

Fall 2018 - International Human Rights

LWSOC-UA 9251

Thursday 1:30-4:15 p.m.
Le Vedute, Villa La Pietra

Class Description:

The course aims to provide a basic introduction to international human rights, their conceptual and historical foundations, as well as the main international legal instruments and institutions aimed at protecting and promoting human rights worldwide. The course will offer a variety of disciplinary perspectives on the subject of human rights starting most prominently from international law, but including also history, philosophy, social anthropology and theories of international relations. Throughout the course, concrete case studies will be used to illustrate the range of human rights problems as well as the utility of the accountability paradigm to current international and national events and problems. The combination of theoretical approaches, legal analysis and an investigation into specific historical events and concrete case studies will enable students to acquire key skills in the application of human rights to their research and practice in a variety of areas. Current affairs and student interests will also shape the topics to be discussed as case studies under the core syllabus below.

The first part of the course aims to introduce the legal, philosophical and historical foundations of human rights, the main international human rights legal instruments and institutions, and the distinction between civil and political rights and economic, social and cultural rights. This will include an introduction to the International Bill of Rights, the basic functioning of international law and theories of state compliance. The sessions will introduce a number of questions relating to the nature of human rights obligations, including 'where do human rights come from?', 'who are the obligations owed by?', 'to whom?' and 'what types of action do such obligations entail?'. Starting from civil and political rights, the thematic focus will then shift to economic, social and cultural rights, and women's rights.

The second part of the course after the break continues the focus on specific groups of rights holders (refugees and migrants), moving then to particular categories of rights and specific challenges to human rights including government policies in counter-terrorism, the EU migration crisis and humanitarian crises and debates surrounding humanitarian intervention. Different sessions aim to combine the international human rights law perspective with more critical interdisciplinary approaches to current political questions. The course concludes with a critical investigation into the role of non-state actors in human rights. The last session will be devoted to a model consideration of a state party report by a UN Treaty Body to be acted out by the students.

Instructor Details:

Name: Lisa Ginsborg

NYUGlobalHome Email Address: lg144@nyu.edu

Office Hours: 4:30-5:30pm Thursday

Villa Ulivi Office Location: Office No. 8

Villa Ulivi Phone Number:+39 055 5007 300

Desired Outcomes:

On completion of this course, students should:

- Have improved their ability to think critically, engage in complex reasoning and express their thoughts clearly through their written work
- Be able to identify the human rights and accountability dimensions in contemporary international affairs and issues
- Understand the historical background of the international human rights movement
- Have improved their understanding of the different disciplinary approaches to the study of human rights
- Have improved their understanding of the main international human rights legal instruments and institutions
- Have mastered a basic understanding of the nature of human rights obligations, including the distinction and relationship between civil and political rights and economic social and cultural rights
- Have mastered a basic understanding of how to research questions in international human rights and to formulate arguments in defence of a position
- Have mastered a basic understanding of some of the key contemporary challenges in international human rights.

Assessment Components

- Attendance and Participation: 10%
- Written Assignments (three 2 page reaction papers): 20%
- Midterm Exam: 25%
- Oral Presentation of 15 minute length: 15%
- Final Exam (3000 Words Essay): 30%

Failure to submit or fulfill any required course component results in failure of the class.

Assessment Expectations:

- **Grade A:** The student makes excellent use of empirical and theoretical material and offers structured arguments in his/her work. The student writes comprehensive essays/exam questions and his/her work shows strong evidence of critical thought and extensive reading.
- **Grade B:** The candidate shows a good understanding of the problem and has demonstrated the ability to formulate and execute a coherent research strategy
- **Grade C:** The work is acceptable and shows a basic grasp of the research problem. However, the work fails to organize findings coherently and is in need of improvement
- **Grade D:** The work passes because some relevant points are made. However, there may be a problem of poor definition, lack of critical awareness, poor research
- **Grade F:** The work shows that the research problem is not understood; there is little or no critical awareness and the research is clearly negligible

Grading Guidelines

A = 94-100

A minus = 90-93

B plus = 87-89

B = 84-86

B minus = 80-83

C plus = 77-79

C = 74-76

C minus = 70-73

D plus = 67-69

D = 65-66

F = below 65

Grading Policy:

Please refer to Assessment Expectations and the policy on late submission of work

Academic Accommodations:

Academic accommodations are available for students with documented disabilities. Please contact the Moses Center for Students with Disabilities at 212-998-4980 or see the [Moses Center](#) for further information.

