
PROFESSOR CARLOS HADDAD

Second Semester 2017, Fridays, 12:00-15:00
45 hours
Auditório Orlando Magalhães Carvalho 16th floor

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This course is collaboratively taught by UMich Prof. Sueann Caulfield, UMich doctoral candidate Pedro Cantisano. Via video-conferencing, UFMG and UMich students will engage in discussions and participate in group projects.

CLASS DESCRIPTION

International Human Rights Law in the Americas: From Grass-Roots Social Movements to the Inter-American Commission and Court of Human Rights

Have you ever heard of the Inter-American Commission and Court of Human Rights (IACHR)? If not, you're not alone! This dual institution represents our hemisphere's collective attempts to define and enforce basic standards of social justice for over half a century.

The IACHR's jurisdiction in the United States has been hotly contested since its inception. Although the Commission's headquarters is in Washington D.C., and the Court hears U.S. cases (including, for example, accusations that the United States has violated the rights of undocumented workers), the impact of the Court's decisions there has been limited. In contrast, in much of Latin America as well in Brazil, the IACHR became a touchstone for grass-roots groups and NGOs that struggled to build democratic societies in the final decades of the twentieth century, following a period of rule by authoritarian regimes known as the Cold War dictatorships.

Through a number of landmark cases in the first decade of the twenty-first century, these groups used the IACHR to pressure new democratic regimes to live up to their

promise of social justice. Over the past few years, as nationalist regimes of both left and right reject universal norms and international institutions, they have increasingly sidelined or even repudiated the IACHR. It is a critical moment to reflect on its history.

Who shaped this institution's work over the past half-century, and through what mechanisms? How has the IACHR influenced international law? How does it enforce its rulings? Does limited enforcement capacity mean that it is incapable of bringing about change in American societies? What does the history of the IACHR tell us about the real or potential value of international human rights laws and institutions as a whole?

In this course, we will use the case study method to address these questions. Working in groups, students will analyze landmark IACHR cases through research on the local context, analysis of court documents, enactment of hearings, and evaluation of outcomes. Topics may include forced disappearance; human trafficking and contemporary slavery; femicide and violence against women; reproductive rights; ethnocide, indigenous rights and racial discrimination; LGBT rights; and the rights of migrants and refugees.

BASIC RULES

READINGS: All readings are posted to the moodle for this course.

ASSIGNMENTS/ACTIVITIES:

- Contribution to weekly class discussion and activities
 - Come to class on time, having read all assigned texts and prepared to comment on them; listen carefully and respond to classmates and the instructor.
 - Prepare for various classroom activities, including group presentations with American students.
 - Engage with classmates' formal presentations by formulating comments and questions that are informed by common readings and previous classroom discussions.
- Contribution to class blog
- Enactment of a case before the Inter-American Commission (or Court) on Human Rights. Groups of 4 students (two UFMG, two UMich) will enact actual cases during weeks 7-12.

GRADING CRITERIA:

Grading is on a 100 point scale. Numbers in parentheses after each assignment above are the maximum you can earn for each. 0-39=F; 40-59=E; 60-69=D-; 70-79= C; 80-89=B; 90-100=A.

Part I: Introduction of the Inter-American Human Rights

Aug. 4: Introduction: course development

Readings:

- ❖ Giacomoli (2016) “O Devido Processo Penal – abordagem conforme a CF e o Pacto de São José da Costa Rica”
- ❖ Trindade (1994) “El futuro del sistema interamericano de protección de los derechos humanos: algunas reflexiones”

Aug. 18: The “NGOification” of social movements, the expanding significance of human rights, and the work of the IACHR.

Readings:

- ❖ Sikkink (1996) “The Emergence, Evolution, and Effectiveness of the Latin American Human Rights Network”
- ❖ Goldman (2009) “History and Action: The Inter-American Human Rights System,” 874-887
- ❖ Goldman (2012) “Children of the Dirty War”

Film: “The Official Story”

Documents: American Convention on Human Rights (1969); Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights “Protocol of San Salvador” (1988); “Statute of the Inter-American Court on Human Rights,” and “Rules of Procedure on the Inter-American Court of Human Rights” (2009)
IACHR Second Report on the Situation of Human Rights Defenders in the Americas (2011) (excerpts)

Aug. 25: Contemporary slavery/human trafficking

Readings:

- ❖ Scott (2017) “Introduction”
- ❖ Vloet (2011) “The Face of Modern-Day Slavery”

Sept. 1: Visit of Professor Sueann Caulfield / TBC

Part II: History of Inter-American Human Rights

Sept. 8: Introduction: Debates over origins of human rights

Readings:

- ❖ Alston (2013), “Does the past matter?”
- ❖ Moyn (2010), “Human Rights in History”
- ❖ Martinez (2012), “Human Rights and History”
- ❖ Benton (2013), “The Slave Trade and the Origins of International Human Rights Law”

Documents: “Vieira’s Sermon Condemning Indian Slavery”; Nabuco, “O abolicionismo”

Sept. 15: Conceptions of rights in the construction of American democracies and inter-American relations

Readings:

- ❖ Carozza (2003), “From Conquests to Constitutions,” 281-303
- ❖ Grandin (2007), “Human Rights and Empire’s Embrace,” 191-201
- ❖ Dubois (2006), “An Enslaved Enlightenment”

Documents: Martí, “Our America”; U.S. Constitution (1787); Brazilian Constitution (1824).

