

Human Rights in the United States — 4000-level

Course number: TBD

CRN: TBD

Semester: Fall 2022

Time: TBD

Class location: TBD

Office hours: TBD

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Course Description

This course offers an introduction to human rights in the United States and provides a survey of major issues, challenges, and approaches to addressing human rights issues. Students will engage with ethical, legal, and practical accounts of human rights to understand and address abuses and the causes of abuse in the United States. Students will learn how to analyze these accounts and consider the political, social, and economic context of abuse to craft policy solutions designed to mitigate and prevent abuse. Though focused on U.S. policy and practice, this course will consult materials from multilateral organizations, foreign governments, and foreign artists and practitioners to assess solutions, philosophies, and causalities in a variety of contexts. Students will be expected to demonstrate an understanding of the relationship between U.S. human rights practice (both domestically and overseas) and international human rights norms and mechanisms.

Objectives

1. Identifying, assessing, and applying international and domestic human rights and relevant legal, ethical, or other principles and practice to the major contemporary human rights debates in the U.S. Themes and topics the course will address include, but are not limited to: racial discrimination and criminal justice reform, sexual orientation and gender identity, reproductive rights, gun violence, voting rights, access to housing, healthcare, the role of social movements, national security and U.S. foreign policy.
2. Analyzing case studies and assembling accurate empirical data;
3. Assessing U.S. attitudes towards international human rights mechanisms;
4. Interpreting relevant historical, political, and economic conditions and causalities; and
5. Assessing and promoting remedial strategies, and obstacles to providing accountability.

Texts

Human Rights: Moral or Political? (Oxford: Oxford University Press, 2018), ed. Adam Etinson.

Other materials for the course will be provided on a weekly basis.

Expected Outcomes/Assignments

Students are expected to demonstrate having met the course objectives through class discussion and the following assignments

- **Memorandum:** Students will create an informational memorandum that accurately identifies an international/domestic human rights issue, weighs policy options, and suggests a potential solution based on legal, ethical, and other criteria relevant to major contemporary human rights debates, scholarship, and practice in the United States.
- **Oral Briefings:** Students will develop two oral briefings throughout the semester:
 - In groups of two, students will cover a case study presented in the course, along with the related assigned readings. Briefings should convey an understanding of the causes of abuse, political debates, law, scholarship, and ethics related to the session's case study.
 - The final briefing will be related to students' informational memos, it should convey an understanding of the above, as well as a nuanced consideration of policy options, their feasibility, and their drawbacks.
- **Weekly Discussion Posts:** Students will post responses to the questions posed online each week. Posts should include roughly one paragraph for each bullet point. Students should also engage in dialogue with other seminar members on the issues of the week. Discussions should be reviewed before class.

Grading:

Projects, discussions, and presentations will factor into the students' final grade as follows. Please see the next page for a sample grading rubric.

Activity:	Points	Due Date
Memorandum	35 pts	TBD (Midnight via email)
Oral Briefing	20 pts	TBD (In Class)
Discussion Posts	25 pts	Ongoing (via CourseWorks)
Case-Study Oral Briefing	20 pts	TBD (In class, per the sign-up sheet)
TOTAL	100	

