

Teaching Human Rights in Political Science

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Teaching Human Rights in Political Science

Edited by

David L. Richards

*Associate Professor, Department of Political Science and
Gladstein Family Human Rights Institute, University of
Connecticut, USA*

Shareen Hertel

*Professor, Department of Political Science and Gladstein Family
Human Rights Institute, University of Connecticut, USA*

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List of contributors

Stephen Bagwell is Assistant Professor of Political Science at the University of Missouri, St. Louis.

Clifford Bob is Professor of Political Science at Duquesne University.

Thomas Briggs holds a Ph.D. in political science from the University of Connecticut.

Michael Broache is Assistant Professor of Political Science at the University of North Carolina, Greensboro.

Suparna Chaudhry is Assistant Professor of International Affairs at Lewis & Clark College.

David Cingranelli is Professor of Political Science at Binghamton University.

K. Chad Clay is Associate Professor of International Affairs at the University of Georgia, Athens.

Audrey Comstock is Associate Professor of Political Science at Arizona State University.

Daniel J. Edquist-Whelan is Professor of Politics at Hendrix College.

Spencer B. Hayes is a doctoral candidate in political science at the University of Connecticut.

Shareen Hertel is Professor of Political Science and Human Rights at the University of Connecticut.

Courtney Hillebrecht is Professor of Political Science at the University of Nebraska, Lincoln.

Susan Kang is Associate Professor of Political Science at John Jay College of Criminal Justice, City University of New York.

Skip Mark is Assistant Professor of Political Science at the University of Rhode Island.

Melissa Martinez is Assistant Professor of Political Science and International Affairs at the University of Mary Washington.

Courtenay Monroe is Professor of Political Science at the University of California, Merced.

Kristen Monroe is Professor of Political Science at the University of California, Irvine.

Laura Parisi is Associate Professor of Political Science and Gender Studies at the University of Victoria.

Tina Kempin Reuter is Professor of Political Science at the University of Alabama, Birmingham.

David L. Richards is Associate Professor of Political Science and Human Rights at the University of Connecticut.

M. Joel Voss is Associate Professor of Political Science at the University of Toledo.

K. Anne Watson is a teaching assistant professor in the Department of Political Science, University of North Carolina, Chapel Hill.

Kelebogile Zvobgo is Associate Professor of Government at William & Mary.

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1. An introduction to *Teaching Human Rights in Political Science*

David L. Richards and Shareen Hertel

The term “human rights” can be daunting, given all that it has come to represent. This is especially so in political science, a field where politics, policymaking, law, philosophy, institutions, economics, history, and individual actors all interact. Thus, creating a new human rights course or adding human rights content to an existing course can easily seem an overwhelming task. This volume aims to equip political science instructors to teach human rights, whether for the creation of a standalone course or the modification of an existing course, and whether these faculty are new to using human rights themes and frameworks or are simply looking to update their material and/or pedagogical approaches.

Political science instructors face any number of challenges when teaching human rights. First, there is a dizzying array of rights-based problems that could be covered in any given course. Second, teaching human rights brings with it the task of teaching material that can be especially emotionally charged. Third is the pedagogical challenge of bridging students’ own rights-related lived experiences with those discourses central to rights scholarship and advocacy that may challenge students’ values and beliefs (Hertel 2024). Fourth, because many of those who teach human rights have a personal normative stake in the subject, instructors face the challenge of creating an objective and non-partisan space for dialogue in the classroom while at the same time acknowledging both that human rights claims have ethical consequences and that their own normative commitments often shape their research interests. And, finally, while human rights can be taught using multiple analytical frameworks and a variety of research strategies and tools, the literature and dominant methodologies central to one’s own subfield and/or research agenda may offer an incomplete toolkit for teaching on a range of human rights issues.

