



Department of Government and International Relations
School of Social and Political Sciences
Faculty of Arts
The University of Sydney

INTERNATIONAL POLITICS OF HUMAN RIGHTS

Govt 6117

Semester 1, 2008

Unit of Study Outline

This unit introduces students to the notion of human rights, outlines the historical development of international human rights law, and analyses international human rights enforcement mechanisms. The unit encourages students to question the adequacy of the existing human rights implementation machinery. We examine the ongoing debate about possible reforms of the human rights system within the United Nations framework and discuss alternatives for protecting international human rights. We also look at the international criminal justice system with particular focus on the International Criminal Court and other ad hoc international criminal tribunals. Case studies will be analysed to illustrate the roles and functions of the aforementioned institutions. Particular attention will be paid to the interface between international politics and international human rights law in order to better grasp contemporary developments for the promotion and protection of international human rights standards.

1. Teaching Staff

Lecturer:

Dr Francesca Panzironi

Room: 284 - Merewether (H04)

Phone number: 9351 3733

Email: f.panzironi@usyd.edu.au

Consultation hour:

Tuesday: 12.00-13.00

2. Classes

Lectures:

Day: Mondays (3rd March-21st April)

Time: 1.00pm to 5.00pm

Venue:

Week 1: 3rd March 2008: Medical Foundation Auditorium – K25

Week 2-Week 7: Old Teachers College Assembly Hall – A22

This unit is offered as an intensive course over 7 weeks. The course will be taught from Week 1 (March 3, 2008) to Week 7 (April 21, 2008). It will consist of 4 hour lectures (lecture and tutorials) a week.

The lectures will be interactive and experiential. Students are required to fully participate in all activities.

Attendance is compulsory. **Absence from more than 20% of the class time will be grounds for failing the unit of study.**

3. Prescribed Text and Reader

Students are required to purchase the following prescribed text:

Smith, Rhona K M, *Textbook on International Human Rights* (Oxford; New York: Oxford University Press, 3rd ed, 2007)

The book can be purchased at University Co-operative Bookshop,
Sports & Aquatic Centre G09

University of Sydney

Tel: (02) 9351 2807

Students are also required to purchase the course reader '**International Politics of Human Rights**' – **Semester 1, 2008**. The reader is available from Kopystop, 55 Mountain Street, Ultimo (near the Broadway Shopping Centre).

4. Unit of Study Aims

This unit of study aims to:

1. provide students with a comprehensive conceptual framework to understand the international human rights discourse at the international and domestic level;
2. develop students' understanding of:
 - principles underlying the notion of human rights;
 - international human rights enforcement mechanisms;
 - international criminal justice system;
 - principles of international humanitarian law;
 - role of civil society's organizations in the protection of human rights standards.
3. enhance students' capability to contextualize theoretical concepts to contemporary issues related to violations of human rights worldwide;
4. develop students' confidence and ability to communicate their ideas in writing and speech.

5. Unit of Study Learning Outcomes and Goals

By the end of this unit of study, students are expected to:

1. have an understanding of basic concepts, such as:
 - human rights;
 - sources of international human rights standards;
 - state sovereignty;
 - international human rights system;
 - humanitarian law and humanitarian intervention.
2. identify the historical development of human rights;
3. identify human rights bodies in the United Nations system and understand the ongoing debate about reforming the system;
4. Understand the international human rights enforcement mechanisms:
 - The universal system;
 - The regional systems
5. Critically apply this knowledge in the analysis of real world problems involving violation of human rights;
6. Develop an appreciation of the wider political contexts and processes through which human rights discourse is articulated and implemented;
7. Enhance their skills in analytical research, critical reading and essay writing;
8. Strengthen the ability to work constructively with their peers in a group situation.

