

POLITICAL SCIENCE 446
THE INTERNATIONAL LAW AND POLITICS OF HUMAN RIGHTS
Winter 2024

Prof. Fernando G. Nuñez-Mietz

Office: Leacock Building 536

Lectures: Mcdonald Engineering Building 280
Wednesdays and Fridays 4:05 - 5:25
** Lectures will end at 4:55 after January 22, when conferences start*

Office Hours: Tuesdays 3:00 - 4:00, or by appointment (*Zoom*)
** No office hours on March 5, April 16 and 23*

Email: fernando.nunez-mietz@mcgill.ca

Teaching Assistant: Maya Hunter - maya.hunter@mail.mcgill.ca

Course description

The main purpose of this course is to provide students with a theoretically and empirically rich understanding of the relationship between state behaviour and individual rights recognized by international law. The course is divided into three parts. The first part introduces and critiques the concept of human rights and explores the institutional framework of human rights law. The second part surveys the current international human rights regime's most important entitlements for individuals and groups. The third part focuses on the politics of human rights, highlighting the challenges to their effective protection and fulfillment.

Prerequisites

Any 200-level Political Science course in the field of International Relations, or permission of the instructor.

Readings

All required readings in the syllabus are accessible online through the McGill Libraries, and hyperlinked in this syllabus. Material listed as "further reading" is optional and its accessibility may vary from text to text. The reading load averages 80 pages per week.

Lectures in this course will be significantly interactive, and therefore it is crucial for students to come to class having completed the required readings assigned.

Assignments and grading

Attendance and participation in discussions (15%)

This grade is based on attendance at the ten conference sessions (5%) as well as the quantity and quality of the contributions made by the student to the group discussions therein (10%).

Quizzes (MyCourses) (35%)

The two quizzes are individual, closed-book, written tests to be completed in class. Quiz 1 (15%) will cover the material studied in Part I of the course, and will take place on January 31. Quiz 2 (20%) will cover the material studied in Parts I and II of the course, and will take place on March 20. The quizzes will consist of multiple-choice, multi-select and short-answer questions.

Final examination (50%)

The final exam is a formal, three-hour written test to be written in person during the exam period. It is a closed-book exam, and will cover all the material from lectures, conferences and required readings.

The student must pass the final exam (i.e. obtain a grade of 50% or higher) in order to pass the course.

In the event of extraordinary circumstances beyond the University's control, the content and/or evaluation scheme in this course may be subject to change.

Academic integrity and students' rights

McGill University values academic integrity. Therefore, all students must understand the meaning and consequences of cheating, plagiarism and other academic offenses under the Code of Student Conduct and Disciplinary Procedures (see *McGill's guide to academic honesty* for more information). Note that to support academic integrity, your assignments may be submitted to text-matching or other appropriate software (e.g., formula-, equation-, and graph-matching).

- In accord with McGill University's Charter of Students' Rights, students in this course have the right to submit in English or in French any written work that is to be graded.
- If you have a disability please contact the instructor to arrange a time to discuss the situation. It would be helpful if you contact the Office for Students with Disabilities (398-6009) before you do this.
- If you are experiencing any problem, inside or outside the classroom, that is affecting your performance in this course, do not hesitate to approach the instructor.
- For more information on students' resources, see <https://www.mcgillpssa.ca>.