Our authors come from a variety of subfields across the discipline of political science. Each chapter is co-authored by one senior (tenured) and one junior (untentured) political scientist who regularly teaches human rights as well as conducts research in the area of their chapter. We created these pairings to

present to readers not only those pedagogical practices established by long experience but, also, newer approaches used by those with a more recent PhD. In addition, our authors avoid jargon along with any internal debates and critiques that distract, rather than enlighten. Our shared goal is to offer tools for increasing clarity in pedagogy and the immediacy of human rights as an object of study, a field of professional practice, and a focus of engaged civic action.

In organizing the volume's contents, we chose not to take a subfield-specific approach, or to divide human rights into a list of rights or dilemmas. We avoid the assumption that each of the political science subfields addresses human rights in some discrete way. No one subfield has dominion over any particular right or set of human rights. For example, the right to be free from torture and ill treatment can be studied with rigor within the subfields of international relations, comparative politics, American politics, public policy, public law, race and ethnic politics, and political theory. A multitude of both qualitative and quantitative methodologies used *across* these subfields can be employed to study the right to be free from torture and ill treatment. In the same way, we have chosen not to organize the volume using a list of rights, rights-related topics, or dilemmas (i.e., placing rights in conflict), because we have found that doing so carries the assumption that the dynamics of respect and violation for each particular right or rights-based issue is a discrete process.

We organized this volume using what we believe to be two general points of access to understanding human rights, *in toto*. First, there are particular "arenas" in which human rights activity occurs. Chapters 2 through 6 engage the arenas of international organizations (Courtenay Monroe and Audrey Comstock), international law and courts (Courtney Hillebrecht and Kelebogile Zvobgo), domestic political institutions (Melissa Martinez and David Cingranelli), public policy mechanisms (Tina Kempin Reuter and M. Joel Voss), and the spaces in which human rights defenders take action (Clifford Bob and Suparna Chaudhry). Second, there are various "lenses and approaches" through which rights can be viewed and studied. Chapters 7 through 11 address approaches grounded in theory (Daniel Edquist-Whelan and Thomas Briggs), gender (K. Anne Watson, Spencer Hayes, and Laura Parisi), political economy (Susan Kang and Stephen Bagwell), qualitative research (Michael Broache and Kristen Monroe), quantitative research (Skip Mark and K. Chad Clay), and mixed-methods research (covered in both methods chapters).

Importantly, while we organize the volume using the labels "arenas" and "lenses and approaches," we do not view these as discrete bins. Indeed, a rich internal dialogue exists across all of the volume's chapters, stemming from our collective recognition of the intersection of and interaction among these organizing principles. Nor do we consider the particular arenas, lenses, and approaches contained within this volume to be an exhaustive list. This is simply our best effort at casting as inclusive and cohesive a net as possible to help

instructors teach the human right(s) of their choice using the toolkit best suited to the questions at hand.

We gave the authors of the volume a list of considerations to keep in mind as they worked towards their final drafts. We wish to share these with readers, not only because doing so helps to underline what makes this volume distinct but also because it gives readers an idea of what to look for as they engage with the chapters.

1. *Pedagogy for instructors*: The goal of this volume is to equip college instructors to effectively teach human rights, rather than to introduce a subject matter and its literature to students. That is, the focus is on enabling instructors to teach the nature and role of ideas, actors, and institutions in realizing human dignity through respect for human rights. To make as clear as possible what each chapter intends to provide, readers will find at the outset of each chapter several instructor-centric learning outcomes. In addition, authors were asked to integrate teaching exercises throughout their chapter – where they are substantively aligned with the content in that portion of the chapter – rather than grouping them at the chapter's end.
2. *Explicit connections to political science*: The human rights pedagogical principles and methods in this volume are explicitly linked to core themes and debates within the discipline of political science. We acknowledge, of course, that the fullest possible understanding of what human rights are, to what extent they are respected or violated, and why, is a multi-disciplinary endeavor. The goal of this volume, however, is simply to help instructors in this single discipline of political science incorporate human rights into mainstream political science topics such as domestic institutions, political economy, international organizations, and others.
3. *Emphasize contextualization and relevance*: All instructors know that when knowledge is contextualized, it is both more readily engaged and better understood by students. With this in mind, the authors of this volume have done their best to include in their chapters examples of real-world human rights concerns and practices as examples of their own pedagogical practices.
4. *Employ active learning techniques*: Authors were encouraged to offer readers a variety of interactive learning techniques such as discussions, simulations, policy briefings, and debates to help instructors maximize student engagement and learning. We wish to note that equity of access was kept in mind as much as possible when selecting the included learning activities, as we understand that readers of this volume will likely come from institutions representing the full spectrum of resources.

