

# Human Rights

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Spring 1997

## Course Reading

Required:

International Federation of Social Work. (1994). *Social work and human rights* New York: United Nations.

Newman, F. & Weissbrodt, D. (1996). *International Human Rights: Law, policy, and process*. Cincinnati: Anderson.

Tomasevski, K. (1993). *Women and Human Rights*. Boston: Zed Books.

Wronka, J. (1998). *Human rights and social policy in the 21st century. A history of the idea of human rights and comparison of the United Nations Universal Declaration of Human Rights with United States federal and state constitutions*. Lanham, MD: University Press of America.

\* Originally published in *Global Perspectives in Social Work Education: A Collection of Course Outlines on International Aspects of Social Work* (Council of Social Work Education, 1997) 127-134, reprinted with permission.

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The following readings, either whole or in part will be available in a packet the first day of class:

Abrams, M. (1991). *On the economic and social rights of the Universal Declaration*. Geneva Human Rights Commission

The Carter Center. (1993). *The Atlanta Statement*. Plains, GA: Author.

Chapman, A. (1993). *Exploring a human rights approach to health care reform*. Washington, DC: Association for the Advancement of Science.

Cohen, C. (1995). Children's rights: an American perspective. In B. Franklin (Ed.), *Handbook of children's rights* (pp. 163-175). New York: Routledge.

Department of State. (1993). *The Vienna Declaration and Response to the Vienna Declaration*. Washington, DC: Author.

Department of State. (1994). *International Covenant on Civil and Political Rights: Initial report of the .S.A. to the U.N. Human Rights Committee*. Washington: U.S. Government Printing Office.

Human rights and diplomacy. (1997, April 12). *The Economist*, 19-21.

Eide, A. (1987). United Nations Commission on Human Rights. *Report on the right to adequate food as a human right*. (E/CN.4/Sub.2/1987/123). New York: United Nations.

Ferrero, R. (1986). Sub-Commission on Prevention of Discrimination and Protection of Minorities. *The new international economic order and the promotion of human rights* (E/CN.4/Sub.2/1983/24/Rev. I). New York: United Nations.

Hiroaka, T. (1996, December). Reasons for the illegalization of nuclear weapons, *Peace and conatct studies*. 3(2), 72-77.

Langley, W. (1997). The World Court and the legality of nuclear war. (In packet available from the Coalition for a Strong United Nations.)

Reardon, B. (1995). *Educating for human dignity*. Philadelphia: University of Pennsylvania Press.

UNESCO. (1968). *Some suggestions about teaching human rights*. Geneva: Author.

United Nations. (1981). *The regional and national dimensions of the right to development as a human right*. (E/CN.4/1488). New York: Author.

United Nations. (1993). *Human rights and disabled persons*. Geneva: Author.

United Nations. (1989). *The rights of the child*. Geneva: Author.

United Nations. (1986). *Developmental Social Welfare*. New York: Department of International and Economic and Social Affairs.

United Nations. (1994). *Declaration on the rights of disabled persons; declaration on the rights of mentally retarded persons; declaration on the protection of persons with mental illness; declaration on the eradication of hunger; declaration on the rights of people to peace; United Nations Rules for the Protection of Juveniles*. New York: Author.

United Nations. (1995). *Platform for Action of the Fourth World Conference on Women in Beijing*. New York: U.N. Department of Public Information.

Universal Declaration of Human Rights Project. (1993). *Statement of Purpose and Action Alert to Repeal the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193*. (Available from: Joseph Wronka, School of Social Work, Springfield College, Springfield, MA 01109).

Wronka, J. (1994) Human rights and social policy in the U.S.: An educational agenda for the 21st entury [Special issue on human rights]. *Journal of Moral Education*, 23, 261-272.

Wronka, J. (1995). On the U.N. Human Rights Committee's consideration of the initial report of the US.A. on the International covenant on Civil and Political Rights. *Human rights interest group newsletter of the American Society of International Law*, 5(3), 14-16.

Wronka, J. (1995, Winter). Creating a human rights culture. *Brandeis Review*.

Wronka, J. (1995). Human rights. Entry in *The Encyclopedia of Social Work*. Washington, DC: National Association of Social Workers..

Recommended:

Alston, P. & Tomasevski, K. (1982). *The right to food*. Martinus Nijhoff

Claude, R. & Weston, B. (1992). *Human rights in the world community: Issues and action*. Philadelphia: University of Pennsylvania Press.

Franklin, B. (Ed.). (1995). *The Handbook of Children's Rights" Comparative policy and practice*. New York: Routledge.

Harvard University Francois-Bagnoud Center. (1997). *Journal on Health and Human Rights (latest edition)*. Cambridge, MA: Harvard University Press.