COURSE SCHEDULE

Part 1 – Human Rights: Concept, History, Law and Institutions

Friday January 5 [recorded]	<p><u>The idea and history of human rights</u></p> <p>Donnelly, Jack (2013, 3rd edition). <i>Universal Human Rights in Theory and Practice</i>. Cornell University Press. Chapters 1 & 5.</p> <p><i>Universal Declaration of Human Rights</i></p> <p><i>Further reading:</i></p> <p>Smith, Rhona (2018). <i>International Human Rights Law</i>. Oxford University Press, Chapters 2-4.</p> <p>Pissillo Mazzeschi, Riccardo (2021). <i>International Human Rights Law: Theory and Practice</i>. Springer. Chapter 1.</p> <p>Verdirame, Guglielmo (2013). “Human rights in political and legal theory.” In Scott Sheeran and Sir Nigel Rodley (eds.), <i>Routledge Handbook of International Human Rights Law</i>, Routledge, Chapter 3.</p> <p>Osiatynski, Wiktor (2013). “The historical development of human rights.” In Scott Sheeran and Sir Nigel Rodley (eds.), <i>Routledge Handbook of International Human Rights Law</i>, Routledge, Chapter 2.</p> <p>Bantekas, Ilias and Lutz Oette (2013). <i>International Human Rights Law and Practice</i>. Cambridge University Press. Chapters 1 & 3.</p> <p>Forsythe, David (2012). <i>Human Rights in International Relations</i>. Cambridge, Chapters 1-2.</p> <p>Hafner-Burton, Emilie (2013). <i>Making Human Rights a Reality</i>. Princeton University Press, Chapter 1.</p> <p>Sikkink, Kathryn (2017). <i>Evidence for Hope: Making Human Rights Work in the 21st Century</i>. Princeton University Press, Chapters 1-4.</p> <p>Nash, Kate (2015). <i>The Political Sociology of Human Rights</i>. Cambridge University Press, Chapters 1-4.</p> <p>Moyn, Samuel (2012). <i>The Last Utopia: Human Rights in History</i>. Harvard University Press.</p> <p>Mutua, Makau Wa (2000). “Politics and Human Rights: An Essential Symbiosis.” In Michael Byers (ed.), <i>The Role of Law in International Politics</i>, Oxford University Press, pp. 149-175.</p> <p>Bob, Clifford (2019). <i>Rights as Weapons: Instruments of Conflict, Tools of Power</i>. Princeton University Press, Chapter 1.</p>
Wednesday January 10 4:05 - 5:25	<p><u>Universalism and cultural relativism in human rights</u></p> <p>Preis, Ann-Belinda (1996), “Human Rights as Cultural Practice: An Anthropological Critique,” <i>Human Rights Quarterly</i> 18:2, pp. 286-315.</p>

Brilmayer, Lea and Tian Huang (2014). "The Illogic of Cultural Relativism in Global Human Rights Debate." *The Global Community Yearbook of International Law & Jurisprudence*, Volume 1, pp. 17-34.

Donnelly, Jack (2013, 3rd edition). *Universal Human Rights in Theory and Practice*. Cornell University Press. Chapters 6 & 7.

Further reading:

Renteln, Alison (1985). "The Unanswered Challenge of Relativism and the Consequences for Human Rights." *Human Rights Quarterly* 7, pp. 514-540.

Howard, Rhoda (1993). "Cultural Absolutism and the Nostalgia for Community." *Human Rights Quarterly* 15, pp. 315-338.

Freeman, Michael (2013). "Universalism of human rights and cultural relativism." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 4.

Booth, Ken (1999). "Three tyrannies." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler (eds.), *Human rights in global politics*, Cambridge University Press, pp. 31-70.

Donnelly, Jack (1999). "The Social Construction of International Human Rights." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 71-102.

Brown, Chris (1999). "Universal human rights: a critique." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 103-127.

Parekh, Bhikhu (1999). "Non-ethnocentric universalism." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 128-159.

Midgley, Mary (1999). "Towards an Ethic of Global Responsibility." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 160-174.

Goldsmith, Jack (2000). "Should International Human Rights Law Trump U.S. Domestic Law?" *Chicago Journal of International Law* 1:2, pp. 327-339.

Lukes, Steven (2008). *Moral Relativism*. Picador.

Friday
January 12
4:05 - 5:25

Human rights as international law

Smith, Rhona (2020, 4th edition). *Texts and Materials on International Human Rights*. Routledge. Chapter 1.

Ramcharan, Bertrand (2013). "The Law-Making Process: From Declaration to Treaty to Custom to Prevention." In Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law*, Oxford University Press, pp. 499-526.

Vienna Convention on the Law of Treaties - Parts I, II & III (Sections 1 and 2)

Further reading:

