



SYLLABUS

COMTEMPORARY ISSUES IN HUMAN RIGHTS: ARGENTINA & LATIN AMERICA

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Universidad Nacional de Rosario

Contact Hrs: 65

Language of Instruction: English

ROSARIO, ARGENTINA

SYLLABUS

This course will address the evolution of human rights in Latin America with special emphasis in Argentina. This region has suffered a broad range of abuses and injustices along its history. During the 60s and 70s many countries in Latin America had to go through the experience of dictatorial military governments, the practice of state terrorism against people and the consequent violation of human rights. In the 80s the return to elected governments in this countries renewed hope in democratic institutions. However dictatorships are still discussed because of thirty years of impunity of those that actively took part in crimes against thousands of men, women and children. In this course we will examine the national and international legal systems and the invaluable role of Non Government Organizations in supporting human rights during the recent past years of dictatorships and in the present.

There is a long way to go in the construction of human rights in Latin America: inequality and exclusion, discrimination, poverty and violence are urgent problems that require deep answers in a frame of economic development.

I) Introduction:

- 1) Historical and philosophical origins of human rights.
Justice and human rights. The force of human rights.
The status of the individual in human rights law.
The emergence of human rights in Latin America.
Universal human rights and practice of human wrongs.
- 2) Regional Human Rights Legal Treatises.
Universal Declaration of Human Rights. New York, 1948.
American Conventions of Human Rights (Pacto San Jose de Costa Rica), Costa Rica 1970.

International Pact of civil and political rights. New York, 1966.

International Pact of economic, cultural and social rights. New York, 1966.

Interamerican Convention to prevent and punish violence against women, Belem do Pará, OAS, 1994.

Organs and machinery for promoting and protecting human rights.

II) Argentina and Latin America.

A) State terrorism in the 70s.

1) Human rights commitments of states and their actual practices.

Torture and extra judicial executions. Disappearances.

Children kidnapping. Genocide.

2) Impunity.

Trial against military “Juntas” in Argentina.

Impunity laws (called “obediencia debida”, “punto final” and “indultos”).

Other impunity laws in Latin American countries.

Cases “Velazquez Rodriguez” and “Barrios Altos”.

Interamerican Court of Human Rights.

3) Social Memory.

Trials in search of historical truth (called “Los juicios de la verdad”).

The right to truth. The right to justice.

Cases “Urteaga”, “Arancibia Clavel” and “Simon” Supreme Court of Argentina.

Nullity of impunity laws and reopening of trials.

4) Non Governmental Organizations.

Their contribution to human rights. Argentine movements “Mothers of Plaza de Mayo”, “Grandmothers in search of kidnapped grandchildren”.

Other NGO, movements, pressure and mobilization.

B) The challenge of human rights in democracy.

1) Women rights.

Sexual diversity. Are human rights gender neutral?.

2) Ethnical identity and cultural diversity.

Citizenship and exclusion in the second half of the XXth century.

New Social Movements.

3) Right to development.

The right to have rights.

Political rights and economic rights. Cultural and social rights.

Linkage between violation of economic rights and violation of political and civil rights.

How and when states violate human rights in democratic systems?.

Texts:

Amnesty International, "Disappearances: A Workbook", 1981.

Buergenthal, Thomas, "The evolving international human rights system". The American Journal of International Law. Vol. 100.769.

Donnelly, Jack. "Universal Human Rights in Theory and Practice". Cornell UP, 1989. Part I, and Part II, Part III, 6 and 8, Part IV, Part V, 11 and 13.

Nino, Carlos S. "The Ethic of Human Rights". Oxford Clarendon Press, 1990. Chapters I, II and III.

Nino, Carlos S. "Radical Evil on Trial". Yale University Press, 1996. Chapter III, IV and V.

Meron, Theodor. "Reflections on the prosecution of war crimes by international tribunals". The American Journal of International Law. Vol. 100.525.