Henkin, L. & Hargrove, J. (1994). *Human rights an agenda for the next century*. Washington, DC: American Society of International Law. *Journal of Moral Education* [Special human rights issue] Vol. 23, No. 3, 1994. (Carfax Publishing, The United Kingdom).

Laqueur & Rubin. (1990). *The human rights reader*. New York: New American Library.

Reardon, B. (1995). *Educating about human dignity: Learning about rights and responsibilities*. Philadelphia: University of Pennsylvania Press.

Siegel, R. (1994). *Employment and Human Rights*. Philadelphia: University of Pennsylvania Press.

United Nations. (1994). *A compilation of international instruments (Vols- I & II)*. New York: Author.

U.S. Government Printing Office. (1994). *The International covenant on Civil and Political Rights: Initial Report of the USA to the UN Human rights committee*. Washington, DC: Department of State.

Also recommended are packets of readings from conferences at the JFK Library in Boston, in particular: The National Conference on Human Rights on December 10, 1994; the Conference on Reforming the United Nations, December 7, 1995; and the Conference on Individuals, Non-governmental organizations and the U.N. system on March 8, 1997. (Available from: Coalition for a Strong United Nations: 2.161 Massachusetts Avenue. Cambridge, MA 02140-1336).

### **Course Description**

The purpose of this course is to examine how the idea of human rights can assist in the development of economic and social justice, thereby being a strategy for social change. In addition to the Universal Declaration of Human Rights, it examines some other "state-of-the-art" documents, like the Rights of the Disabled, the Convention on the Elimination of Discrimination Against Women, the Rights of Mental Patients, and Youth or the Rights of the Child, which may advance social justice. It also examines strategies that governments, both domestic and foreign, as well as, non-governmental organizations (ngo's) have developed to realize and/or violate human rights. Its approach is that of scholar-practitioner and public-spirited citizen with particular emphasis upon the relevance of human rights to the helping and health professions, in particular, social work. While it is true that much of the course emphasizes legal issues, its emphasis is upon the interface between the current state of international human rights law, which the serious human rights scholar-practitioner must be aware, and the directions that it appears international human rights law ought to aspire. In particular these directions are to develop social change strategies to fulfill human needs evolving particularly around economic, social, cultural, and solidarity rights. Human rights, after all, is nothing, but a powerful "social construct," moving people to act in the words of Eleanor Roosevelt, that can legally mandate the fulfillment of human need.

Students are taught to critically reflect upon the relevance of human rights theory and praxis to promote social justice. This reflection ought to be "dragged into" one's "vital labors" as the phenomenologist Merleau-Ponty called it, in such a way that should not merely be cognitive (the mind), but that may also require changes in heart (the spirit) and conduct (the body), roughly consistent with the Humanics mission of this School of Social Work and Springfield College. To facilitate such a critical inquiry, this class will emphasize in part didactic methods of teaching, yet also rely largely on group discussion in seminar format, coupled with experiential exercises designed to foster a lived sense of the meaning of human rights. This course, therefore, works on the assumption that "information is power," especially when people do not know that their human rights are being violated. This information, however, must be "lived" in the sense that this knowledge leads a person to social action. The instructor, furthermore, will act primarily as a resource to facilitate learning within the broad area of human rights, hoping to act as a "catalyst" to assist in igniting students' passions to pursue human rights research-action projects.

Students are to hand in one paper on their particular area of interest in the broad field of human rights roughly between 20 and 30 pages. This paper ought to be in the form of a research-action project as discussed in class. Students also ought to do the readings and participate in class accordingly. Given the seminar nature of this class, students' participation will count equally toward the final grade.

By the end of the course the student will be able to:

1. understand more in depth the Universal Declaration of Human Rights, but also some of its progeny, like the rights of the child, rights of the disabled, and the rights of women;
2. understand how human rights may be integrated into clinical, as well as, advanced generalist practice, that is, micro, mezzo, and macro dimensions of practice;
3. understand the particular relevance of human rights to the profession of social work and the health and helping professions in general;
4. understand ideological bases of United States reports on domestic and foreign compliance with human rights standards;
5. suggest strategies to engender economic, social, cultural and solidarity rights;
6. understand the importance of a people's, rather than elitist approach, to examining human rights standards
7. assess research-action strategies to move governments to comply with internationally recognized human rights instruments;
8. have a lived sense of the idea that every right has a corresponding duty;
9. understand the significance of public sentiment in the promotion of socially just policies;
10. develop public speaking, writing, and interpersonal abilities which should assist in the dissemination of the idea of human rights, in an attempt to expand people's consciousness;
11. understand strategies to teach human rights as "moral education";
12. understand how some governments implement some internationally recognized human rights standards, pertaining to children, the disabled, and of women;
13. understand what non-governmental organizations, like the Carter Center, are doing to advance human rights;
14. hone our understanding of specific rights like health care, food, peace and to some extent shelter, employment and other rights;
15. have a thorough knowledge of the current state of international human rights law in the U.N., but to a lesser extent the regional systems. In particular the Inter-American system.
16. understand U.S. jurisprudence in the context of international human rights law;
17. understand issues pertaining to cultural relativism and the implementation of U.N. human rights law in general;
18. understand theories pertaining to the causes of human rights violations;

and

19. develop strategies to act upon the understanding of human rights issues as discussed in this course.