-
- Simmons, Beth (2009). *Mobilizing for Human Rights: International Law in Domestic Politics*, Cambridge University Press, Chapter 2.
- Byers, Michael (2008). "International Law," In C. Reus-Smit and D. Snidal (eds.), *The Oxford Handbook of International Relations*, Oxford University Press, pp. 613-632.
- Simmons, Beth (2012). "International Law." In W. Carlsnaes, T. Risse, and B. Simmons (eds.), *Handbook of International Relations*, SAGE, pp. 352-78.
- Bantekas, Ilias and Lutz Oette (2013). *International Human Rights Law and Practice*. Cambridge University Press. Chapter 2.
- Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapters 2-6.
- Abbott, Kenneth W., Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter, and Duncan Snidal (2000). "The Concept of Legalization." *International Organization* 54:3, pp. 401-19.
- Smith, Rhona (2020). *Texts and Materials on International Human Rights*. Routledge. Chapter 3.
- Sheeran, Scott (2013). "The relationship of international human rights law and general international law: hermeneutic constraint, or pushing the boundaries?" In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 6.
- Mutua, Makau (2016). *Human Rights Standards: Hegemony, Law, and Politics*. State University of New York Press.
- Hafner-Burton, Emilie (2013). *Making Human Rights a Reality*. Princeton University Press, Chapters 4-7.
- Moyn, Samuel (2012). *The Last Utopia: Human Rights in History*. Harvard University Press, Chapter 5.
- Çali, Başak, and Saladin Meckled-García (2006). "Introduction: Human rights legalized – defining, interpreting, and implementing an ideal." In S. Meckled-García and B. Çali (eds.), *The legalization of human rights: Multidisciplinary perspectives on human rights and human rights law*, Routledge, pp. 1-4.
- Meckled-García, Saladin, and Başak Çali (2006). "Lost in Translation: The Human Rights Ideal and International Human Rights Law." In S. Meckled-García, and B. Çali (eds.), *The Legalization of Human Rights: Multidisciplinary Perspectives on Human Rights and Human Rights Law*, Routledge, pp. 10-29.
- Gardbaum, Stephen (2009). "Human Rights and International Constitutionalism." In J. Dunoff and J. Trachtman (eds.), *Ruling the World?*, Cambridge University Press, pp. 233-257.
-

Wednesday
January 17
4:05 - 5:25

International human rights regimes: The United Nations

- Kozma, Julia (2014). "The United Nations human rights system: the genesis and role of the Human Rights Council and the High Commissioner for Human Rights." In Anja Mihr and Mark Gibney (eds.), *The Sage Handbook of Human Rights*, SAGE, Chapter 31.
- Rodley, Nigel (2013). "The Role and Impact of Treaty Bodies." In Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law*, Oxford University Press, pp. 621-648.
-

International Covenant on Civil and Political Rights and Optional Protocols adopted in 1976 and 1989

International Covenant on Economic, Social and Cultural Rights

Further reading:

- Smith, Rhona (2020). *Texts and Materials on International Human Rights*. Routledge. Chapters 4, 6 & 7.
- Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapters 5 and 10.
- Smith, Rhona (2016). "The United Nations Human Rights System." In Mashood Baderin and Manisuli Ssenyonjo (eds.), *International Human Rights Law: Six Decades after the UDHR and Beyond*, Routledge. Chapter 11.
- Bantekas, Ilias and Lutz Oette (2013). *International Human Rights Law and Practice*. Cambridge University Press. Chapters 4 & 5.
- Miloon Kothari (2013). "From Commission to the Council: Evolution of UN Charter Bodies." In Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law*, Oxford University Press, pp. 587-620.
- Forsythe, David (2012). *Human Rights in International Relations*. Cambridge, Chapter 3.

Friday
January 19
4:05 - 5:25

International human rights regimes: The Americas

Contreras-Garduño, Diana (2014). "The Inter-American System of Human Rights." In Anja Mihr and Mark Gibney (eds.), *The Sage Handbook of Human Rights*, SAGE, Chapter 33.

American Convention on Human Rights and Protocols adopted in 1988 and 1990

Further reading:

- Smith, Rhona (2012, 5th edition). *Textbook on International Human Rights*. Oxford University Press. Chapter 6 (pp. 83-90).
- Sandoval, Clara (2013). "The Inter-American System of Human Rights and approach." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 24.
- Pasqualucci, Jo M. (2016). "The Inter-American Regional Human Rights System." In Mashood Baderin and Manisuli Ssenyonjo (eds.), *International Human Rights Law: Six Decades after the UDHR and Beyond*, Routledge. Chapter 13.
- Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapters 6 and 8.
- Forsythe, David (2012). *Human Rights in International Relations*. Cambridge, Chapter 5.

Jan. 22-26

Conference #1: Universalism vs. cultural relativism in human rights

Halliday, Fred. (1995). "Relativism and Universalism in Human Rights: The Case of the Islamic Middle East." *Political Studies*, Vol. 43, pp. 152-167.

Wednesday
January 24
4:05 - 4:55

International human rights regimes: Europe

Leach, Philip (2013). "The European system and approach." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 23.

European Convention on Human Rights and Protocols

Further reading:

Smith, Rhona (2012, 5th edition). *Textbook on International Human Rights*. Oxford University Press. Chapter 7 (pp. 92-113).

Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapter 7.

Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapter 11.

Mowbray, Alastair (2016). "The European Convention on Human Rights." In Mashood Baderin and Manisuli Ssenyonjo (eds.), *International Human Rights Law: Six Decades after the UDHR and Beyond*, Routledge. Chapter 14.

Friday
January 26
4:05 - 4:55

International human rights regimes: Africa

National human rights institutions

Yeshanew, Sisay Alemahu (2014). "The African Regional Human Rights System." In Anja Mihr and Mark Gibney (eds.), *The Sage Handbook of Human Rights*, SAGE, Chapter 32.

Murray, Rachel (2016). "The Role of National Human Rights Institutions." In Mashood Baderin and Manisuli Ssenyonjo (eds.), *International Human Rights Law: Six Decades after the UDHR and Beyond*, Routledge. Chapter 16.

African Charter on Human and Peoples' Rights and Protocol

Further reading:

Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapter 9.

Amao, Olufemi (2016). "The African Regional Human Rights System." In Mashood Baderin and Manisuli Ssenyonjo (eds.), *International Human Rights Law: Six Decades after the UDHR and Beyond*, Routledge. Chapter 12.

Viljoen, Frans (2013). "The impact and influence of the African regional human rights system on domestic law." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 25.

Hafner-Burton, Emilie (2013). *Making Human Rights a Reality*. Princeton University Press, Chapter 10.

Jan. 29 –
Feb. 2

Conference #2: State commitment to international adjudication

Adjolohoun, Sègnonna Horace (2020). "A crisis of design and judicial practice? Curbing state disengagement from the African Court on

Human and Peoples' Rights." *African Human Rights Law Journal* 20:1, pp. 1-40.

Wednesday
January 31
4:05 - 4:55

Quiz 1

Part 2 – Substantive rights

Friday
February 2
4:05 - 4:55

Equality and non-discrimination

Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapters 8 and 13.

Clifford, Jarlath (2013). "Equality." In Dinah Shelton (ed.), *The Oxford Handbook of International Human Rights Law*, Oxford University Press, pp. 420-445.

International Convention on the Elimination of All Forms of Racial Discrimination

Further reading:

Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapters 7 & 8.

Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapter 18.

Smith, Rhona (2020, 4th edition). *Texts and Materials on International Human Rights*. Routledge. Chapter 2 (pp. 53-63).

Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapters 11-12.

Smith, Rhona (2012, 5th edition). *Textbook on International Human Rights*. Oxford University Press. Chapters 11 & 12 (pp. 171-204).

Ibhawoh, Bonny (2014). "Inclusion Versus Exclusion." In Anja Mihr and Mark Gibney (eds.), *The Sage Handbook of Human Rights*, SAGE, Chapter 19.

Feb. 5-9

Conference #3: Equality and non-discrimination

Case of *Zentralrat Deutscher Sinti und Roma et al. v. Germany* 38/2006 (CERD 2008)

Case of *Fretté v. France* 36515/97 (ECtHR 2002)

Case of *E.B. v. France* 43546/02 (ECtHR 2008)

Wednesday
February 7
4:05 - 4:55

Integrity of the person

Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapter 14.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Protocol

Further reading:

- Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 9.
- Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapters 13-14.
- Smith, Rhona (2012, 5th edition). *Textbook on International Human Rights*. Oxford University Press. Chapters 13 & 14 (pp. 205-232).
- Simmons, Beth (2009). *Mobilizing for Human Rights: International Law in Domestic Politics*, Cambridge University Press, Chapters 5 and 7.
-

Friday
February 9
4:05 - 4:55

Liberty and fair trial

Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapters 16 and 17.

Further reading:

- Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 13.
- Smith, Rhona (2020). *Texts and Materials on International Human Rights*. Routledge. Chapter 12.
- Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapters 15-16.
- Smith, Rhona (2012, 5th edition). *Textbook on International Human Rights*. Oxford University Press. Chapters 15 & 16 (pp. 233-267).
- Simmons, Beth (2009). *Mobilizing for Human Rights: International Law in Domestic Politics*, Cambridge University Press, Chapter 5.
-

Feb. 12-16

Conference #4: The death penalty and the “death row phenomenon”

Hight, Keith, George Kahale, and Barry Phillips (1994). “Pratt & Morgan V. Attorney General for Jamaica.” *The American Journal of International Law* 88:4, pp. 775–83.

