**Political Science 8018**

**International Human Rights Institutions**

Hilary Term 2016 • Thursday 1-3 • Phoenix House 201

Course Instructor: Gavin Morrison 3 College Green, 6th Floor • 6.01 • morrisog@tcd.ie • Office Hours: Wednesday 3-5

**Module Learning Aims:** This module will examine the international human rights institutional structure understood both formally and informally. We will look at the development of some of the foundational treaties and institutional bodies of the international human rights regimeas well as looking at some different issues/topics in human rights policy. The module will begin by examining the foundations of the international human rights regime in the post-war era. We will then examine some of the different formal human rights institutions – the Human Rights Council and the International Criminal Court are central examples. We will then look at some of the different policy areas that human rights impacts – questions of gender, modern slavery, and climate change framed as a human rights issue. The aim of this module is to give you a chance to engage with the cetnral political issues confronting human rights today. What are the central human rights institutions? How do they function? How do they fit into the global political system? What are the central issues confronting advocates of human rights in the modern political world? How should governments institutionalise enforcement of human rights?

**Learning Outcomes:** Upon successful completion of this module, students should be able to:

1. Display an understanding of the institutional foundations of the international human rights regime.
2. Analyse international human rights institutions (broadly understood) and how they interact with other agents in the global political order.
3. Show an understanding of how human rights institutions and norms impact political practice in various different policy areas.
4. Make and criticize arguments regarding how human rights fit into the international/global political and institutional order.

**Assessment:** Students are expected to attend seminar each week and to participate in informed discussions of the readings. Participation will count for 20% of the grade. Students are expected to submit short (approximately 250 words) papers in weeks 2-5 on the readings for the week. These papers should be submitted through Turnitin. Each paper should make one (and only) one point about the readings. The point you make is up to you; you can attack one of the readings, defend it, relate two readings together, draw policy implications from the readings etc. Papers are due at 5 PM the day before the class in which the readings will be discussed. Each short paper counts for 5% of the grade. Each student will also write a short seminar paper (10-15 pages) that critically engages with the argument made in one or more of the readings. A student may, with the instructor’s permission, select an original topic for the paper. The seminar paper will count for 60% of the course grade. All papers must be submitted through Turnitin.

Participation: 20%

Response Papers: 20%

Seminar Paper: 60%

**Participation:** Participation in seminars constitutes an important portion of your grade. There is a significant amount of reading to be done, and the expectation is that all students will come to class having done the assigned readings. Seminar participation requires contributing to class discussion, including listening to others, and demonstrating a sound knowledge of readings through constructive in-class commentary and/or questions. Required readings are indicated although other readings are included for additional consultation.

**General Reading List:**

This is a list of generally useful books to consult. I will assign chapters from some of them.

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edition, Cornell University Press, 2013.

Thomas G. Weiss, *Humanitarian Intervention: War and Conflict in the Modern World*, Polity Press, 2007.

Oona A. Hathaway and Harold Hongju Koh eds., *Foundations of International Law and Politics*, Foundation Press, 2005.

**Topics:**

Week 1: Introduction and the International Human Rights Regime

*Required:*

The Universal Declaration of Human Rights, available at <http://www.un.org/en/universal-declaration-human-rights/>

International Covenant on Civil and Political Rights, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

International Covenant on Economic, Social and Cultural Rights, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edition, Cornell University Press, 2013, Part II, Chapter 5 – A Brief History of Human Rights.

Scannella, P. and Splinter, P., ‘The United Nations Human Rights Council: A Promise to be Fulfilled’ in *Human Rights Law Review*, vol. 7, no. 1 (2007).

Suzanne Egan, “Strengthening the United Nations Human Rights Treaty Body System,” *Human Rights Law Review*, Volume 13, Number 2 (2013).

*Recommended:*

Boyle, K. ‘Marking Another Birthday: Ten Years of the United Nations High

Commissioner for Human Rights’, *Netherlands Quarterly of Human Rights*, vol. 22,

(2004).

Annan, Kofi, In Larger Freedom: Decision Time at the UN. May/June 2005. <https://www.foreignaffairs.com/articles/2005-05-01/larger-freedom-decision-time-un>

Week 2: The International Criminal Court

*Required:* The Rome Statute of the International Criminal Court, available at <https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf>

Birdsall, Andrea 'The Responsibility to Prosecute and the ICC: A Problematic Relationship?' in *Criminal Law Forum*, vol. 26, No. 1, 2015.