Criteria	Levels of Achievement			
	Highly Proficient	Competent	Novice	No Evidence
Demonstrate knowledge of the political and societal context of a human rights issue, both descriptively and in prescribing solutions. (30%)	Response demonstrates comprehensive knowledge of the political and societal context of a human rights issue, both descriptively and in prescribing solutions.	Response demonstrates competent knowledge of the political and societal context of a human rights issue, both descriptively and in prescribing solutions.	Response demonstrates a novice's knowledge of the political and societal context of a human rights issue, both descriptively and in prescribing solutions.	Response demonstrates a little to no knowledge of the political and societal context of a human rights issue, both descriptively and in prescribing solutions.
Design and produce policy solutions that effectively address a chosen human rights issue, with a special focus on the causes of abuse. (30%)	Response includes policy solutions that effectively address a chosen human rights issue, with a special focus on the causes of abuse.	Response includes competent policy solutions that mostly address a chosen human rights issue, with a focus on the causes of abuse.	Response includes policy solutions that may address a chosen human rights issue, with little focus on the causes of abuse.	Response includes policy solutions that do address a chosen human rights issue, with little to no focus on the causes of abuse.
Express a framework through which human rights can be understood <i>and</i> practiced that is informed by ethical, legal, and empirical sources. (30%)	Response expresses a logically consistent framework through which human rights can be understood <i>and</i> practiced that is informed by ethical, legal, and empirical sources.	Response expresses a logically consistent framework through which human rights can be understood <i>and</i> practiced that is informed by at least two of the following: ethical, legal, and empirical sources.	Response includes a mostly consistent framework through which human rights can be understood <i>or</i> practiced that is informed by at least one of the following: ethical, legal, and empirical sources.	Response includes a logically inconsistent framework through which human rights can be understood <i>or</i> practiced that is not clearly informed by ethical, legal, or empirical sources.
Control of Grammar and Mechanics (10%)	Response shows high proficiency in the use of academic English with minimal errors in usage (subject/verb agreement, fragments, spelling, punctuation, etc.).	Response shows proficiency in the use of academic English with some errors in one or two patterns in usage (subject/verb agreement, fragments, spelling, punctuation, etc.).	Response shows low proficiency in the use of academic English with multiple errors of two or more patterns in usage (subject/verb agreement, fragments, spelling, punctuation, etc.).	Response shows little-to-no proficiency in the use of academic English with multiple errors in multiple patterns in usage (subject/verb agreement, fragments, spelling, punctuation, etc.).

Course Calendar

(The first three sessions/weeks, depending on the schedule, are laid out here. A complete syllabus would include a full calendar.)

Week	Class Dates	Topics and Readings
1		<p>Class 1: Introductions and Solutions: Policy & Human Rights</p> <p>Introductions activity</p> <p>Review Course Goals and Syllabus Instructor-led discussion of the various assignments:</p> <ul style="list-style-type: none">• Discussion Posts• Presentations/Case Studies• Memorandum <p>Discussion Topic and Questions: Brief overview of the policy analysis process and memorandum writing standards, with a focus on Human Rights.</p> <p>After reading through the 8-step policy analysis process, please discuss in detail some issues that may be unique in formulating and implementing policy solutions for human rights violations and abuses. Think specifically about:</p> <ul style="list-style-type: none">○ What steps might require special attention in cases where human rights are involved? What is the nature of the special attention required?○ Do any steps become more, or less, important when addressing human rights issues? Why?

Class 2: Causalities and Frameworks

Topics and Questions:

Normative & Ethical Foundations of Accounts of Human Rights

- In your opinion, which ethical frameworks provide the best account for human rights? Where do rights come from? In your answer, try to balance the demands of human rights practice, and the concept that human rights are *rights* that people ought to have independent of any political, social, or economic system.

Constitutional Foundations of Accounts of Human Rights

- Consider the differences among the three bills of rights that you've read, both in terms of content and in terms of the context in which they were written. How do you think each bill differs? How can the ethical framework that you discussed above account for these differences, and inform and critique these bills? Are any of the bills incorrect?

The Universal Declaration on Human Rights

- To what degree do you see the principles espoused in in the UN Declaration promulgated by the bills we read? To what degree do you think that documents like this Declaration affect human rights "on the ground?"