6. Course Outline

COURSE OUTLINE		
Week	Date	Lecture
Week 1	3 March	<ul style="list-style-type: none"> • Introduction • International human rights law • The historical evolution of human rights • The U.N. system and the international enforcement of human rights
Week 2	10 March	<ul style="list-style-type: none"> • The U.N. system and the international enforcement of human rights (continue) • Regional protection and enforcement of human rights • International humanitarian law • Guest speaker – Australian Red Cross
Week 3	17 March	<ul style="list-style-type: none"> • Humanitarian Intervention • Third Generation Rights • <u>Substantive Rights:</u> <ul style="list-style-type: none"> - The right to life - Equality and non-discrimination - Freedom from torture, cruel, inhuman and degrading treatment or punishment • Guest Speaker: WWF Australia
EASTER BREAK		
Week 4	31 March	<ul style="list-style-type: none"> • Human Rights and NGOs • Globalization and human rights • Substantive Rights: <ul style="list-style-type: none"> - Freedom of expression - The right to work - The right to development • Guest speaker - Amnesty International
Week 5	7 April	<ul style="list-style-type: none"> • Human rights and the international criminal justice system • Implementation of international human rights standards in Australia • Substantive Rights: <ul style="list-style-type: none"> - The right to a fair trial - The right to liberty of person • Guest speaker – HREOC
Week 6	14 April	<ul style="list-style-type: none"> • Indigenous peoples' rights: <ul style="list-style-type: none"> - an international perspective - Indigenous rights in Australia • <u>Substantive Rights:</u> <ul style="list-style-type: none"> - Minority rights - Group rights • Guest speaker - Cleonie Quayle Aboriginal Program Officer
Week 7	21 April	<ul style="list-style-type: none"> • Looking to the future • Summary • In-class exam (2hours)

7. Assessment

There will be 4 **graded assessment items**:

Assignment 1: Discussion paper

Assignment 2: Group project

Assignment 3: In-class final exam

Assignment 4: Attendance and participation

7.1 Types and Due Dates of Assessment

ASSIGNMENT NUMBER	TYPE	WEIGHTING	SUBMISSION DATE
1	Discussion paper (1,500 words)	35%	Monday,17 March
2	Group project/presentation Briefing paper (2,500)	20%	Day of presentation
3	Final in-class exam (2,000)	35%	Monday,21 April
4	Attendance and Participation	10%	Through semester

7.2 Explanation of Assessment

Assignment 1: Discussion paper (1,500 words – 35% worth)

Students are required to write a **discussion paper** (1,500 words) in which they critically analyse and discuss the following topic:

The UN Human Rights Commission has represented the main charter-based monitoring body established for the protection and promotion of international human rights standards in the international system. Identify its strengths and weaknesses by critically analysing a case study and discuss how the newly established Human Rights Council should better promote and protect international human rights.

Assignment 2: Group project/presentation – Briefing Paper (2,500 words – 20% worth)

Students will complete a group project that involves their capacity to work in a group situation with other peers. In the first class students will be divided into small groups. Each group will be allocated one of the following substantive rights:

- The right to life
- Equality and non-discrimination
- Freedom from torture, cruel, inhuman and degrading treatment or punishment
- Freedom of expression
- The right to work
- The right to development
- The right to a fair trial
- The right to liberty of person
- Minority rights
- Group rights

Each group will work on the topic and prepare a presentation (20 minutes). Each group will submit a 'Briefing paper' (2,500 words) on the group project.

Assignment 3: In-class final exam (2,000 words – worth 35%)

Students will undertake a **final exam** in which they critically reflect on their learning experience. The in-class exam will be based on lectures, guest speakers' talks and reading materials.

The in-class exam will consist of:

- 6 short answer questions (each worth 10%);
- 1 short essay (worth 40%). Student will have to choose a topic out of 4 essay themes.

Assignment 4: Attendance and participation (10% worth)

‘Attendance and participation’ refers to a combination of in-class discussions, attendance and demonstration of critical awareness of the assigned chapters and/or readings for each week.

Marking criteria will be posted on Blackboard and discussed in class prior to the completion of each assignment.

7.3 Cover Sheet for Assignments

Cover sheets for assignments are available from the Government and International Relations office (H04).

7.4 Feedback Policies

Feedbacks will be incorporated into this unit of study and there will be regular opportunities throughout the course to provide feedback, including anonymous feedback.

Graded assignments will contain written feedback and will be returned to students the lecture following the date of submission.

7.5 Minimum requirements for the successful completion of this unit:

- Attendance at classes;
- Full participation in the activities;
- Completion of weekly readings or preparation;
- All assignments must be submitted in order to pass the unit;
- A resubmission (following unsuccessful completion of an assignment) is possible for only one assignment. The maximum grade for a resubmission is 50%.

8. Week-by-week Topic Guide

Week 1

3 March

- Introduction
- International human rights law
- The historical evolution of human rights
- The U.N. system and the international enforcement of human rights

Required readings

Smith, Rhona K M, 2007, *Textbook on International Human Rights*, Oxford; New York: Oxford University Press, 3rd ed, chapters 2-5.