Students with disabilities who believe that they may need accommodations in a class are encouraged to contact the Moses Center for Students with Disabilities at (212) 998-4980 as soon as possible to better ensure that such accommodations are implemented in a timely fashion. For more information, see [Study Away and Disability](#).

Attendance Policy:

Study abroad at Global Academic Centers is an academically intensive and immersive experience, in which students from a wide range of backgrounds exchange ideas in discussion-based seminars. Learning in such an environment depends on the active participation of all students. And since classes typically meet once or twice a week, even a single absence can cause a student to miss a significant portion of a course. **To ensure the integrity of this academic experience, class attendance at the centers is mandatory, and unexcused absences will be penalized with a two percent deduction from the student's final course grade.** Students are responsible for making up any work missed due to absence. Repeated absences in a course may result in failure.

For courses that meet once a week, one unexcused absence will be penalized by a two percent deduction from the student's final course grade. For courses that meet two or more times a week, the same penalty will apply to the number of class times over a single week

Excused Absences:

In case of absence, regardless of the reason, the student is responsible for completing missed assignments, getting notes and making up missed work in a timely manner based upon a schedule that is mutually agreed upon between the faculty member and the student. **The only excused absences are those approved by the Office of Academic Support; they are as follows:**

Absence Due to Illness

- If you are sick, please see a doctor. Contact the Office of Student Life for assistance.
- For absences that last for **two or more consecutive days**, a **doctor's certificate**, "**certificato medico**" is required. The doctor will indicate in writing the number of days of bed rest required. Please note **these certificates can only be obtained on the day you see the doctor** and cannot be written for you afterwards.
- Absences can **ONLY** be excused if they are reported **WITHIN 48 HRS** of your return to class via the online [NYU Florence Absence Form](#)
- OAS will not accept a student email or telephone call regarding an absence due to illness
- OAS will only notify faculty of absences **REPORTED** on the **ABSENCE FORM**
- The Office of Student Life, when assisting you in cases of severe or extended illness, will coordinate with the Office of Academic Support to properly record your absences

Due to Religious Observance

- Students observing a religious holiday during regularly scheduled class time are entitled to miss class without any penalty to their grade. This is for the holiday only and does not include the days of travel that may come before and/or after the holiday

- Information regarding absences due to religious observance must be provided at least SEVEN DAYS PRIOR to the date(s) in question using the online [NYU Florence Absence Form](#)
- Please note that no excused absences for reasons other than illness can be applied retroactively.

Due to a class conflict with a program sponsored lecture, event, or activity

- All students are entitled to miss one class period without any penalty to their grade in order to attend a lecture, event or activity that is sponsored by La Pietra Dialogues, Acton Miscellany or the Graduate Lecture series.
- Information regarding absences due to a class conflict must be provided at least SEVEN DAYS PRIOR to the date(s) in question using the online [NYU Florence Absence Form](#)
- Please note that no excused absences for reasons other than illness can be applied retroactively.

Students with questions or needing clarification about this policy are instructed to contact a member of the Office of Academic Support located in Villa Ulivi or to email florence.academicsupport@nyu.edu

Late Submission of Work

- All course work must be submitted on time, in class on the date specified on the syllabus.
- To request an extension on a deadline for an assignment, students must speak to the professor one week prior to the due date
- To receive an incomplete for a course at the end of the semester, two weeks before final exams, both the student and the faculty member must meet with the Assistant Director of Academic Affairs to review the request and if granted, they must both sign an Incomplete Contract detailing the terms for completing missing coursework.

Plagiarism Policy

PLAGIARISM WILL NOT BE TOLERATED IN ANY FORM:

The presentation of another person's words, ideas, judgment, images or data as though they were your own, whether intentionally or unintentionally, constitutes an act of plagiarism.

In the event of suspected or confirmed cases of plagiarism, the faculty member will consult first with the Assistant Director for Academic Affairs as definitions and procedures vary from school to school.

Writing Center:

The Writing Center, located in Villa Ulivi, offers you feedback on any type of writing, at any stage in planning or drafting; very rough drafts are welcome. Sign up for a consultation at the [Writing Center's website](#) and submit your working draft or ideas at least six hours in advance to [NYU Florence Writing Center](#). You can drop in for a consultation M-Th, but remember that appointments are given priority. Please also note that the Writing Center does not correct or "fix" your writing but prompts you to think and work. The aim is to create stronger writers in the long term, not necessarily perfect papers in the short term.

