Human Rights in Theory and Practice

MPhil. International Peace Studies

Irish School of Ecumenics, Trinity College Dublin

Lectures will take place at ISE, on Fridays 2.00-4.00 pm

Module Coordinator: Dr Dong Jin Kim
Email: kimdj@tcd.ie
Office hours: Friday, 12.30 -14.00

Introduction

This module provides a critical introduction to the fundamental ideas, principles and practices which underpin the protection and promotion of Human Rights at the international and national level. The module will also engage key issues and subject matters such as The Concepts of Human Rights and the Universal Declaration Model; Human Rights between Universality and Cultural Relativism; Human Rights and Peacebuilding; Human Rights in Political Transition; Cases of War Crimes, Crimes against Humanity and Genocide; Human Rights and Development; Gendered Perspectives of Human Rights; Refugees and Displaced People; Transitional Justice and Human Rights; The Role of NGOs in Human Rights Advocacy; and The Politics of Human Rights.

The overall aim of this module is to develop a comprehensive knowledge of the cultural origins and legal developments of the concept of Human Rights and its impact on political processes and behaviour both within nation-states and in international politics. At the end of the course students should be able to:

- critically evaluate theoretical and normative debates on Human Rights from a multi- and inter-disciplinary perspective, including philosophy, religious studies, international relations, and international peace studies.
- understand the role of norms/values in influencing political practice at local, regional, state and international levels and the major factors which constrain or facilitate the effective protection and entrenchment of Human Rights.
- grasp the main difficulties and dilemmas involved at all political levels in trying to establish, institutionalise, enact and enforce Human Rights.

Teaching Methods

The module is based on an interactive teaching approach. Each session is divided into a lecture and a group discussion. Some readings will be available on Blackboard, whilst others you will need to retrieve from the library. Students are expected to engage actively during the lecture and in group discussions. Each group will be asked to present the outcome of their discussion.
Assessment:

This module will be assessed by a final essay of approximately 4,000 words in length (format A4, main text 12pt double-spaced, footnotes 10pt single spaced).

The objective of the essay will be to explore an area of human rights of your interest. The essay must demonstrate significant research and should aim to critically evaluate literature available on a chosen subject. The essay questions are available at the end of this outline. Please bear mind that essays submitted with different questions or titles will not be accepted.

All assignments must be submitted via turnitin, a programme designed to detect plagiarism, used by Trinity. The ‘TurnItIn Student Quickstart guide’ (3 pages) is available through the CAPSL (Centre for Academic Teaching and Learning) page on the TCD website https://www.tcd.ie/CAPSL/students/integrity-plagarism/, or via CAPSL on trinity home page - under ‘services’. You will first need to register and create a user profile (see CAPSL guide above).

The class ID for this module is: 14454654
The enrolment password for this module is: humanrights

When you have registered for TurnItIn, you will be able to submit your essays electronically by following Step 2 to Step 6 of the Quickstart guide. You will also need to submit a hard copy of the essay to Mary Priestman, Executive Officer, International Peace Studies, by the essay deadline: April 19 2017, by 5pm.

Suggested Readings

Lectures outline

Week 1 (Jan. 20) The Concepts of Human Rights and the Universal Declaration Model
Dr Dong Jin Kim

§ Readings:
Johannes Morsink, The Universal Declaration of Human Rights, Origins, Drafting and Intent, University of Pennsylvania Press, 1999, Chapter I and IX.
P. Stirk and D. Weigall, An Introduction to Political Ideas, Pinter, 1995, Chapter 4: ‘The Origin and Nature of Rights’.
G. Robertson, Crimes Against Humanity, Chapter 1.

Week 2 (Jan. 27) Human Rights between Universality and Cultural Relativism
Dr Dong Jin Kim

One of the most important contemporary debates on human rights is around the claim that human rights are universal, possessed by all by virtue of being human. This claim is contested from a number of theoretical perspectives and also in practice. What are the sources of challenges to the idea that human rights are universal? Can it be argued that human rights are the best safeguard for a plurality of cultures?

§ Essential Readings:

§ Further Readings:
B. Parekh, ‘Non-ethnocentric universalism’, in Dunne and Wheeler (eds), Human Rights in Global Politics, 128-159.


Week 3 (Feb. 3) Human Rights and Peacebuilding
Dr Dong Jin Kim

How should the international community deal with mass violations of human rights in countries affected by protracted conflicts? Can justice and peace be pursued in tandem? This lecture examines the theoretical and practical debates around the interrelationships between human rights and peacebuilding.

§ Essential Readings:

§ Further Readings:
Week 4 (Feb. 10) Human Rights in Political Transition
Dr Jude Lal Fernando

Ethical, legal and political issues surrounding transitional politics will be identified as an introduction to the lecture. Among these issues applicability or non-applicability of international humanitarian law in transitional politics will be examined. A critical appraisal of the political context of promulgation of international humanitarian law and its adaptations and applications will be undertaken. The students will be introduced to key scholarly insights concerning the UN Convention on Punishment and Prevention of Genocide, and Rome Statutes.