Callaway, L. Rhonda and Harrelson-Stephens, Julie (eds.), 20007, *Exploring International Human Rights: Essential Readings; Critical Connections: Studies in Peace, Democracy, and Human Rights*, Lynne Rienner Publishers, Boulder, pp.109-140.

International documents:

Universal Declaration of Human Rights, 1948.

Vienna Declaration and Programme of Action, 1993.

United Nations charter, 1945.

Further Readings:

Cassese, A. 1999, *Are Human Rights Truly Universal?* in Obrad Savić (ed), *The politics of human rights* Verso, London; New York, pp149-165.

Steiner, J.Henry, Alston, Philip and Goodman, Ryan 2008, *International human rights in context : law, politics, morals : text and materials*, Oxford [UK] ; New York : Oxford University Press, 3rd ed., pp. 517-539, 735-843.

Donnelly, J. 1989, *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca.

David, P. Forsythe, P. D. 2000, *Human Rights in International Relations*, Cambridge University Press, Cambridge.

Belden A Fields, A. B. 2003, *Rethinking Human Rights for the New Millennium*, Palgrave Macmillan, New York.

Dunne, T. and Wheeler, J. N. (eds.) 1999, *Human Rights in Global Politics*, Cambridge University Press, Cambridge.

Week 2
10 March

- The U.N. system and the international enforcement of human rights (continue)
- Regional protection and enforcement of human rights
- International humanitarian law

Required readings

Smith, Rhona K M, 2007, *Textbook on International Human Rights*, Oxford; New York: Oxford University Press, 3rd ed, chapters 6-10.

Piotrowicz, R. and Kaye, S. 2000, *Human Rights in International and Australian Law*, Butterworths, Sydney, ch.6, pp. 95-112.

Smith, Rhona K M, 2007, *Textbook on International Human Rights*, Oxford; New York: Oxford University Press, 3rd ed, pp.201-207.

Further Readings:

Steiner, J.Henry, Alston, Philip and Goodman, Ryan 2008, *International human rights in context: law, politics, morals : text and materials*, Oxford [UK] ; New York : Oxford University Press, 3rd ed., pp. 735-843-925-1086.

Martin, F. F. et al. 2006, *International human rights and humanitarian law: treaties, cases, and analysis*, Cambridge University Press, Cambridge; New York.

Week 3
17 March

Required readings

- Humanitarian Intervention
- Third Generation Rights
- Substantive Rights:
 - The right to life
 - Equality and non-discrimination
 - Freedom from torture, cruel, inhuman and degrading treatment or punishment

Required readings

Evans, G. and Sahnoun, M. 2002, 'The Responsibility to Protect', *Foreign Affairs*, vol. 81, no.6, pp. 1-14.

Atack, I. 2002, 'Ethical Objections to Humanitarian Intervention', *Security Dialogue* vol. 33, no. 3, pp. 279-292.

Steiner, J. Henry, Alston, Philip and Goodman, Ryan 2008, *International human rights in context: law, politics, morals : text and materials*, Oxford [UK] ; New York : Oxford University Press, 3rd ed., pp. 1453-1462.

Smith, Rhona K M, 2007, *Textbook on International Human Rights*, Oxford; New York: Oxford University Press, 3rd ed, chapters 12-13-14.

Further Readings:

Orford, A. 2003, *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law*, Cambridge University Press, Cambridge.

Welsh, J. M. 2002, 'From Right to Responsibility: Humanitarian Intervention and International Stability', *Global Governance*, vol. 8, pp. 503-521.

Wheeler, J. N. 2003, *Saving Strangers: Humanitarian Intervention in International Society*, Oxford University Press, Oxford.

Finnemore, M. 1996, 'Constructing Norms of Humanitarian Intervention', in Katzenstein, J. P. (ed.) *The Culture of National Security*, Columbia University Press, New York, pp. 153-185.

Special Issue of Security Dialogue on Humanitarian Intervention, 2002, vol.32, no3.

Week 4
31 March

- Human Rights and NGOs
- Globalization and human rights
- **Substantive Rights:**
 - Freedom of expression
 - The right to work

Required readings

Clark, A. 2001, *Diplomacy of conscience; Amnesty International and changing Human Rights Norms*, Princeton University Press, Princeton, pp.3-20.

Hegarty, A. 1999, *Non-governmental Organizations: the Key to Change* in Hegarty, A. and Siobhan, L. (eds), *Human Rights: an Agenda for the 21st Century*, Cavendish, London, pp.267-285.

