

IALS HUMAN RIGHTS STUDY GROUP

Brief Remarks on the Questions by Prof. Liz Brundige, Cornell Law School

September 11, 2015

1. How has globalization impacted your course?

I teach a Global Gender Justice Clinic, which explores how human rights law and strategies can be used to advance gender justice. Through a critical seminar and supervised case and project work, students examine and engage in local, global, and transnational efforts to combat gender-based violence and discrimination. The very topic of the course, like other courses relating to international human rights, is a product of globalization. In addition, developments in human rights law and practice affect the substantive issues covered in the course (for example, recent projects addressing reproductive rights in the context of humanitarian emergencies and gender-based violence as a goal of sustainable development) and the strategies that we explore as part of the project-based, experiential learning component of the course (for example, the use of new technologies such as social media).

2. Are there areas where international standards are adopted?

In recent years, UN institutions and governments have moved towards establishing standards in the area of human rights education, which includes higher education as well as all other forms of relevant “education, training and learning, whether in a public or private, formal, informal, or non-formal setting.” (Declaration on Human Rights Education, art. 3(2)). These can be found in the World Program for Human Rights Education adopted at the 2005 World Summit and its subsequent Plans of Actions (particularly the second Plan, which addresses higher education), and the UN Declaration on Human Rights Education and Training adopted by the UN General Assembly in 2011.

These efforts have been aimed at “providing persons with knowledge, skills, and understanding and developing their attitudes and behaviors, to empower them to contribute to the building and promotion of a universal culture of human rights.” (Declaration on Human Rights Education, art. 2(4)). In light of this goal and with some exceptions, their approach tends not to emphasize the critical analysis of human rights law, institutions and practice that may be an important aspect of a law school human rights curriculum. Nonetheless, the principles contained in the UN Declaration on Human Rights Education and Training (especially article 5) and in the Plan of Action for the Second Phase of the World Programme for Human Rights Education, which includes a focus on higher education (especially paragraphs 9 and 16-36), may be useful for our purposes.

3. How did that come to pass?

The 1993 World Conference on Human Rights recognized that promoting human rights education is an important part of states' obligation to promote and respect human rights. (Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna (1993), para. 33). The UN subsequently established the UN Decade for Human Rights Education (1995-2005), followed by the World Programme for Human Rights Education (2005-ongoing). The development of international principles or standards on human rights education has been part of these initiatives.

4. What areas in your field will be the next ones to be influenced by globalization?

I agree with Professor Torre-Silva that all areas in this field are affected by globalization.

5. How should we prepare our students to confidently meet these challenges within a regime of the rule of law?

Our pedagogical approaches to the teaching of human rights are important in preparing our students to meet current challenges.

For example, the World Programme for Human Rights Education Plan of Action (second phase) encourages participatory, learner-centered methods of teaching, including opportunities for experiential learning. Clinical courses that give students first-hand experience in the diverse activities which human rights lawyers engage offer one example of these types of experiential opportunities.

The knowledge, skills and values that we seek to impart to our students should also prepare them to participate effectively in today's globalized legal profession, within and beyond the human rights field. These may include skills that are sometimes overlooked in law school settings, such as teamwork and cross-cultural collaboration.

It is also important that we encourage students to continually engage in critical reflection about the field of human rights and their own role within it.

Today's human rights problems are complex and often cannot be solved with legal tools alone. Bringing interdisciplinary and multidisciplinary approaches into our research and teaching and affording students opportunities for collaboration with faculty and students from other disciplines will make them more thoughtful and effective law graduates.

6. What are the major areas for investigation in this field?

In addition to the areas mentioned by Prof. Torre-Silva, these include empirical and interdisciplinary approaches to the study of human rights. Topical areas for investigation are numerous and include some of the developments noted in question 8 below.

7. How can collaborative approaches across regions inform the scholarship in this field?

Scholarship in the field of international human rights can be greatly enhanced by collaboration across regions, which brings diverse approaches and experiences to bear on global problems. Collaborators' assumptions may be usefully challenged, and new insights generated through the collaboration. Cross-regional collaboration can benefit teaching as well as scholarship, for example, through classes that are linked by video-conference or student collaboration on human rights projects.

8. What trends are developing in the field which researchers and scholars both in and outside of the field should be aware?

Some examples of trends in the field include increased concern about the accountability under international human rights law of non-state actors, the human rights implications of global poverty, the intersection of human rights and development, developments in technology and their effects on human rights law and practice, and local engagement with international human rights.

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BRIEF REMARKS ON THE QUESTIONS BY PROF. TORRE-SILVA, IE LAW SCHOOL

- 1.- How has globalization impacted your course? Human rights are “universal”, as declared by U.N. General Assembly in 1948, following a much older tradition.
- 2.- Are there areas where international standards are adopted? Human rights are international standards themselves, often received at national level.
- 3.- How did that come to pass? At the end of the II World War it became unavoidable an international declaration of human rights. As mentioned, previous declarations had stressed the universal character of human rights.
- 4.- What areas in your field will be the next ones to be influenced by globalization? All areas are already influenced by globalization.
- 5.- How should we prepare our students to confidently meet these challenges within a regime of the rule of law? Human rights are capital elements of the rule of law, both at international and at national level. However, in the last decades non-binding texts have proliferated, in the form of declarations of diverse origins (mainly international organizations and international conferences). They frequently purport to be “soft law”, although its legal character is dubious. Students should be aware of this discussion.
- 6.- What are the major areas for investigation in this field? Like in other legal fields, general research perspectives are applied, such as economic analysis of the law, gender studies and sociology of the law, as well as new developments by national or international courts. Human rights of the so-called third generation are often chosen in focused analyses. Cultural approaches to human rights have always been studied. A full description of the major areas for investigation exceeds the limits of this questionnaire.
- 7.- How can collaborative approaches across regions inform the scholarship in this field? Due to its international character, the field is most suitable for collaborative approaches across regions.
- 8.- What trends are developing in the field which researchers and scholars both in and outside of the field should be aware? Human rights entail political options, and therefore meet the interest of media and of the general

public. However, not all scholars are attentive to human rights' trends. Those who are follow the areas of investigation mentioned in question number 6.

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