Assignment for joint session with UMich: Prepare to describe the conceptualization of citizenship and civil rights in the Brazilian Constitution of 1824 and US Constitution. Highlight specific passages that demonstrate how the two documents conceptualize rights similarly or differently.

Sept. 22: Pan-Americanism prior to World War II

Readings:

- ❖ Scarfi (2016), “In the Name of the Americas”
- ❖ Carozza (2003), “From Conquests to Constitutions,” 303-313
- ❖ Marino (2014), “Transnational Pan-American Feminism”

Document: Mexican Constitution, 1917, selections

Assignment for joint session with UMich: Professor Kathryn Marino, University of Ohio, will join us via skype. Write out at least two questions for her, contextualized in the readings for this week.

Sept. 29: Inter-American diplomacy and human rights after World War II

Readings:

- ❖ Sikkink (2015), “Latin America’s Protagonist Role in Human Rights”
- ❖ Huneeus and Madsen (2017), “Between Universalism and Regional Law and Politics,” 4-15
- ❖ Henkin (1995), “U.S. Ratification of Human Rights Treaties”
- ❖ Bradley (2010), “The United States and Human Rights Treaties”
- ❖ **Strongly recommended** for students who have not previously studied Latin American history: Chasteen, chs. 9-10 (PDFs available). These textbook chapters offer an excellent synthesis of post-World War II political and social history of Latin America.

- ❖ Documents: “U.N. Rights Drafts Held Socialistic,” *New York Times*, Sept. 18, 1945; Excerpts from Inter-American Declaration on the Rights of Man; “Statement of the Uruguayan Delegation,” United Nations Conference on International Organization, 1945

Assignment for joint session with UMich: In groups, UFMG students will play the role of Uruguayan delegates and UMich students will play the role of US delegates to the OAS as the American Declaration on the Rights of Man is debated.

Oct. 6: Cold War dictatorships, social movements, and the “human rights era” in Latin America, 1970s-1990s

Readings:

- ❖ Huneeus and Madsen (2017), “Between Universalism and Regional Law and Politics,” 21-25
- ❖ Goldman (2009), “History and Action: The Inter-American Human Rights System,” 867-874
- ❖ Gonzáles (2016), “Reading Christian Human Rights in Latin America”
- ❖ Pinheiro (1997), “Popular Responses to State Sanctioned Violence in Brazil”

- ❖ Film: *Quase dois irmãos* [Almost Brothers], Lúcia Murat, 2005. 102 min.

Documents: IACHR, excerpts from country reports: Chile (1974), Cuba (1979), Argentina (1980).

Assignment for joint session with UMich: Compose at least two questions for American students regarding their and their parents’ and relatives’ experience and perception of the Cold War, the military dictatorship of 1964-1985, the “human rights era,” and more recent human rights movements. Contextualize your questions within the historical analyses you have read so far in this class. Interview at least two of your own relatives, age 50 or older, about their Cold War experiences and perceptions and be prepared to answer American students’ questions.

Part III: The Role of the Inter-American Commission on Human Rights: Case Studies

Oct. 20: Civil and Political Rights

Readings:

- ❖ Binder (2011) “The Prohibition of Amnesties by the Inter-American Court of Human Rights”
- ❖ Falcon (2005) “The Peruvian Truth and Reconciliation Commission’s Treatment of Sexual Violence Against Women”

Documents: Inter-American Convention to Prevent and Punish Torture (1985); excerpts from *Nunca Mas* report (Argentina); Brazilian Truth Commission report (conclusions and recommendations).

Oct. 27: Indigenous rights/ethnic or racial discrimination

Readings:

Kirsch (2018) "Dilemmas of an Expert Witness: Indigenous Land Rights in Suriname and Guyana."

- ❖ chapter from forthcoming book on indigenous human rights.

Documents: Browse these IACHR reports: “The Human Rights Situation of Indigenous People in the Americas” (2000); “Indigenous and Tribal People’s Rights over their Ancestral Lands and Natural Resources: Norms and Jurisprudence” (2009).

Professor Stuart Kirsch will join us for the first hour today.

Nov. 10: LGBT rights/Violence against women

Readings:

- ❖ Thomas and Beasley (1993) “Domestic Violence as a Human Rights Issue”
- ❖ Assis (2017) “Violence Against Women”

Documents: Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women “Convention of Belém do Pará”; browse IACHR, “Report on the Status of Women in the Americas” (1998) (this was the first IACHR thematic report); Browse the

webpages of the IACHR Rapporteurship on LGBTI rights:
<http://www.oas.org/en/iachr/lgtbi/default.asp>.

Nov. 17: Reproductive rights/Immigrant rights

- ❖ Morgan (2014) “Claiming Rosa Parks”

Documents: Excerpts, IACHR, “Access to Information on Reproductive Health from a Human Rights Perspective” (2011) and “Refugees and Migrants in the United States: Families and Unaccompanied Children” (2015) <http://www.oas.org/en/iachr/reports/pdfs/Refugees-Migrants-US.pdf>. Browse webpage of IACHR Rapporteurship on migrants’ rights <http://www.oas.org/en/iachr/migrants/mandate/responsibility.asp>;

Nov. 24: Assessing the Impact of International Human Rights Law

Readings:

- ❖ Engstrom (2017) “Assessing the Impact of the Inter-American Human Rights System”
- ❖ Trindade (2013) “Compliance with Judgments”
- ❖ Carozza (2016) “The Anglo-Latin Divide”
- ❖ Posner (2014), “The Case Against Human Rights”

Dec. 1: Final Discussion