night, November 11. Ethics, Human Rights, and the Environment movie series.
Judgment at Nuremberg.

Class 12 November 12-- Enforcement and Adjudication

Topics to be addressed:

1. What mechanisms exist at the domestic, regional, and international levels to enforce or adjudicate HR obligations?

2. Why are states hesitant to create strong enforcement mechanisms?
3. What role should HR considerations play in a state's foreign policy?
4. How do the Ad Hoc and Permanent tribunals function?
5. When should states/the international community intervene with force to stop human rights abuses?

Readings:

Terry Collingsworth. 2002. "The Key Human Rights Challenge: Developing Enforcement Mechanisms" Harvard Human Rights Journal 15: 183-205.

Melissa Nobles. 2010. "The Prosecution of Human Rights Violations" Annual Review of Political Science. 2010. 13:165

Statute of the International Community Court.

<http://untreaty.un.org/cod/icc/statute/romefra.htm>

Focus on Preamble and Parts 1-3.

Read the summary of the report of the International Commission on Intervention and State Sovereignty. 2001. "[The Responsibility to Protect](#)"

Website of the International Criminal Court <http://www.icc-cpi.int/Menus/ICC?lan=en-GB>

Website of the International Criminal Tribunal for Rwanda

<http://liveunictr.altmansolutions.com/>

Website of the International Criminal Tribunal for the former Yugoslavia

<http://www.icty.org/>

Tuesday Night, October 21. Ethics, Human Rights, and the Environment movie series. *The Act of Killing.*

Class 13 November 19—Student presentations

November 26 No class

Class 14 December 3—Student Presentations.