Australian National University

Human Rights

Jana von Stein (she/her) 2026

COURSE INFORMATION

An introduction to the theory, politics, and law of human rights. Examines the emergence of human rights institutions since World War 2 and ongoing dilemmas in the field. Topics include the origins of violations, the concept of rights, rights regimes, universalism vs. cultural relativism, compliance challenges, and the rights of women, LGBTQ+ individuals, Indigenous peoples, and migrants.

LEARNING OUTCOMES

By the end of the course, students should be able to:

1. Explain the historical development and philosophical foundations of human rights, including major criticisms and factors that contribute to violations and improvements.
2. Identify key domestic and international human rights norms, actors, instruments, and institutions.
3. Analyse the roles and strategies of actors involved in monitoring, compliance, and enforcement of human rights, as well as the challenges they face.
4. Apply human rights concepts and frameworks to historical and contemporary cases.
5. Reflect on and articulate their own rights and those of others in their communities.

COURSE SCHEDULE

Week	Topic
1.	Why Abuse?
2.	Why Rights?
3.	Domestic Rights Regimes
4.	International Rights Regimes
5.	When Rights Conflict
6.	Monitoring and Enforcement
7.	Gender and Human Rights
8.	LGBTQ+ Rights
9.	Colonialism, Sovereignty, and the Rights of Indigenous Peoples
10.	Rights of Migrants
11.	Students choose (see detailed schedule below)
12.	Wrap-Up and Review

LAND ACKNOWLEDGEMENT

We acknowledge the Ngunnawal and Ngambri-Kamberri people, who are the Traditional Owners of the land on which we meet. We pay our respects to all Aboriginal and Torres Strait Islander peoples, Indigenous peoples, past, present and future, and acknowledge that this land from which we benefit has an ancient history that is both rich and sacred.

COMMUNICATION

My office hours are [day/time] in [location]. Please come by and say hello! If you have a timing conflict, please email me to set up an alternate time. If you have any additional questions, please feel free to email me or (if you prefer) send an anonymous email through Canvas.

STUDENT FEEDBACK

In week 4, you'll have the opportunity to provide feedback on the course through an online survey. I'll do my best to make modifications during the quarter as long as they align with university policy. At the end of the quarter, you'll be asked to complete an evaluation of my teaching. These provide an opportunity for you to give honest and constructive feedback on my teaching and your learning. This anonymous feedback will help me consider modifications to the course that will help future students learn more effectively.

COMMUNITY AGREEMENT

In this course, we'll be exploring complex and high-stakes issues from many angles. These conversations will give us the opportunity to engage actively and listen respectfully, collaborate, participate in open dialogue, and contribute concepts, facts, and evidence to discussion while staying aware of how our own biases can influence what we emphasise and how we interpret information.
To help us achieve this, the class will create its own community agreement starting in week 1. Further details will be provided then and later posted on Canvas.

PRONOUNS AND INCLUSIVITY

If you feel comfortable, please share your preferred pronoun in class and when you communicate with the teaching team and each other. If you believe someone is referring to you by an incorrect pronoun, please let them know how you'd like to be addressed. If someone asks you to refer to them by a specific pronoun, please respect their request.

ACADEMIC INTEGRITY

(Integrity – doing work that is high-quality and yours – is one of the most valuable assets you can cultivate in life. At its heart, academic integrity is about behaving ethically, committing to honest and responsible scholarly practice, and upholding these values with respect and fairness. It's also crucial to ensuring the quality and value of your education. I expect all students to respect these principles, doing their own work and acknowledging others' work where appropriate. I will help you learn/revise these conventions by providing a citation and referencing guide on the Canvas site. Please get in touch if you need clarification or support, or would just like a cross-check that you're citing properly. The Academic Skills Centre has excellent resources and you can book appointments with them.

MATERIALS AND OTHER COURSE RESOURCES

The course has no textbook. Instead, I have included chapters, articles, videos, podcasts, and other course materials on Canvas.