Roberts, Adam. "Transformative military occupation: applying the laws of war and human rights". The American Journal of International Law. Vol. 100.580.

Steiner, Henry and Alston Phillip. "International Human Rights in context: Law, Politics and Morals". Oxford University Press, 1996.

Rosenberg, Tina. "Children of Cain. Violence and the violent in Latin America". William Morrow & Co. 1991.

Wiseberg, Laurie. "Protecting Human Rights Activists and NGO's: what more can be done?". Human Rights Quarterly, Vol. 13. Nov. 13. Nov. 1991.

Other relevant writings and articles will be distributed in class.

Assignments, format and outline.

This course seeks to help students:

- Have a close overview of the evolution of human rights in Latin America with special emphasis in Argentina, during the 1960's, 1970's and in the present days.
- Learn about the particular aspects of human rights in this region.
- Have a critical interpretation of the assigned readings and his/her own of Argentina.

Assignments:

Students will be active in class participation and critical with respect to the assigned readings.

Classroom discussion will be encouraged by the instructor and/or guest lecturer.

By week 8 and after an overview of the program, every student is to have chosen a research topic and to hand in a one page "Think-piece". This Think-piece summarizes a 10 minute presentation that students will make in class. For this assignment students can work either individually or in groups.

By the end of this course a 12-15 final paper is due. This paper must be individual and demonstrate a wider range of readings (other than those assigned for this course) and a critical analysis of the chosen topic.

Format:

This course will consist of two and half hour combine lecture, movies and discussion session that will take place twice a week, during a 13 weeks.

Outline:**Weeks 1 and 2**

Introduction.

Historical and philosophical origins of human rights.

Justice and human rights. The force of human rights.

The status of the individual in human rights law.

States as bearers of human rights duties.

The emergence of human rights in Latin America and Argentina.

Universal human rights and practice of human wrongs.

Week 3

Regional Human Rights legal treatises.

Universal Declaration of Human Rights. New York, 1948.

American Conventions of Human Rights (Pacto San Jose de Costa Rica), Costa Rica 1970.

International Pact of civil and political rights. New York, 1966.

International Pact of economic, cultural and social rights. New York, 1966.

Interamerican Convention to prevent and punish violence against women, Belem do Pará, OAS, 1994.

Organs and machinery for promoting and protecting human rights.

Week 4

Argentina and Latin America.

State terrorism in the 70s.

Human rights commitments of states and their actual practices.

Torture and extra judicial executions. Disappearances.

Children kidnapping. Genocide.

Week 5 and 6

Impunity.

Trial against military “Juntas” in Argentina.

Impunity laws (called “obediencia debida”, “punto final” and “indultos”).

Other impunity laws in Latin American countries.

Cases “Velazquez Rodriguez” and “Barrios Altos”.

Interamerican Court of Human Rights.

Week 7

Social Memory.

Trials in search of historical truth (called “Los juicios de la verdad”).

The right to truth. The right to justice.

Cases “Urteaga”, “Arancibia Clavel” and “Simon” Supreme Court of Argentina.

Nullity of impunity laws and reopening of trials.

Week 8

Non Governmental Organizations.

Their contribution to human rights. Argentine movements “Mothers of Plaza de Mayo”, “Grandmothers in search of kidnapped grandchildren”. Other NGO, movements, pressure and mobilization

Week 9

The challenge of human rights in democracy.

Women rights.

Sexual diversity. Are human rights gender neutral?.

Week 10

Ethnic identity and cultural diversity.

Citizenship and exclusion in the second half of the XXth century.

New Social Movements.

Week 11 and 12

Right to development.

The right to have rights.

Political rights and economic rights. Cultural and social rights.

Linkage between violation of economic rights and violation of political and civil rights.

How and when states violate human rights in democratic systems?.

Week 13

Review session and debate on the issues of this human rights course.

Discussion of student paper of chosen topic.