Mrcorquodle, R and Fairbrother, R. 2007, *Globalization and Human Rights* in Callaway, L. Rhonda and Harrelson-Stephens, Julie (eds.), *Exploring International Human Rights: Essential Readings; Critical Connections: Studies in Peace, Democracy, and Human Rights*, Lynne Rienner Publishers, Boulder.

Smith, Rhona K M, 2007, *Textbook on International Human Rights*, Oxford; New York: Oxford University Press, 3rd ed, chapters 18-19.

Further Readings:

Steiner, J. Henry, Alston, Philip and Goodman, Ryan 2008, *International human rights in context: law, politics, morals: text and materials*, Oxford [UK]; New York: Oxford University Press, 3rd ed., pp. 1420-1430.

Week 5

7 April

- Human rights and the international criminal justice system
- Implementation of international human rights standards in Australia
- Substantive Rights:
 - The right to a fair trial
 - The right to liberty of person

Required readings

Wippman, D. 2004, 'The International Criminal Court' in Reus-Smit, C. (ed.), *The Politics of International Law*, Cambridge University Press, Cambridge, pp. 151-188.

Steiner, J. Henry, Alston, Philip and Goodman, Ryan 2008, *International human rights in context: law, politics, morals: text and materials*, Oxford [UK]; New York: Oxford University Press, 3rd ed., pp. 1335-1341.

Smith, Rhona K M, 2007, *Textbook on International Human Rights*, Oxford; New York: Oxford University Press, 3rd ed, chapters 15-16.

Piotrowicz, R. and Kaye, S. 2000, *Human Rights in International and Australian Law*, Butterworths, Sydney, ch.10, pp. 199-210.

Further Readings:

Risse, T. and Sikkink, K. 1999, 'The Socialisation of International Human Rights Norms into Domestic Practices: Introduction' in Risse, T., Ropp, C. S. and Sikkink, K. *The Power of Human Rights*, Cambridge University Press, Cambridge, pp. 1-39.

Boreham, P., Stokes, G. and Hall, R. 2000, *The politics of Australian society: political issues for the new century*, Pearson Education, Frenchs Forest, pp. 159-174.

Week 6
14 April

- Indigenous peoples' rights:
 - an international perspective
 - Indigenous rights in Australia
- Substantive Rights:
 - Minority rights
 - Group rights

Required readings

Garkawe, S., Kelly, L. and Fisher, W. 2001, *Indigenous Human Rights*, Federation Press, Sydney, pp.181-213.

Smith, Rhona K M, 2007, *Textbook on International Human Rights*, Oxford; New York: Oxford University Press, 3rd ed, chapters 21-22.

Further Readings:

Healey, K. (ed.)1998, *The Stolen Generation*, Spinney Press, Balmain, N.S.W.

Week 7
21 April

- Looking to the future
- Summary

Required readings

Smith, Rhona K M, 2007, *Textbook on International Human Rights*, Oxford; New York: Oxford University Press, 3rd ed, chapter 23.

Further Readings:

Singer, P. 2007, *The Singer Solution to World Poverty* in Callaway, L. Rhonda and Harrelson-Stephens, Julie (eds.), *Exploring International Human Rights: Essential Readings; Critical Connections: Studies in Peace, Democracy, and Human Rights*, Lynne Rienner Publishers, Boulder, pp.265-270.

9. Useful links

Student Information Office (UG and PG)

http://www.arts.usyd.edu.au/current_students/undergrad/settling_in.shtml

http://www.arts.usyd.edu.au/current_students/undergrad/whowhat.shtml

http://www.arts.usyd.edu.au/current_students/PGcoursework/howto.shtml

Administration Manual for Students

http://www.arts.usyd.edu.au/current_students/undergrad/how_to.shtml

Plagiarism

<http://www.arts.usyd.edu.au/school/sophi/students/policies.shtml>

Special considerations

http://www.arts.usyd.edu.au/current_students/undergrad/spec_consider.shtml

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Student appeals – academic and administrative

http://www.arts.usyd.edu.au/current_students/undergrad/policies.shtml

http://www.arts.usyd.edu.au/school/sophi/students/student_policies/appeals_special_con.shtml

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Orientation – teaching and learning, course and course structure

Peer Mentoring

http://www.arts.usyd.edu.au/current_students/undergrad/mentoring.shtml

Teaching and Learning

<http://www.arts.usyd.edu.au/committees/ArtsTLCtee/T&L2008/index.html>