5. *Provide accessible resources:* When data sources and online resources are suggested, direct links have been provided to enhance accessibility for instructors who may lack access to comprehensive research libraries. The reality of URLs is, however, that they do occasionally change. Thus, we have tried to minimize the use of resources not able to be accessed via major search engines and public platforms.
6. *Address potential pedagogical challenges proactively:* This volume's authors proactively address potential pedagogical challenges that instructors might face, such as navigating sensitive topics like abortion, ensuring equitable access to resources like expensive software, and offering guidance on diverse assessment methods. For example, if the authors of a chapter wished to suggest, say, an interactive student activity requiring partnerships with local civil society organizations, those authors had to consider the varying types of colleges and geographic locations and other factors that could affect the ability of an instructor to make use of such an activity.
7. *Encouraging tone and a broadly international focus:* Authors were asked to adopt a positive and encouraging tone, emphasizing the fulfilling and important nature of teaching human rights. In addition, it was a paramount concern that the language and examples used within maintain a broadly international perspective, being mindful of potentially United States-centric language and examples that might not resonate with a global audience of instructors and, by extension, their students.

Both of us, as well as all of the volume's contributors, have had our own teaching practices informed and transformed by means of the engagement with one another during the writing of this book. We hope you, too, find this volume useful as you look to either begin or deepen your engagement with human rights in the classroom.

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- Hertel, Shareen (2024). "Educating for Social Change," in *The Oxford Handbook of International Studies Pedagogy*, Heather A. Smith, Mark A. Boyer, and David J. Hornsby, eds. New York: Oxford University Press, 20–32. <https://doi.org/10.1093/oxfordhb/9780197544891.013.1>

PART I

Arenas

2. International organizations

Courtenay Monroe and Audrey Comstock

LEARNING OBJECTIVES

- Ascertain key areas of human rights and international organizations to help develop your syllabus.
- Integrate international organizations and concrete examples into class activities and discussions.
- Understand the biases and complexities of human rights and international organizations which may impact how students learn about this topic area.

INTRODUCTION

When teaching human rights and international organizations (IOs), instructors are likely to meet students with a wide range of prior knowledge and opinions on the topic. Some students may never have heard of the United Nations (UN). Other students might have a parent working for the organization. Some students will have experienced life in a refugee camp. Most students will likely sit somewhere in between these experiences and knowledge points. In this chapter, we highlight select areas of literature and scholarly debate that are significant to the teaching of IOs and human rights to a diverse audience. We also include suggested discussion questions and activities to facilitate hands-on application and/or more in-depth discussions in the classroom. The chapter's sections and subsections are intentionally organized to build from foundational topics and questions in the study of human rights and IOs toward more specific issue areas and problems. As such, the sections can easily be used as an outline for a syllabus.

WHY DO HUMAN RIGHTS ACTORS WORK THROUGH INTERNATIONAL ORGANIZATIONS?