Helfer, Laurence (2002). “Overlegalizing Human Rights: International Relations Theory and the Commonwealth Caribbean Backlash against Human Rights Regimes.” *Columbia Law Review* 102, pp. 1832-1911.

Wednesday
February 14
4:05 - 4:55

Thought, expression, association and assembly

Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapter 21 (pp. 405-414) and Chapter 22.

Further reading:

-
- Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 11.
- Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapter 18.
- Smith, Rhona (2012, 5th edition). *Textbook on International Human Rights*. Oxford University Press. Chapter 18 (pp. 283-294).
- Simmons, Beth (2009). *Mobilizing for Human Rights: International Law in Domestic Politics*, Cambridge University Press, Chapter 5.
-

Friday
February 16
4:05 - 4:55

ESC rights and children's rights

Bantekas, Ilias, and Lutz Oette (2013). *International Human Rights Law and Practice*. Cambridge University Press. Chapter 9 (pp. 366-408).

Smith, Rhona (2020, 4th edition). *Texts and Materials on International Human Rights*. Routledge. Chapter 9.

Convention on the Rights of the Child and Protocols on sexual exploitation and child soldiers

Further reading:

- Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 17.
- Smith, Rhona (2012, 5th edition). *Textbook on International Human Rights*. Oxford University Press. Chapters 19 (pp. 295-308) and 21 (pp. 325-338).
- Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapters 19-20.
- Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapters 15 and 23.
- Hunt, Paul, Judith Bueno de Mesquita, Joo-Young Lee and Sally-Anne Way (2013). "Implementation of economic, social and cultural rights." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 30.
- Ssenyonjo, Manisuli (2016). "Economic, Social and Cultural Rights." In Mashood Baderin and Manisuli Ssenyonjo (eds.), *International Human Rights Law: Six Decades after the UDHR and Beyond*, Routledge. Chapter 3.
- Simmons, Beth (2009). *Mobilizing for Human Rights: International Law in Domestic Politics*, Cambridge University Press, Chapter 8.
-

Feb. 19-23

Conference #5: Thought, expression, association and assembly

Case of Faurisson v. France 550/1993 (HRC 1996)

Case of S.A.S v. France 43835/11 (ECtHR 2014)

Case of S. Yaker v. France 2747/2016 (HRC 2018)

Wednesday
February 21
4:05 - 4:55

Women's rights

Bantekas, Ilias and Lutz Oette (2013). *International Human Rights Law and Practice*. Cambridge University Press. Chapter 11 (pp. 452-483).

Convention on the Elimination of All Forms of Discrimination against Women and Protocol

Further reading:

Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 16.

Smith, Rhona (2020). *Texts and Materials on International Human Rights*. Routledge. Chapter 14.

Byrnes, Andrew (2013). "Gender challenges for international human rights." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 34.

Nash, Kate (2015). *The Political Sociology of Human Rights*. Cambridge University Press, Chapter 6.

Ashworth, Georgina (1999). "The Silencing of Women." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 259-276.

Simmons, Beth (2009). *Mobilizing for Human Rights: International Law in Domestic Politics*, Cambridge University Press, Chapter 6.

Friday
February 23
4:05 - 4:55

Sexual orientation and gender identity

Donnelly, Jack (2013, 3rd edition). *Universal Human Rights in Theory and Practice*. Cornell University Press. Chapter 16.

Beetham, Gwendolyn (2014). "The Human Rights of Gays, Lesbians, Bisexual and Transgender People." In Anja Mihr and Mark Gibney (eds.), *The Sage Handbook of Human Rights*, SAGE, Chapter 17.

The Yogyakarta Principles

Further reading:

Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 15.

Sanders, Douglas (1996). "Getting Lesbian and Gay Issues on the International Human Rights Agenda." *Human Rights Quarterly*, Vol. 18, No. 1, pp. 67-106.

Saiz, Ignacio (2004). "Bracketing Sexuality: Human Rights and Sexual Orientation – A Decade of Development and Denial at the UN." *Health and Human Rights*, Vol. 7, No. 2, pp. 48-80.

Wintemute, Robert (2004). "Sexual Orientation and the Charter: The Achievement of Formal Legal Equality (1985-2005) and Its Limits." *McGill Law Journal* 49, pp. 1143-1180.

Johnson, Paul (2013). "Homosexuality and the African Charter on Human and Peoples' Rights: What Can Be Learned from the History of the European Convention on Human Rights?" *Journal of Law and Society* 40:2, pp. 249-279.