CONTENT ADVISORY

This course examines texts, images, and videos that may be considered sensitive. I will do my best to provide tags on individual readings/videos and in class. I hope these notifications will help you engage with the material, but please be vigilant about your own well-being and reach out for support if needed. Please let me know if you believe I should tag something I haven't.

ASSIGNMENTS & ASSESSMENT

#	What	%	When
1.	Participation	10%	Weekly

Participation consists of physical presence, thoughtful and thorough engagement with the material and conversation, and respectful engagement with the TA and other students. Please see Canvas for thorough guidance on how you can prepare/do well. If you're uncomfortable speaking in a group setting, please get in touch with your TA or me so we can brainstorm on some strategies and/or discuss alternative approaches.

2.	Choose <u>one</u>	20%	TBA

- <u>Option 1: Fortnightly online quizzes starting in week 3.</u> Quizzes are designed to solidify your knowledge and are an excellent "commitment device" that will help keep you on track with the lectures and readings/podcasts. Each quiz is based on the previous two week's lectures. There are 4 quizzes total and I will drop your lowest quiz grade from the calculations at the end of the quarter.
- <u>Option 2: Conversation piece.</u> Write an article in the style of The Conversation, on a human rights topic of your choice. Details and a rubric to appear on Canvas.

3.	Policy Memo	35%	TBA

Imagine you are a policy advisor to a public official (e.g., a state or national legislative representative, or some other official who would realistically have an interest in receiving a policy memo on the topic). Your task is to identify a pressing human rights policy problem and write a policy memo for them, summarizing the relevant academic literature and providing recommendations. Details and a rubric to appear on Canvas.

4.	Final Exam	35%	TBA

Details and a mock final exam to appear on Canvas.

COURSE SCHEDULE (DETAILED)

Wk	Topic	Course materials
1.	Why Abuse?	
	<u>Concepts:</u> situational factors, dispositional factors, bystander effect, dehumanisation, moral disengagement, active bystandership, Nuremberg defense, command responsibility. <u>Objectives:</u>	▪ Paul Bartone (2008). "Lessons of Abu Ghraib: Understanding and Preventing Prisoner Abuse in Military Operations." Defense Horizons.[2] ▪ Ervin Staub (2019). "Witnesses/Bystanders: The Tragic Fruits of Passivity, the Power of Bystanders, and

[2] Students, please note: to conserve space, I am not providing the full reference information in this guide. Please see the course resources for information on proper citation.

▪ Analyse the psycho-social factors that lead individuals to commit/tolerate abuse and to become active bystanders/'heroes.' ▪ Evaluate the impact of institutional structures and design strategies to prevent violations. ▪ Examine competing perspectives on who is responsible for the Abu Ghraib abuses.	Promoting Active Bystandership." Journal of Social Issues. ▪ Phil Zimbardo (2008). "From the Psychology of Evil to the Psychology of Heroism." Video, Stanford University.
2. Why Rights?	
Concepts: natural law, human rights, civil/political rights, economic/social/cultural rights, group rights, inalienability, universality, rights as claims, rights as trumps, hierarchy of rights, positive and negative liberties. Objectives: ▪ Summarise the historical development of human rights. ▪ Evaluate the philosophical foundations of human rights. ▪ Compare and contrast different types of human rights.	▪ Andrew Clapham (2016). Excerpts from Human Rights: a Very Short Introduction. ▪ James Nickel (2007). "Theories of Rights." Chapter from Making Sense of Rights. ▪ Watch "What Are Human Rights?" and "What is a Human Rights Violation?"
3. Domestic Rights Regimes	
Concepts: rights-ism, entrenched rights, judicial review, parliamentary sovereignty/legislative supremacy, Posse Comitatus Act, presidential authority, unitary executive, democratic legitimacy. Objectives: ▪ Discuss the pros and cons of rights as claims vs. balancing rights and state/democratic interests. ▪ Evaluate the trade-offs between (1) entrenched or unentrenched rights; and (2) giving legislatures or courts the final say on decision-making. ▪ Identify the legal limits on domestic military deployments in the US, explain why these limits exist, and evaluate the competing arguments in Newsom v. Trump.	▪ Jamal Greene (2021). Excerpts from How Rights Went Wrong: Why Our Obsession with Rights is Tearing America Apart. ▪ Sarah Fredman (2018). "Allies or Subversives? Adjudication and Democracy." Chapter from Comparative Human Rights Law. ▪ Steve Vladeck & Ryan Goodman (2025). "The Posse Comitatus Act Meets the President's 'Protective Power.'" Substack post. ▪ Case: Newsom v. Trump, 141 F.4th 1032 (9th Cir. 2025).
4. International Rights Regimes	
Concepts: international human rights law, treaty-based rights, jus cogens, customary international law, signature, ratification, declaration, state obligations, reservations, derogations, withdrawal, Universal Periodic Review, Refugee Convention, offshore detention, enforcement. Objectives: ▪ Describe the foundations and sources of international human rights law. ▪ Discuss why the UN human rights regime has an "à la carte" nature and analyse the implications and pros/ cons of this approach.	▪ Rhona Smith (2022). Excerpts from International Human Rights Law. ▪ Sarah Moulds (2025). "The UN says Australia violated human rights law, but it's unlikely to change the way we treat refugees." The Conversation. ▪ Watch "For Everyone, Everywhere: The Making of the Universal