Required Text(s):

N/A

Copies of each textbook are available for consultation and short term loans in the [Villa Ulivi Library](#). Extra copies of some textbooks are also available for semester long loans. More information on [Books and Course Materials](#)..

Supplemental Texts(s):

N/A

Texts that students are not required to are in NYU-FL Library or available on line

Internet Research Guidelines:

The careful use of internet resources is encouraged and a list of recommended websites will be given. Failure to cite internet and other non-traditional media sources in your written work constitutes plagiarism.

Additional Required Equipment:

N/A

Class Assignments and Topics:

Session 1 – 6 September 2018

Introduction to the course and international human rights

No reading

Session 2 - 13 September 2018

Historical and philosophical foundations of human rights

A J Langlois, 'Normative and Theoretical Foundations of Human Rights', in M Goodhart, Human Rights: Politics and Practice (13 pages);

A Clapham, Human Rights: A very short introduction, Chapter 1, pp. 1-26 (27 pages)

Donnelly, Universal Human Rights in Theory and Practice, Ch 5, pp.75-91 (17 pages)

E Bates, History, in D Moeckli, S Shah, and S Sivakumaran (eds), International Human Rights Law, pp. 15-33 (18 pages)

Session 3 – 19 September 2018

La Pietra Dialogue: A Dialogue with Patrick Gaspard, President of Open Society Foundations

September 19, 6:30 pm, Villa Sassetti

Session 4 – 20 September 2018

The International Bill of Rights and the foundations of international human rights law

[Universal Declaration of Human Rights](#), (8 pages)

RKM Smith, The international bill of rights, in Textbook on International Human Rights, 7th edition, pp. 38- 52 (15 pages)

Donnelly, 'The Universal Declaration model', in Human Rights in Theory and Practice pp. 24-39 (15 pages)

Understanding International Law factsheet,
https://treaties.un.org/doc/source/events/2013/Press_kit/fact_sheet_1_english.pdf (2 pages)

J ORAÁ ORAÁ, J.: "The Universal Declaration of Human Rights", in GÓMEZ ISA, F. and DE FEYTER, K. (eds.): International Human Rights Law in a Global Context, Deusto University Press, Bilbao, 2009, pp. 163-171 (9 pages)

Ilias Bantekas and Lutz Oette, International Human Rights Law and Practice, (72-81) (10 pages)

RKM Smith 'Sources of International Law' (30-35), in M Goodhart, Human Rights: Politics and Practice (6 pages)

Session 5 – 27 September 2018

Civil and political rights

International Covenant on Civil and Political Rights (26 pages)

A Clapham, Human Rights: A very short introduction, Deprivations of Life and Liberty pp. 98-109 (11 pages)

K Boyle and S Shah, Thought, Expression, Association and Assembly, in D Moeckli, S Shah, and S Sivakumaran (eds), International Human Rights Law, pp. 217-237 (21 pages)

OHCHR Fact Sheet 15: Civil and Political Rights: The Human Rights Committee, pages 1-11 (11 pages)

Session 6 – 4 October 2018

Economic, social and cultural rights

[Text of ICESCR](#), (8 pages)

[ESCR OHCHR fact book](#) (38 pages)

A. Eide and al. (Eds.), Economic, Social and Cultural Rights, A Textbook, Second Revised Edition, Martinus Nijhoff Publishers, (2001), see Chapter 2: A. Eide, Economic, Social and Cultural Rights as Human Rights (pp. 9-28) (20 pages)

Session 7 – 11 October 2018

Women's rights

A Sen, [More than 100 million women are missing](#),

H Charlesworth, What are "Women's International Human Rights"? (26 pages)

[UN Doc. E/CN.4/2003/75](#) (25 pages)

Text of [CEDAW](#)

Session 8 – 16 October 2018

La Pietra Dialogue: EU in Focus Policy Focus Area II: Migration

6:00 p.m., Villa Sasseti, NYU (Leila Hadj Abdou, European University Institute)

Session 9 – 18 October 2018

Human rights compliance and mechanisms of accountability

Beth Simmons, Mobilizing for Human Rights ch.4 112-155 (44 pages)

Donnelly, Universal Human Rights, Chapter 11, Global multilateral mechanisms (161-196) 36 pages

Session 10 – 25 October 2018

In class written mid-term exam

Session 11 – 8 November 2018

Migration and refugee rights

A Onuora-Oguno, Migration, Refugees, Asylum and Uprooted Peoples' Rights, in A Mihr and M Gibney, The SAGE Handbook of Human Rights, pp. 253-266 (14 pages)