Birdsall, Andrea 'The "Monster That We Need to Slay?" Global Governance, the United States, and the International Criminal Court' in *Global Governance*, vol. 16, No. 4, 2010.

*Recommended:*

Manfred Nowak, ‘The Need for a World Court of Human Rights’ in 7 *Human Rights Law Review*, (2007).

Akande, D., “The Jurisdiction of the International Criminal Court over Nationals of Non-Parties: Legal Basis and Limits”, in *Journal of International Criminal Justice* vol. 1, (2003).

Week 3: Human Rights and Gender

*Required:*

Chiara Cosentino, “Safe and Legal Abortion: An Emerging Human Right? The Long-lasting Dispute with State Sovereignty in ECHR Jurisprudence,” in 15 *Human Rights Law Review* (2015).

Charlotte Bunch, ‘Women’s Rights as Human Rights: Towards a Re-Vision of Human Rights’ in *Human Rights Quarterly*, Vol. 486, (1990).

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edition, Cornell University Press, 2013, Chapter 16 ‘ Nondiscrimination for All: The Case of Sexual Minorities’.

*Recommended:*

Jayne Huckerby, “The Complexities of Women, Peace, Security and Countering Violent Extremism,” Just Security (2015) [https://www.justsecurity.org/26337/womens-rights-simple-tool-counterterrorism/#https://www.justsecurity.org/25983/counter-terrorism-committee-addressing-role-women-countering-terrorism-violent-extremism/%20](https://www.justsecurity.org/26337/womens-rights-simple-tool-counterterrorism/" \l "https://www.justsecurity.org/25983/counter-terrorism-committee-addressing-role-women-countering-terrorism-violent-extremism/%20)

Read executive summary of: Radhika Coomaraswamy/UN Women, “Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325,” (2015) <http://wps.unwomen.org/~/media/files/un%20women/wps/highlights/unw-global-study-1325-2015.pdf>

UN Security Council Resolution 1325, S/RES/1325(2000) adopted 31 October 2000.

Week 4: Human Rights and Slavery

*Required:*

You should explore the data available here Global Slavery Index 2015, <http://www.globalslaveryindex.org/>

UK Modern Slavery Act 2015, <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

You should explore the different journalistic articles here – <https://www.theguardian.com/global-development/series/modern-day-slavery-in-focus>

Kevin Bales, *Disposable People: New Slavery in the Global Economy*, University of California Press, 2012, Chapter 1 ‘The New Slavery’.

*Recommended:*

Monti Narayan Datta and Kevin Bales, ‘Slavery in Europe: Part 1, Estimating

the Dark Figure’ in *Human Rights Quarterly*, Vol. 35, No. 4 (Nov.: 2013).

Kevin Bales, *Disposable People: New Slavery in the Global Economy*, University of California Press, 2012, (the rest of the book).

Kwame Anthony Appiah and Martin Bunzl eds., *Buying Freedom: The Ethics and Economics of Slave Redemption*, Princeton University Press, 2007.

Kevin Bales and Zoe Trodd eds., *To Plead Our Own Cause: Personal Stories by Today’s Slaves*, Cornell University Press, 2008.

Week 5: Human Rights and the Use of Force – Humanitarian Intervention

*Required:*

Michael Walzer, *Just and Unjust Wars : A Moral Argument with Historical Illustrations*, Fourth Edition, Basic Books, 2006, Chapter 6, pp. 101-108.

Thomas G. Weiss, *Humanitarian Intervention: War and Conflict in the Modern World*, Polity Press, 2007, Chapter 1 ‘Conceptual Building Blocks’ and Chapter 4 ‘New Thinking: The Responsibility to Protect’.

*Recommended:*

John Yoo, ‘International Law and the War in Iraq’ in Oona A. Hathaway and Harold Hongju Koh eds., *Foundations of International Law and Politics*, Foundation Press, 2005.

Thomas G. Weiss, *Humanitarian Intervention: War and Conflict in the Modern World*, Polity Press, 2007, the rest of the book.

Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edition, Cornell University Press, 2013, Chapter 15 ‘Humanitarian Intervention against Genocide’.