One fundamental question that students might have going into a class on human rights and IOs is, why do different actors actually use them? In other

words, what is the value added for countries, in particular for joining and working through IOs? This may be a particularly driving question within the United States (US), which has been the *hegemon* in the international system since the end of the Second World War and has not relied on or engaged with IOs as fully as many other states. States, activists, and other interested global actors have options as to where to direct their energy and resources to advance human rights. Unilateral action (acting alone on human rights issues) or bilateral action (working with other actors) might hold great appeal. We begin this chapter by defining what we mean by IOs, situating IOs within the international human rights regime, and discussing why and how different actors use IOs to advance human rights goals. We then examine how, and the extent to which, IOs shape human rights outcomes. We conclude by turning to the future of IOs and the challenges and opportunities they will face moving forward.

A first important point to convey to students is that IOs are one part of broader *global governance* that involves many types of actors. IOs are formalized collections of actors from more than one country working towards a set goal and/or in a set issue area. Within the *international human rights regime*, IOs shape and situate the principles, norms, rules, and decision-making procedures around human rights. IOs are one way to “provide order” within the context of international *anarchy* through enforcing norms, implementing norms, and promoting acceptance of them (Donnelly 1986: 601–604). IOs can be categorized into two broad types: *international governmental organizations* (IGOs), where the members are states or countries; and *international non-governmental organizations* (INGOs), where the members are not states or countries but have general independence from governments, and operate across international borders within more than one state. Both types shape power, policy, and authority around issues related to human rights.

Human rights actors work with IOs for several reasons. First, IOs reduce costs and increase information around human rights through facilitating cooperation between interested actors. Although this is a benefit of IOs more generally, reducing costs through shared cooperation is of particular importance for human rights actors. Human rights actors, either individual norm entrepreneurs, small INGOs, or states with interest in advancing human rights, often have limited budgets and resources devoted to human rights causes. Second, IOs empower individual-level involvement in human rights (Moravcsik 2000). Third, IOs can influence states even when states are reticent and/or opposed to human rights norms. Transnational activist networks often work with IOs to increase the chances that hostile states will be pressured to change human rights violations (Keck & Sikkink 1998).

The Second World War and its end was a major time for modern IO and human rights development. Students now may not feel it is that recent of a time, but much development occurred in the past 75 years in this space. IGOs,

including the UN, World Bank Group, International Monetary Fund (IMF), and World Health Organization (WHO), emerged at the close of or shortly after the end of the Second World War as part of the liberal international order (e.g., Ikenberry 2009). Given the fundamental influence of the Second World War on global politics and humanity, it is perhaps unsurprising that many of these organizations embedded human rights as a foundational element of their creation. The UN sought “to save succeeding generations from the scourge of war ... to reaffirm faith in fundamental human rights” (UN 1945: 1), while the WHO recognized that the “highest attainable standard of health is one of the fundamental rights of every human being” (World Health Organization 1946: 1). Following the war, human rights framing extended across many different political issue areas and, as a result, human rights ideals have been institutionally engrained in many IOs.

INGOs, including Amnesty International (AI), Human Rights Watch, and International Committee of the Red Cross, explicitly have missions to advance human rights within the global system. Human rights INGOs like AI monitor and enforce human rights norms and laws created by other parts of the international human rights regime (see Chapter 3 of this volume for additional discussion). They often encourage states to use existing institutional frameworks to advance human rights. Even if students have not heard of INGOs before, many may be familiar with the Red Cross with its domestic-level work on natural disasters and blood donation. This can be a good starting point to discuss how the American Red Cross works within the US and local communities. Given how widespread American Red Cross chapters are, if teaching in the US, one opportunity might be for the instructor to reach out to the local chapter to see if a representative could speak to the class about how the Red Cross operates to support human rights and humanitarian rights locally as a non-governmental organization (NGO). Students tend to enjoy when “hands-on” speakers can talk about human rights and IOs. If there are such opportunities, then it can be a great way for students to gain a better understanding of the real-world application of IOs and human rights.