▪ Explain why Australia is unlikely to alter its policy of mandatory offshore detention. Evaluate the implications for human rights law.	Declaration of Human Rights." UN video.
5. When Rights Conflict	
Concepts: universality, relativism, moral vs. legal rights, rights conflicts, laïcité, hierarchical approach, proportional approach, public reason approach, contextual approach. Objectives: ▪ Assess the challenges of implementing universal human rights in diverse cultural, social, and legal contexts. ▪ Compare and contrast arguments regarding free speech and privacy rights. Using contemporary examples, evaluate these arguments from hierarchical, proportional, contextual, and public reason perspectives. ▪ Evaluate the Court's reasoning in S.A.S. v. France and consider the challenges it raises.	▪ Andrew Clapham (2015). "Balancing Rights – Free Speech and Privacy." From Human Rights: A Very Short Introduction. ▪ Amartya Sen (2004). "Elements of a Theory of Human Rights." Philosophy and Public Affairs. ▪ Case: S.A.S. v. France, App. No. 43835/11 (Eur. Ct. H.R. 2014).
6. Monitoring and Enforcement	
Concepts: monitoring, implementation, compliance, obedience, effectiveness, enforcement, enforcement gap, capacity vs. willingness, naming and shaming, transnational advocacy, strategic litigation, sports boycott. Objectives: ▪ Explain how formal legal mechanisms and informal strategies shape compliance with human rights. ▪ Evaluate the relative effectiveness and interactions of institutional enforcement (such as UN reporting, review, etc.) vs. informal approaches (naming and shaming, boycotts, transnational activism). ▪ Assess the impact of sports boycotts in the Anti-Apartheid movement.	▪ Emily Hencken Ritter (2023). "Treaties, Monitoring, and Enforcement." Chapter from Human Rights: Theory and Practice. ▪ Mette Eilstrup-Sangiovanni, Jason Sharman (2022). "Human Rights Vigilantes." Chapter from Vigilantes beyond Borders: NGOs as Enforcers of International Law. ▪ Watch "Fair Play," episode from Have you Heard from Johannesburg? Video.
7. Gender and Human Rights	
Concepts: universalism vs. cultural relativism, intersectionality, legal pluralism, norm diffusion, stare decisis, rights regression, bodily autonomy, undue burden, equal protection, substantive due process, states' rights. Objectives: ▪ Summarise and assess the core feminist critiques of "mainstream" human rights law. ▪ Discuss the pros and cons of appealing to intersectionality when claiming rights. ▪ Analyse the interplay of women's rights and cultural norms using contemporary examples including Dobbs and the Maputo Protocol.	▪ Silvia Sara Canetto, Shawn Meghan Burn (2020). "Whose Culture? Challenging the Idea of an Opposition between Women's Human Rights and the Right to Culture." Cambridge Handbook of Psychology and Human Rights. ▪ Fatou Kiné Camara (2015). "African Women and the Gender Equality Regime in Africa." African Human Rights Law Journal.