§ Essential Reading:

§ Further Reading:
Carla Hesse and Robert Post (ed.): *Human Rights in Political Transition: Gettysburg to Bosnia*, Zone Books, 1999

Week 5 (Feb. 17) Cases of War Crimes, Crimes against Humanity and Genocide
Dr Jude Lal Fernando

Four specific cases of mass atrocities will be discussed: Bosnia, Guatemala, Rwanda and Sri Lanka. The responses of international HRs mechanisms to these contexts will be evaluated. The political dynamics of the application of international humanitarian law to these contexts will be critically examined. In concluding remarks the role of the global civil society in protecting human rights in transitional politics will be discussed.

§ Essential Reading:
Arturo Arias, “Revisiting the Guatemalan Genocide”

§ Reading:
Week 6 (Feb. 24) Human Rights and Development
Dr Dong Jin Kim

This lecture will discuss whether a rights-based approach to development can be effectively used as a tool to promote radical social transformation under conditions of intensified globalisation.

§ Essential Readings:

§ Further Readings:

Week 7: Reading Week (No lectures or seminars)
Week 8 (March 10) Gendered Perspectives of Human Rights
Dr. Roja Fazaeli

This class is at the intersection between human rights and gender studies. It will connect feminist perspectives on women’s rights and international politics. It provides participants with an understanding of how a gender lens is critical to all elements of security, conflict and peace-building, by looking at the normative framework around women’s rights.

Please note that the course outline is subject to possible adjustments/changes
§ Essential Reading

§ Further Readings
http://www.arts.yorku.ca/politics/ncanefe/courses/pols4255/pdf/Week%208%20Hudson.pdf
http://www.genderandsecurity.umb.edu/Tickner.pdf

Week 9 (Monday March 20, 11:00-13:00)
Refugees and Displaced People: Does Statelessness Entail Rightlessness?
Dr. Carlo Aldrovandi

This lesson will start by considering the main legal frameworks in international law defining the status of refugee and asylum seeker. It will then enquire into the experience of being stateless in the world today, providing an overall understanding of the main HRs issues associated to the legal, political and cultural categories of displaced, refugees and asylum seeking populations. It will do so by drawing upon the insights of cultural anthropology, sociology and political philosophy and theory.

§ Essential Reading:
Michel Agier, “Humanity as an Identity and Its Political Effects”, An International Journal of Human Rights, Humanitarianism, and Development, Volume 1, Number 1, Fall 2010, pp. 29-45

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§ Further Reading:

**Week 10 (March 24) Transitional Justice and Human Rights**

**Dr. Brendan Brown**

This class sees us turn a critical eye towards issues relating to how best to realise Human Rights during times of transition away from serious conflict. Key issues such as the need to counter impunity, recognise and meet victims’ needs and to ensure mass human rights violations are not repeated in the future will be introduced and theorised. The class will seek to highlight some of the difficulties when attempting to define subjective notions such as justice and reconciliation. Students will be introduced to some of the key thinkers and scholars in the field.

§ Essential Reading:

§ Further Readings

**Week 11 (March 31) The Role of NGOs in Human Rights Advocacy**

**Mary Lawlor, Founder, Front Line Defenders**

**Adjunct Professor, School of Business, Trinity College Dublin**

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Week 12 (April 7) The Politics of Human Rights: Overcoming the Binary of West vs. Rest
Prof. Neville Cox

There is a tension between Islamic Law and International human rights law in that many supporters of the latter hold that human rights are universal in nature such that where Islamic law and International human rights law conflict, the former must, empirically be wrong. However, the normative underpinnings of the Islamic universalism enables Western observers better to understand aspects of Islamic law which clash with Western views of human rights.

§ Essential Reading:

§ Further Readings
**Essay Questions**

1) Which is the greatest threat to human rights today? Does your answer depend on where you live or on which human rights you are considering?

2) To what extent does the concept of human rights create cultural clashes, expose them and mediate them?

3) Will the promotion and enforcement of human rights always result in a more peaceful world order?

4) Do the processes of development assistance undermine or facilitate human rights values, norms and practices?

5) Describe the condition of being stateless in the world today and discuss which kind of human rights concepts and humanitarian actions need to be deployed in order to tackle the problem of human displacement.

6) Define the approaches and mechanisms of transitional justice and discuss the main benefits, challenges and limitations in using them as tools to rebuild societies in the aftermath of human rights violations.

7) If you were a human rights activist with only two alternative goals, would you campaign giving priority to political human rights or to social/economic human rights? And what arguments would you use to make a case for one goal over the other?