INGOs also include non-state actors like *multinational corporations* (MNCs). Gilpin (1976: 184) describes several distinctive characteristics of MNCs, including direct investment/operation in different countries and a parent firm operating in one country with a “cluster of subsidiaries or branches” in other countries which constitute a centralized decision-making design. MNCs are important in the human rights field both because they may *violate* human rights in labor, environmental, and other rights categories and because they may *advocate* for or support positive human rights changes in the countries in which they operate. Sometimes MNCs are the target of human rights activist campaigns and IO efforts, and sometimes MNCs work with IOs to advance human rights (Ruggie 2013). For example, the diamond industry famously

worked together across businesses, NGOs, and governments in an effort to regulate “blood diamonds” through the creation of the Kimberley Process, an industry-wide voluntary standard. The Kimberley Process was a unique approach to addressing the problem of blood diamonds or conflict diamonds, which are diamonds that were illegally mined or diverted during production to raise funds for ongoing conflicts, primarily across Africa. Established in 2003, the Process is a collaboration between the diamond industry, civil society, and states establishing standards of practice to regulate diamonds and a certification scheme to ensure none were trafficked illegally to fund violence. The efficacy of the Kimberley Process also relies on individuals, as consumers, to care about human rights issues when purchasing jewelry. This is a way to get students thinking about how their purchases may have unintended support or critique of companies’ human rights practices. Discussion can be extended to include ethical issues related to cell phones and computers (e.g., mining, child labor, and the similar potential for illegal trade that can fund conflict). Other examples of how MNCs intersect with human rights include voluntary corporate codes of conduct (at the firm level), due-diligence laws (at the national and regional/European Union level, which require supply chain transparency), and global International Labour Organization conventions that countries ratify, which set national monitoring frameworks for key issue areas and industries.

Classroom activity 1: The scope of human rights in IOs

The objective of this activity is to encourage student recognition of the scope and scale of the IOs we encounter in our daily lives and that many, even if not specifically established for it, touch on human rights issues/concerns/etc.

- Divide students into groups. Ideally, each group should include five or so students to ensure that there are enough people for a discussion but not so many that students feel that they cannot or need not participate.
- Groups should list as many of each IO type as they can, encouraging them to think broadly and providing some examples, such as the International Olympic Committee. If this is for a lower-level undergraduate class, where the students may be less familiar with IOs, the instructor may need to assign different IOs to each group to then have them research that organization. If this is for a higher-level undergraduate class, the students may be able to generate their own lists of INGOs and IGOs to discuss for the activity.
- The groups research what the mission statement (or similar) is for the IOs on their list. This can be asking students to conduct their own internet searches or have pre-posted documents on the class Learning Management System (LMS). Posting links on the LMS, including the homepages of different IOs, is a helpful way to get them started.

- Discuss the goals of that IO and whether/how they connect to human rights. An important discussion point here could be to encourage students to think about how the IO mission/goals might touch on human rights even if “human rights” terminology isn’t explicitly mentioned in the mission statement.

Discussion question 1

Thinking about how the post-Second World War IOs were formed, do you think their structure still makes sense? Think specifically about the COVID-19 global pandemic. Do you think that the existing IOs effectively navigated that crisis?

Expand it: This discussion question could be expanded to begin with an in-class discussion question and then direct students to return to the next class session with a short essay/outline more fully answering the question. This gives students the opportunity to better organize their thoughts and look to outside sources. At the next class session, instructors can ask students to stand to one side of the classroom if they decided that YES IOs effectively navigated the crisis and on the other side of the classroom if they decided that NO IOs did not. Follow this with a brief classroom discussion on how students’ views might have changed after writing out their responses and reading outside sources.

WHEN AND HOW CAN IOS BE HELPFUL (OR HARMFUL) FOR HUMAN RIGHTS?

In this section, we discuss and provide examples of how IOs can be helpful in advancing global human rights. We focus on the mechanisms and processes of international socialization, linked benefits, and shaming to demonstrate how IOs can affect human rights outcomes. Each of these mechanisms provides interesting fodder for in-class discussion and critique.