Forced Migration Review issue 51, [Destination Europe](#), skim pages (4-82);

Watch: [TEDx Talk by Alexander Bett](#)

Session 12 – 15 November 2018

Human rights in counter-terrorism

Q Eijkman, Counterterrorism and Human Rights: Anticipating the Real Threat of Terrorism pp. 225-237 (13 pages)

D Luban, Liberalism, Torture and the Ticking Bomb 2005, 91 VA. L. Rev. 1425-1461 (2005)

L Tayler, [How New Global Counterterrorism Measures Jeopardize Rights](#)

Session 13 – 22 November 2018

Humanitarian intervention

Donnelly, International Human Rights, Chapter 13 pp. 191-217 (27 pages)

F Gomez Isa, From Humanitarian Intervention to the Responsibility to Protect, in The SAGE Handbook of Human Rights, pp. 801-818 (20 pages)

J Morris, "Libya and Syria: R2P and the spectre of the swinging pendulum", International Affairs 89: 5 (2013), pp. 1265–1283 (20 pages)

Take a look at webpage of [UN Security Council](#)

Session 14 – 29 November 2018

Non-state actors in international human rights law

H P Schmitz, 'Non-State Actors in Human Rights Promotion', in The SAGE Handbook of Human Rights, pp. 352-372 (21 pages)

Ilias Bantekas and Lutz Oette, International Human Rights Law and Practice, (761-785) (25 pages)

Report UN Doc. A/71/367 (23 pages)

Session 15 – 6 December 2018

Treaty Body simulation

Readings will be assigned in class in previous session

Classroom Etiquette

- Eating is not permitted in the classrooms. Bottled water is permitted.
- Cell phones should be turned off during class time.
- The use of personal laptops and other electronic handheld devices are prohibited in the classroom unless otherwise specified by the professor.
- We recycle! So keep it green! Please dispose of trash in the clearly marked recycle bins located throughout the on campus buildings

Required Co-curricular Activities

19 September, 6:30 pm, Villa Sassetti NYU; **La Pietra Dialogue: A Dialogue with Patrick Gaspard, President of Open Society Foundations**

16 October 2018, 6:00 pm **La Pietra Dialogue: EU in Focus Policy Focus Area II: Migration**, Villa Sassetti, NYU (Leila Hadj Abdou, European University Institute)

Suggested Co-curricular Activities

Roundtable at European University Institute: #MeToo movement: exploring complexities; 24 September 2018 (5:00 pm), Refectory, Badia Fiesolana, Via dei Roccettini 9, San Domenico di Fiesole. You must register by 19 September 2018!

The Languages of Discrimination and Racism in Italy in the 20th Century; October 3, full day conference, Villa Sassetti; Organized by Davide Lombardo, NYU Florence and Marcella Simoni, Ca' Foscari University of Venice

Other suggested optional co-curricular activities will be announced in class and/or via email by the professor throughout the semester.

Your Instructor

Lisa Ginsborg works at the European University Institute (EUI) School of Transnational Governance. She has worked as a Post-Doctoral Researcher at University College Dublin (UCD) and at the EUI-based Centre for Media Pluralism and Media Freedom in the Robert Schuman Centre for Advanced Studies; as a Teaching Fellow at the European Inter-University Centre for Human Rights and Democratisation (EIUC); and was a visiting researcher at New York University School of Law and at the Sydney Centre for International Law at the University of Sydney. Previously she worked in the legal department of the International Secretariat of Amnesty International (2006–2009) and in the NGO Liaison Office of the Office of the UN High Commissioner for Human Rights (OHCHR) (2005–2006). She has also worked as a consultant for a number of human rights organizations and as a lecturer on human rights undergraduate and postgraduate courses. She holds a PhD in Public International Law from the EUI in Florence, Italy, and an MSc in Political Sociology from the London School of Economics and Political Science (LSE). Recent publications include: One step forward, two steps back: The Security Council, 'Foreign Terrorist Fighters', and human rights, in M Nowak and A Charbord (eds.) *Using Human Rights to Counter Terrorism* (2018); Coherence Versus Coherence: Normative Versus Structural and Interest-Based Coherence, with G Finlay, in *European Yearbook on Human Rights* (2017); UN sanctions and the design of counter-terrorism strategies, in L van den Herik (ed.) *Research Handbook on UN Sanctions and International Law*, (Edward Elgar Publishers, 2017); The impact of the economic crisis on human rights in Europe and the accountability of international institutions, in *1 Global Campus Human Rights Journal* (2017).