### Course Schedule

The format of this course is like a seminar. Thus, students will be able to choose an area of particular interest. They will examine human rights and other documents in this area and also what others are doing in their particular area of interest from which they can develop a research-action strategy. For example, students may be interested primarily in children's rights. Thus, they can become scholars in the area of children's rights, by understanding in depth the Rights of the child, as well as, government arguments for or against that convention. Students may also wish to do research into possibilities for funding in their interest area. (That same model can be used for the right to peace, rights of the disabled, rights of women, rights of mental patients etc.) In addition, however, students must also read the required readings that should give them a "state-of-the-art" appreciation of current issues in the broad area of human rights. Topics with corresponding readings are below. These readings should assist in "lived" understanding of how to promote a "human rights culture," the major thrust of this course.

**Module I.** Introduction to human rights; Toward the creation of a human rights culture; the interrelationship between human rights and social policy; a history of the idea of human rights; toward the integration of human rights and the micro, mezzo, and macro levels with particular attention to the profession of social work; the interdependence and indivisibility of human rights: the interconnectedness between rights, duties, and a social and international order.

Readings: Wronka (1992). chapters I & 2: Wronka (all readings for 1995); International Federation of Social Work (1994).

In packet: Abrams, M. (1991); Eide, A. (1987)

**Module II:** History of human rights continued with emphasis upon the debates prior to the signing of the Universal Declaration; The human rights triptych: the Universal Declaration of Human Rights as customary international law: A comparison of the Universal Declaration with U. S. federal and state constitutions. The formation of the U.N.; the Nuremberg and Tokyo tribunals; Regional human rights organizations, such as the European and Inter-American System; an introduction to other human rights instruments such as pertaining to juveniles, "mentally retarded persons," "disabled persons"; "mental illness: and the right to peace.

Readings: Wronka (1992), chapters 3-5; Newman and Weissbrodt (1996), chapter 1.

In packet: The Universal Declaration of Human Rights Project (1993); The Carter Center (1993); United Nations (1994).

**Module III:** The ratification and implementation of human rights treaties: The International Covenant on Economic, Social, and Cultural Rights: international implementation and enforcement mechanisms: the U.N. human rights committees; State reponing under the international human rights treaties with particular attention to the United States: The initial U.S. report to the U.N. committees.

Readings: Newman and Weissbrodt (1996), chapters 2-3. In packet: Department of State (1993 & 1994)

**Module IV:** State reponing under international human rights treaties; the situation in Iran; International law prohibiting torture; the European system: cultural relativism and international human rights law.

Readings: Newman and Weissbrodt (1996), chapter 4.

**Module V:** U.N. procedures available for violations of human rights: the case of Burma (Myanmar): the 1235 and 1503 procedures; the Freedom of Information Act; Collective and Unilateral Humanitarian Intervention; the redress and punishment of human rights violations; the Nuremberg principles; the International Tribunal for the Former Yugoslavia; Creating a Permanent International Court

*Readings:* Newman and Weissbrodt, (1996), chapters 5-7  
In packet: Human rights and diplomacy (1997)

**Module VI:** International human rights fact finding; the case of Rwanda; analysis, verification, and follow-up; the experience of the Inter-American Commission; the impact of fact-finding; incorporating human rights goals into U.S. foreign policy; defining and implementing U.S. human rights policy.

*Readings:* Newman and Weissbrodt, (1996), chapters 8-9.

**Module VII:** The problem of interpretation of human rights instruments; the case of Baby-Boy; the Inter-American Commission on Human Rights and Jurisprudence of the Inter-American Commission; other regional systems; the European system with emphasis upon homosexuality, the death penalty, and corporal punishment; The Greek case; human rights law in Europe apart from the European Convention

*Readings:* Newman and Weissbrodt, (1996), chapters 10-11.

**Module VIII:** U.S. remedies for violations outside and within the United States; Alien-Tort litigation; international rules governing rape; the Torture Victim Protection Act; Using international law to guide interpretation of U.S. law; the doctrine of non-self execution of treaties: the current state of U.S. ratification of human rights treaties; obstacles to invoking international human rights law

*Readings:* Newman and Weissbrodt, (1996), chapters 12-13.