International Socialization

One way in which IOs influence human rights outcomes is through *socialization*. An important component of socialization is that through copying, emulating, and/or learning, states’ interests can change over time. IOs offer a location that within and extending outward can socialize states towards adopting human rights norms and shifting behavior. Rather than drawing purely on threats or coercion influencing state behavior, the socialization process emphasizes the role of norms and learning over time. In the classroom, we find that asking students to provide examples of socialization processes from their

own lives helps them to better understand socialization in the context of IOs and human rights.

There are a couple of key metrics that human rights scholars have used to measure and conceptualize socialization, namely, through IO membership and IO participation. Greenhill (2010) points out that the volume of IOs has dramatically expanded over time, particularly in the post-Second World War period. This expansion of IOs provided additional opportunities for states to become members of the organizations. Membership in IOs can shape interests around human rights through the specific focus on human rights-related mandates, as is often the case in parts of the UN and International Labour Organization, but also through interaction with other state members. In other words, it is not only what organization a state is a member *of* but who it members *with*. Pevehouse (2002), for example, finds that sharing membership relationships with democratic states is key for socialization. In many prominent IOs, membership is a political and at times contentious process. Joining the UN requires a two-step process following the expression of interest. The UN Security Council must consider a state's application and it must pass by a vote of at least 9 of the 15, including no veto from a permanent member of the Security Council (US, United Kingdom, France, China, and Russia). If supported by the Security Council, then the UN General Assembly votes on the membership application and two-thirds approval is required from that body. Notable rejected cases include Palestine and Taiwan.

An additional way that human rights scholars measure socialization is through IO participation. Socialization and changed human rights practices can occur through the process of participating in different ways within IOs. One important medium through which international participation has socialized states towards improving human rights practices is through international law negotiation, creation, and/or commitment (Goodman & Jinks 2013; Comstock 2022).

Classroom activity 2: The universal periodic review and human rights behavior

The objective of this activity is to familiarize students with the Universal Periodic Review process, discuss motivations, norms, and processes in this system, and discuss and critique whether the class finds this an effective way to influence states' behavior.

- Select a Universal Periodic Review case (instructor selects country, if class is large enough there could be multiple countries examined).
- Read through the national report, questions submitted, and the outcome of the review.

- Discuss and fill in information about the review language, critiques, and recommendations.
- In class, compare across cases.

Expand it: If the instructor would like to turn this into a longer assignment, then one possible option would be to get groups to compare across time. How did the Universal Periodic Review reports about X country change from one year to the next round?

Discussion question 2

The Universal Periodic Review involves the UN and NGOs to monitor and report on state practices. Thinking of the specific issue of the dynamic between human rights and climate change: If you could design a way to monitor and enforce human rights standards internationally to address the human rights implications of climate change, what would it look like? Do you think socialization is enough?

Linked Benefits

Based on the aforementioned discussion of naming and shaming, it should be clear to students that IO condemnation is not a panacea on its own for improved human rights outcomes. How, then, might naming and shaming by IOs improve human rights outcomes? In addition to intangibly increasing the cost of human rights violations through evoking shame (e.g., Ilgit & Prakash 2019), it is important to point out to students that naming and shaming can also increase the cost of abuse for targeted states when IOs and states are pressured to more tangibly hold them directly accountable.

Scholars have also investigated the extent to which IOs might improve human rights outcomes via *linked benefits*. Another way to think about a linked benefit is as an incentive given to a state to improve/maintain its human rights record. Naming and shaming provides *publicity* about violations of human rights, but the costs of publicity may be quite small if publicity is not coupled with costly *enforcement*. The distinction between publicity and enforcement is important to stress to students; we have found that classroom discussion of cases in which publicity is *not* coupled with enforcement are important in helping students better understand the distinction.