Helfer, Laurence, and Alice M. Miller (1996). "Sexual Orientation and Human Rights: Toward a United States and Transnational Jurisprudence," *Harvard Human Rights Journal* 9, pp. 61-103.

Bob, Clifford (2012). *The Global Right Wing and the Clash of World Politics*. Cambridge University Press.

Feb. 26 –
Mar. 1

Conference #6: Children's rights
TBD

Wednesday
February 28
4:05 - 4:55

Group rights

Pissillo Mazzeschi, Riccardo (2021). *International Human Rights Law: Theory and Practice*. Springer. Chapters 19 and 25.

Donnelly, Jack (2013, 3rd edition). *Universal Human Rights in Theory and Practice*. Cornell University Press. Chapter 15.

Convention on the Prevention and Punishment of the Crime of Genocide

Further reading:

Bantekas, Ilias and Lutz Oette (2013). *International Human Rights Law and Practice*. Cambridge University Press. Chapter 10 (pp. 409-451).

Hannum, Hurst (1996). *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. University of Pennsylvania Press. Chapters 1-6 & 19.

Beissinger, Mark (2015). "Self-determination as a Technology of Imperialism: The Soviet and Russian Experiences." *Ethnopolitics* 14:5, pp. 479– 487.

Giuliano, Elise (2015). "The Social Bases of Support for Self-determination in East Ukraine." *Ethnopolitics* 14:5, pp. 513–522.

Smith, Rhona (2018). *International Human Rights Law*. Oxford University Press, Chapters 17 & 21.

Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 18.

Smith, Rhona (2020). *Texts and Materials on International Human Rights*. Routledge. Chapter 11.

Falk, Richard (1999). "The Challenge of Genocide and Genocidal Politics in an Era of Globalization." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 177-194.

Friday
March 1

No class

Mar. 11-15

Conference #7: Women's rights
TBD

Wednesday
March 13
4:05 - 4:55

Persecution and human rights: The rights of asylum-seekers and refugees

Onuora-Oguno, Azubike (2014). "Migration, Refugees, Asylum and Uprooted Peoples' Rights." In Anja Mihr and Mark Gibney (eds.), *The Sage Handbook of Human Rights*, SAGE, Chapter 15.

Convention relating to the Status of Refugees and Protocol

Further reading:

Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 27.

Wouters, Cornelis (Kees) (2013). "International refugee and human rights law: partners in ensuring international protection and asylum." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 14.

Smith, Rhona (2020). *Texts and Materials on International Human Rights*. Routledge. Chapter 13.

Nash, Kate (2015). *The Political Sociology of Human Rights*. Cambridge University Press, Chapter 7.

Loescher, Gil (1999). "Refugees: A Global Human Rights and Security Crisis." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 233-258.

Friday
March 15
4:05 - 4:55

War, terrorism and human rights: International humanitarian law

Bantekas, Ilias and Lutz Oette (2013). *International Human Rights Law and Practice*. Cambridge University Press. Chapters 14 (pp. 567-599) and 15 (pp. 613-655).

ARC Summary of the Geneva Conventions of 1949 and Protocols.

Further reading:

Moeckli, Daniel, Sangeeta Shah and Sandesh Sivakumaran (eds., 2018). *International Human Rights Law*. Oxford University Press. Chapter 25.

Kretzmer, David (2005). "Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence?" *The European Journal of International Law* 16:2, pp. 171-212.

Moeckli, Daniel (2008). *Human Rights and Non-Discrimination in the 'War on Terror'*. Oxford University Press.

Hampson, Françoise J. (2013). "The relationship between international humanitarian law and international human rights law." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 12.

Scheinin, Martin (2013). "Counter-terrorism and human rights." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 32.

Hurd, Ian (2017). *How to Do Things with International Law*. Princeton University Press.

Mar. 18-22

Conference #8: Sexual orientation and gender identity

Case of *Schalk and Kopf v. Austria* 30141/04 (ECtHR 2010)

Abrusci, Elena (2018). "The IACtHR Advisory Opinion: one step forward or two steps back for LGBTI rights in Costa Rica?" *EJIL: Talk!*

Wednesday
March 20
4:05 - 4:55

Quiz 2

Part 3 – The Politics of Human Rights

Friday
March 22
4:05 - 4:55

The diffusion of human rights: Why do States ratify human rights treaties?

Finnemore, Martha and Kathryn Sikkink (1998). "International Norm Dynamics and Political Change." *International Organization* 52:4, pp. 887-917.