**Module IX:** Refugee and Asylum human rights considerations; gender-based refugee claims, such as female genital mutilation: spousal violence based asylum; women's human rights violations in general; a platform of action.

*Readings:* Newman and Weissbrodt, (1996), chapter 14; Tomasevski, (1993).

**Module X:** Political, economic, sociological, psychological, and sociocultural theories of causation of human rights violations; the theory of capitalism and overpopulation; the possible role of development; group identity and scapegoating: the European witch-case: the socialization of killing; the necessity of speaking up.

*Readings:* Newman and Weissbrodt, (1996), chapter 15.

**Module XI:** Human rights and disabled persons; children's rights

*Readings:* In packet: United Nations, (1989 & 1993); Cohen (1995).

**Module XII:** An examination of solidarity rights; the right to peace and the right to development in particular

*Readings:* In packet: Ferrero (1986); United Nations (1981 & 1986); Hiroaka 1996); Langley (1997)

**Module XIII:** Strategies for teaching human rights as "moral" education.

*Readings:* In packet; UNESCO (1968); Reardon, (1995); Wronka (1994)

**Module XIV:** A rigorous inquiry: What then shall we do?

There are no readings for this module.

**Module XV:** Student presentations on research-action human rights projects

### Course Bibliography

Alston, P. (1990). U.S. ratification of the covenant on economic, social and cultural rights: The need for an entirely new strategy. *American Journal of International Law* 84 365-393.

Amnesty International. (1991). *Amnesty International Report 1991*. New York: Author. In A. P. Blaustein, R. S. Clark, & J. A. Sigler, (Eds.). (1987). *Human rights sourcebook*. New York: Paragon House.

Brownlie, I. (Ed.). (1971,). *Basic documents on human rights*. Oxford: Clarendon Press.

Claude, R. P., & Weston B. (Eds.). (1992). *Human rights in the world community*. Philadelphia: University of Pennsylvania Press.

Donnelly, J. (1989). *Universal human rights in theory and practice*. Ithaca, NY: Cornell University Press.

Donnelly, J. & Howard R. (1987). *Interrational handbook of human nghts*. New York: Greenwood.

Drinan, R. (1987) *Cry of the oppressed: The history and hope of tlre human rights revolution*. San Francisco: Harper and Row.

Eide, A. (1987). *United Nations Commission on Human Rights. Report on the right to adequate food as a human right. (E/CN.4/SIJB.2/1987/23)*. New York: United Nations.

Ferrero, R. (1986). Sub-Commission on Prevention of Discrimination and Protection of Minorities. *The new international economic order and the promotion of human rights. (E/CN.4/Sub.2/1 983/24/Rev. I )*. New York: United Nations.

Flanz, G. & Blauste~n, A. ( 1997). *Constitutions of the courtries of the world*. Dobbs Ferry, NY: Oceana.

Friedman, J. and Wiseberg, L. (1981). *Teaching human rights*. Washington, DC: Human Rights Internet.

Gil, D., & Gil, E. (Eds.). (1985). *The future of work*. Rochester, VT: Schenkman.

Gil, D. (in press). *Confronting social injustice*. New York: Columbia University Press.

Green, J. F. (1956). *711e U.N. and human rights*. Washington: Brookings Institute.

Harvey, P. (1989). *Securing the right to employment*. Princeton: Princeton UniversityPress.

Human rights internet. (1991). *For the record: Indigenous peoples and slavery in the United Nations*. Ontario: Author.

Laqueur, W., & Rubin, B. (Eds.). (1990). *The human rights reader (rev. ed.)*. New York: New Amecan Library.

Lauterpacht, H. (1950). *International law and human rights*. London: Stevens and Sons.

Lillich, R. (1989). The Constitution and international human rights. *American Journal of International Law* 83(4), 851-862.

Meron, T. (1989). *Human rights and humanitarian norms as customary law*. Oxford: Clarendon.

Paust, J. J. (1983). Human dignity as a constitutional right: A junsprudentially based inquiry into criteria and content. *Howard Law Journal* 27 144-225.

Rosenzweig, M. (1988). Psychology and United Nations human nghts efforts. *American Psychologist* 43, 79-86.

United States Government Pnnting Office. ( 1997). *Human Rights Report of Foreign Countries*. Washington, DC: Author.

Wronka, J.M. (1995). Human rights (1405-1418). In R. Edwards, (Ed.), *Encyclopedia of Social Work* 19th ed.) Washington, DC: NASW Press.

Note: An extended bibliography attached to the human rights entry in the Encyclopedia of Social Work will

also be available on the first day of class. Also, please pay special attention to bibliographies with corresponding electronic data resources included in Newman and Weissbrodt (1996).