Linked benefits serve as potential carrots and sticks that IOs use to influence human rights outcomes in addition to—and in conjunction with—naming and shaming. Under the Biden administration, the US Department of State was very clear about its use of linked benefits to improve worldwide human rights:

a central goal of U.S. foreign policy has been the promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights ... The United States uses a wide range of tools to advance a freedom agenda, including bilateral diplomacy, multilateral engagement, foreign assistance, reporting and public outreach, and economic sanctions.

We suggest comparing the policy under the Biden administration, referenced above, to the policy under the current presidential administration and discussing similarities and differences over time.

Naming and shaming by NGOs does not simply affect human rights outcomes directly; it can also encourage other actors to hold states accountable for their poor rights records. Naming and shaming by human rights NGOs has been found to be negatively associated with the amount of *foreign direct investment* (FDI) received by developing states (Barry et al. 2013): states that have been shamed via resolutions by both the UN Human Rights Council and its predecessor, the UN Human Rights Commission, received less FDI, particularly when the shaming of IGOs was amplified by naming and shaming by the global news media (Vadlamannati et al. 2018). Such decreases in FDI seem to improve human rights outcomes. Kim and Trumbore (2010) show that transnational mergers and acquisitions—a form of FDI—positively affect human rights outcomes across a wide variety of empirical indicators. In addition to serving as an example of a linked benefit, this research also suggests that IO naming and shaming “works” via pressuring non-IO actors like MNCs to hold rights-violating states accountable. We find that students are often quickly able to name examples of MNCs that tie operations to various forms of rights outcomes. Classroom discussion on this point is often quite lively!

IGOs can also directly condition benefits on the human rights behavior of state actors. The UN is committed to paying attention to human rights issues via all of its subsidiary organizations (United Nations 2003), while both the World Bank and the IMF were criticized for not doing enough to tie their services to state respect for human rights, especially during their joint work as part of the Poverty Reduction Strategy Initiative in the early 2000s (Tarpur & Clarke 2024). During this time, scholars consistently found that IMF- and World Bank-supervised programs increased physical integrity violations, specifically, and human rights outcomes more generally (Abouharb & Cingranelli 2006, 2007, 2009).

One way that the IMF can potentially influence human rights outcomes in a more positive manner is through lending-based conditionality—attaching conditions (in this case related to human rights) to IMF loans. Although human rights conditions are unlikely to influence IMF decision making without additional pressure from advocacy groups (Woo & Murdie 2017), IMF loans increasingly include human rights conditionality in their terms, “largely

through informal bargaining between the Fund and loan recipients” (Tarkpor & Clarke 2024: 342). Scholars have also shown that the World Bank reduces multilateral funding in the face of naming and shaming by the UN Commission on Human Rights, though, interestingly, shaming by the Commission has been shown to have no effect on bilateral aid. Lebovic and Voeten (2009: 79) point out the importance of naming and shaming in the World Bank’s decision to limit linked benefits to repressive states, noting that the “seemingly symbolic resolutions of a politically motivated IO can carry tangible consequences.”

In the classroom, we suggest asking students to consider why each of the actors might differentially pressure states with regard to improvements in human rights. What are their incentives? Do their incentives change over time? Why or why not?

Classroom activity 3: Making policy recommendations regarding linked benefits

The objective of this activity is to provide students with an opportunity to make policy recommendations for linked benefits from the point of view of a government official for improving human rights outcomes.

- Ask each student to choose a country and to pick three consecutive years to analyze. This is a very short-term look but will allow some data collection, assessment, and discussion. If there are honors students (or those who do additional work for additional credit) or those who are interested in expanding this for a final paper, thesis, etc. then you can encourage them to use this as a starting point that can be expanded in terms of number of years and countries analyzed.
- Research the human rights records of that country using AI reports and/or US State Department reports as well as US foreign aid data. This will provide some measures of human rights practices as well as potential financial incentives.
 - Data resources:
 - US State Department Country Reports on Human Rights (<https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/>).
 - AI country reports (<https://www.amnesty.org/en/countries/>).
 - US foreign aid data (<https://catalog.data.gov/dataset/u-s-overseas-loans-and-grants-greenbook>).
- Consult the literature described in this chapter.
- Write a policy recommendation for how the international community can use linked benefits to improve human rights outcomes in the country.