Wednesday
March 27
4:05 - 4:55

Goldsmith, Jack and Eric Posner (2005). *The Limits of International Law*. Oxford University Press, Chapter 4.

Simmons, Beth (2009). *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press, Chapter 3.

Further reading:

Florini, Ann (1996). "The Evolution of International Norms." *International Studies Quarterly* 40:3, pp. 363-389.

Keck, Margaret, and Kathryn Sikkink (1998). *Activists Beyond Borders*. Cornell University Press.

Clapham, Andrew (2013). "The use of international human rights law by civil society organisations." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 10.

Bantekas, Ilias and Lutz Oette (2013). *International Human Rights Law and Practice*. Cambridge University Press. Chapter 16.

Acharya, Amitav (2004). "How Ideas Spread: Whose Norms Matter? Norm localization and Institutional Change in Asian Regionalism." *International Organization* 58:2, pp. 239-275.

Gilardi, Fabrizio (2012). "Transnational Diffusion: Norms, Ideas, and Policies." In W. Carlsnaes, T. Risse, and B. Simmons (eds.), *Handbook of International Relations*, SAGE, pp. 453-77.

Moravcsik, Andrew (2000). "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe." *International Organization* 54:2, pp. 217-252.

Wotipka, Christine Min, and Francisco O. Ramirez (2008). "World Society and Human Rights: An Events History Analysis of the Convention on the Elimination of All Forms of Discrimination against Women." In Beth Simmons, Frank Dobbin, and Geoffrey Garrett (eds.), *The Global Diffusion of Markets and Democracy*, Cambridge, pp. 303-343.

Mutua, Makau (2016). *Human Rights Standards: Hegemony, Law, and Politics*. State University of New York Press.

Symons, Jonathan, and Dennis Altman (2015). "International Norm Polarization: Sexuality as a Subject of Human Rights Protection." *International Theory* 7:1, pp. 61–95.

Mar. 25 –
April 5

Conference #9: The rights of asylum-seekers and refugees

Case of *I.A.M. (on behalf of K.Y.M.) v. Denmark* 3/2016 (CRC 2018)

Wednesday
April 3
4:05 - 4:55

Explaining compliance with international human rights: Rationalism

Donnelly, Jack (2013, 3rd edition). *Universal Human Rights in Theory and Practice*. Cornell University Press. Chapter 12.

Geisinger, Alex, and Michael Stein (2008). "Rational Choice, Reputation, and Human Rights Treaties." *Michigan Law Review* 106:6, pp. 1129-1142.

Hafner-Burton, Emilie (2008). "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem." *International Organization* 62:4, pp. 689-716.

Further reading:

Martin, Lisa (2013). "Against Compliance." In J. Dunoff and M. Pollack (eds), *Interdisciplinary Perspectives on International Law and International Relations*, Cambridge University Press, pp. 591-610.

Downs, George W., David M. Rocke, and Peter N. Barsoom (1996). "Is the Good News About Compliance Good News About Cooperation?" *International Organization* 50 (3), pp. 379-406

Fariss, Christopher (2014). "Respect for Human Rights Has Improved over Time: Modeling the Changing Standard of Accountability." *American Political Science Review* 108:2, pp. 297-318.

Burgstaller, Markus (2005). *Theories of Compliance with International Law*. M. Nijhoff.

Forsythe, David (2012). *Human Rights in International Relations*. Cambridge, Chapters 6-7.

Crawford, Neta, and Audie Klotz (eds., 1999). *How Sanctions Work: Lessons from South Africa*. Macmillan.

Brewster, Rachel (2013). "Reputation in International Relations and International Law Theory." In J. Dunoff and M. Pollack (eds), *Interdisciplinary Perspectives on International Law and International Relations*, Cambridge University Press, pp. 524-543.

Mercer, Jonathan (1996). *Reputation and International Politics*. Cornell University Press.

Hurd, Ian (2005). "The Strategic Use of Liberal Internationalism: Libya and the UN Sanctions, 1992-2003." *International Organization* 59:3, pp. 495-526.

Alter, Karen (2013). "The Multiple Roles of International Courts and Tribunals: Enforcement, Dispute Settlement, Constitutional and Administrative Review." In

J. Dunoff and M. Pollack (eds), *Interdisciplinary Perspectives on International Law and International Relations*, Cambridge University Press, pp. 345-370.