▪ Evaluate the arguments and the Court's logic in Dobbs.	▪ Case: Dobbs v. Jackson Women's Health Org., 597 U.S. 215 (2022).
8. LGBTQ+ Rights	
Concepts: universalism vs. cultural relativism, intersectional activism, queering of IL, legal pluralism, subversive potential of law, equal protection, due process, denial of writ of certiorari. Objectives ▪ Analyse the overlap between queer identities and human rights, assessing how dominant assumptions about gender and sexuality shape legal frameworks. ▪ Discuss how the strategies and challenges of LGBTQ+ activism have evolved since the Stonewall riots. ▪ Evaluate the arguments and the Court's logic in Obergefell and discuss why the Supreme Court opted not to revisit the case in 2025.	▪ Ratna Kapur (2017). "The (im)possibility of queering international human rights law." Chapter from Queering IL: Possibilities, Alliances, Complicities, Risks. ▪ Amy Howe (2025). "Supreme Court declines to hear case on constitutionality of same-sex marriage." (SCOTUSblog article). ▪ Rowan Haber (2019). Stonewall Forever. Video. ▪ Case: Obergefell v. Hodges, 576 U.S. 644 (2015).
9. Colonialism, Sovereignty, and the Rights of Indigenous Peoples	
Concepts: good governance, civilizing mission, sovereignty, Eurocentrism, paradox of human rights, liberal democracy, terra nullius, Native Title, doctrine of discovery, (English) Common Law, extinguishment. Objectives: ▪ Discuss how power imbalances between countries influence which human rights standards are prioritized. ▪ Examine whether/how contemporary "good governance" and democratisation initiatives reproduce "civilising mission" frameworks. ▪ Evaluate the tensions between Indigenous legal traditions and colonial legal systems and their implications for sovereignty and human rights. ▪ Assess the role of Indigenous mobilisation and activism in reshaping international legal standards and practices.	▪ Makau Mutua (2004). "The Complexity of Universalism in Human Rights." Chapter from Human Rights with Modesty: The Problem of Universality. ▪ Excerpts from Anthony Anghie (2005). Imperialism, Sovereignty, and the Making of IL. ▪ Sheryl Lightfoot (2017). "Indigenous mobilisation and activism in the UN system." Handbook of Indigenous Peoples' Rights. ▪ Case: Mabo v. Queensland (No 2) 175 CLR 1 (High Court of Australia).

10. Rights of Migrants	
Concepts: migrant, forced migrant, internally displaced person (IDP), asylum-seeker, refugee, non-refoulement, Refugee Convention, perspective-taking, empathy, due process, mandatory vs. discretionary detention (8 U.S.C. §§ 1226(a) and (b)). Objectives: ▪ Define and explain key concepts of forced migration. ▪ Explain key domestic and international principles and legal frameworks in the migration and refugee regimes. ▪ Evaluate psychological, legal, economic, and political strategies to reduce prejudice and protect migrants. ▪ Synthesise the key legal, moral, and political arguments on who is subject to immigration detention in the US, the constitutional protections owed to non-citizens, and the limits of Article II in expanding executive detention authority.	▪ Gil Loescher & Kurt Mills (2023). "Forced Migration & Refugees." Book chapter, Human Rights: Theory and Practice. ▪ Marisol Rodríguez Chatruc & Sandra Rozo (2024). "Reducing Prejudice Toward Forced Migrants through Perspective-Taking." World Bank Policy Research Working Paper. ▪ Steve Vladeck (2025). "The Immigration Detention Flood." (Substack Post) (To be updated depending on pending court decisions).
11. Students Choose	
▪ In week 1, students will have the opportunity to post proposed topics on Canvas. I'll assess them for appropriateness and feasibility, and students will then vote (via survey) in week 2. The topic will be announced on Canvas and in week 3's class.	
12. Wrap-up and Review	