Readings:

- **Read:** Introduction of *Human Rights: Moral or Political?* (Oxford: Oxford University Press, 2018), ed. Adam Etinson.
- **Read:** [1936 Constitution of the Soviet Union](#) (Skip articles 13-117, 142-146)
- **Skim:** [U.S. Constitution](#) – Bill of Rights
- **Skim:** [South African Constitution](#) – Chapter 2, Bill of Rights
- **Skim:** [Kenyan Constitution](#) – Chapter 4, Bill of Rights
- **Skim:** [U.N. Declaration on Human Rights](#) – see also the table in Appendix 1 of the Syllabus.
- **Read:** [ILO Declaration](#), 1944
- **Read:** Farmer, "Challenging Orthodoxies: The Road Ahead for Health and Human Rights," *Health and Human Rights* 10 1 (2008):5-19.

2	<p>Class 3: Case Study/Topic - Reproductive Health and Choice in American Prisons (Classes from here on out will focus on Case Studies/Topics such as these, and will generally follow the layout below, with new questions tailored to each topic. Time will be given nearer the end of the semester to discuss projects and standards.)</p> <p>Student Presentation</p> <p>Class Discussion</p> <p>Topics and Questions:</p> <p>Rights of the imprisoned:</p> <ul style="list-style-type: none"> ○ To what degree are the rights of the imprisoned abridged? What are the ethical justifications for abridging the rights afforded to prisoners? How do the cases we've read about follow, violate, or challenge the justification you've laid out? ○ To what degree are Amnesty International's justifications for the right to abortion valid? (Note: You can believe that abortion is a right, but also believe that a specific justification for that right is flawed) How does Amnesty's justification apply to the imprisoned? <p>Intersectionality and culture:</p> <ul style="list-style-type: none"> ○ Consider <i>Carandiru</i>, and your knowledge about American prisons and culture. To what degree does broader culture affect the development of <i>prison culture</i>, and what effect does that have on the dignity of the imprisoned? Consider attitudes towards women, and how prisons are constructed and run. <p>Denial and responsibility:</p> <ul style="list-style-type: none"> ○ State officials in California claimed no knowledge of the forced sterilization program, and it was initially reported that the program may have existed without any official state approval. This is common with state perpetrated human rights abuses. In such cases, how should practitioners craft remedies? What special considerations must be addressed? Who should be held accountable for the abuse? <p>Readings:</p> <ul style="list-style-type: none"> ○ Read Summary– Recommendations. California State Auditor's Report: <i>Sterilization of Female Inmates: Some Inmates Were Sterilized Unlawfully, and Safeguards Designed to Limit Occurrences of the Procedure Failed.</i> ○ Read - https://www.prisonpolicy.org/blog/2021/12/08/reproductive_choice/ ○ Read - https://www.amnesty.org/en/what-we-do/sexual-and-reproductive-rights/abortion-facts/ ○ Skim - <i>New Punitiveness on the Move: How the US Prison Model and Penal Policy Arrived in Colombia</i> (Darde & Soderstrom). ○ Watch: <i>Carandiru</i> (2003)
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Appendix:

Table 1: Sources of International Law according to Article 38 of the International Court of Justice

	Branch of international law	IHRL	IHL	ICL
Sources of international law, according to the Statute of the ICJ, Art. 38:	a. International conventions, whether general or particular, establishing rules expressly recognized by the contesting states	CAT, CICPR, CESCO, CEDAR, Conv. on Enf. Disap., UN or OAS, CRC Genocide Convention.	Geneva Conventions, NIACS, The Hague, Mines UXO	Rome Statute, Genocide Convention Piracy, Terrorism
	b. international custom, as evidence of a general practice accepted as law	Prohibition on torture and cruel and inhuman punishment.	Compendiums of IHL, Targeting,	Crimes Against Hum.
	c. the general principles of law recognized by civilized nations	Due process, Limited sovereignty	Humane treatment of prisoners.	International Crimes must be prosecuted
	d. (...) judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.	International courts, law reviews, scholars	Reviews, IHL Case Studies, ICJ Cases	ICTY, ICTR, Nuremburg
* Subsidiary source or evidence of...	“Soft law” (resolutions and declarations).	Guiding Principles, Resolutions,	Res. Children & Women, UNSC	Res. Dec. Principle, CAH and WC.