Helfer, Laurence, and Erik Voeten (2014). "International Courts as Agents of Legal Change: Evidence from LGBT Rights in Europe." *International Organization* 68:1, pp. 77-110.

Holzgrefe, J. L., and Robert Keohane (eds.), *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, Cambridge University Press.

Friday
April 5
4:05 - 4:55

Explaining compliance with international human rights: Constructivism

Goodman, Ryan and Derek Jinks (2004). "How to Influence States: Socialization and International Human Rights Law." *Duke Law Journal* 54:3, pp. 621-703.

Hafner-Burton, Emilie and Kiyoteru Tsutsui (2005). "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110:5, pp. 1373-1411.

Further reading:

Stagno Ugarte, Bruno (2013). "Human rights and foreign policy: syntheses of moralism and realism." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 9.

Ratner, Steven (2013). "Persuading to Comply: On the Deployment and Avoidance of Legal Argumentation." In J. Dunoff and M. Pollack (eds), *Interdisciplinary Perspectives on International Law and International Relations*, Cambridge University Press, pp. 568-590.

Hurrell, Andrew (1999). "Power, Principles and Prudence: Protecting Human Rights in a Deeply Divided World." In Bhikhu Parekh, Tim Dunne, and Nicholas Wheeler, *Human rights in global politics*, Cambridge University Press, pp. 277-302.

Burgstaller, Markus (2005). *Theories of Compliance with International Law*. M. Nijhoff.

Crawford, Neta (2004). *Argument and Change in World Politics*. Cambridge University Press.

Krebs, Ronald R. and Patrick Thaddeus Jackson (2007). "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric." *European Journal of International Relations* 13:1, pp. 35-66.

Schimmelfennig, Frank (2001). "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union." *International Organization* 55, pp. 47-80.

Goodman, Ryan, and Derek Jinks (2013). *Socializing States: Promoting Human Rights Through International Law*. Oxford University Press.

April 8-12

Conference #10: Improving human rights practices

Sikkink, Kathryn, and Hun Joon Kim (2013). "The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations." *Annual Review of Law and Social Science*, Vol. 9, pp. 269-85.

Wednesday
April 10
4:05 - 4:55

Explaining compliance with international human rights: Domestic politics

Simmons, Beth (2009). *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press, Chapters 4 and 9.

Núñez-Mietz, Fernando (2016). "Lawyering Compliance with International Law: Legal Advisers in the 'War on Terror'." *European Journal of International Security* 1:2, pp. 215-238.

Further reading:

Halmai, Gábor (2014). "Domestic Courts and International Human Rights." In Anja Mihr and Mark Gibney (eds.), *The Sage Handbook of Human Rights*, SAGE, Chapter 41.

Sikkink, Kathryn (2017). *Evidence for Hope: Making Human Rights Work in the 21st Century*. Princeton University Press, Chapters 5-7.

Moravcsik, Andrew (1997). "Taking Preferences Seriously: A Liberal Theory of International Politics." *International Organization* 51:4, pp. 513-553.

Putnam, Robert D. (1988). "Diplomacy and Domestic Politics: The Logic of Two-Level Games." *International Organization* 42:3, pp. 427-460.

Russett, Bruce M., and John R Oneal (2001). *Triangulating Peace: Democracy, Interdependence, and International Organizations*. Norton.

Burgstaller, Markus (2005). *Theories of Compliance with International Law*. M. Nijhoff.

Wilde, Ralph (2013). "The extraterritorial application of international human rights law on civil and political rights." In Scott Sheeran and Sir Nigel Rodley (eds.), *Routledge Handbook of International Human Rights Law*, Routledge, Chapter 35.

Friday
April 12
4:05 - 4:55

Changing human rights practices: The spiral model

Risse, Thomas, Stephen Ropp, and Kathryn Sikkink (eds., 1999). *The Power of Human Rights: International Norms and Domestic Change*. Cambridge University Press. Chapters 1 and 8.

Further reading:

Risse, Thomas, Stephen Ropp, and Kathryn Sikkink (eds., 1999). *The Power of Human Rights: International Norms and Domestic Change*. Cambridge University Press.

Risse, Thomas, Stephen Ropp, and Kathryn Sikkink (eds., 2013). *The Persistent Power of Human Rights: From Commitment to Compliance*. Cambridge University Press.

Hathaway, Oona (2002). "Do Human Rights Treaties Make a Difference?" *The Yale Law Journal* 111, pp. 1935-2042.

TBD

Final Examination