Discussion question 3

One notable example of linked benefits in the foreign policy realm is tying foreign aid to human rights practices. Do you think that a country that is violating the human rights of its peoples would be likely to change if foreign aid was offered or threatened to be taken away? Think about some key countries that are recognized for abusing human rights (e.g., China, Saudi Arabia, North Korea). Do you think that linked benefits such as foreign aid could be an effective way to encourage better rights behavior?

Expand it: One way to expand this into an assignment would be to turn this into a short essay that tasks students with comparing and contrasting how foreign aid flows and human rights behavior might have different relationships by regime type. Students would be asked to build on Discussion question 3 and Classroom activity 3 by comparing trends found across time in one democracy and one non-democracy in the same region.

Naming and Shaming

As discussed in the previous section, human rights actors work through and with IOs to increase information about human rights violations and pressure abusive state actors to better respect human rights norms. One way that both qualitative and quantitative scholars argue that IOs accomplish these important goals is through the process of *naming and shaming* (Hafner-Burton 2008: 689). IGOs also engage in naming and shaming in an effort to pressure states to improve human rights. As part of the UN Human Rights Council's Universal Periodic Review of the US in 2020, for example, almost three dozen UN member states formally recommended that the US place a moratorium on the death penalty. Since the end of the Cold War, even the UN Security Council, which previously engaged only on issues of war and peace, has engaged in naming and shaming human rights violations via its resolutions (Allen & Bell 2022).

In the classroom, instructors should be aware that naming and shaming campaigns may target students' home countries. Students may be sensitive both to the discussion of human rights violations and/or reactive (either sympathetically or angrily) to accusations of government violence. Students should be encouraged to engage in discussions of naming and shaming human rights violations with care for their peers. One potential way to be reflexive about this is to also discuss naming and shaming campaigns that have targeted the US and/or other wealthy democracies. This could extend examination beyond a limited set of countries and also pose interesting comparisons about where, why, and how campaigns focus on certain places and causes. Here, Bob's *Marketing of Rebellion* (2005) is a good reading about different strategies of international activism, and Apodaca (2007) and Hafner-Burton and Ron (2013) focus on where and what abuses get media coverage.

Keck and Sikkink (1999) argue that *transnational advocacy networks*—of which IOs are often a part—draw attention to issues like human rights by improving the flow of information between actors, using symbolic politics to frame human rights situations for international and domestic audiences, and pressuring powerful states to hold governments accountable for rights violations via bilateral leverage or international agreement. IOs play a key role in Keck and Sikkink’s (1998) *boomerang model*, which suggests using qualitative methods and case studies that NGOs unable to affect human rights outcomes in a given state directly can pressure other states to directly pressure and to work through IOs to pressure violating states to improve human rights outcomes. Citizens’ perceptions of their own countries’ human rights practices are affected by IO naming and shaming of those practices (Ausderan 2014), which may lead to additional pressure on the violating state to engage in reform.

Both IGOs and INGOs report naming and shaming to be a crucially important tool in improving human rights outcomes. In 2004, Kenneth Roth, Executive Director of Human Rights Watch, an important human rights INGO, underlined the importance of naming and shaming: “the core of our methodology is our ability to investigate, expose, and shame” (Roth 2004: 67). A US representative to the *UN Commission on Human Rights* claimed that “naming and shaming gross violators of human rights advances the cause” (Hafner-Burton 2008: 693).

Although naming and shaming human rights violations is commonplace, the social science research on whether naming and shaming has a normatively positive effect on human rights outcomes is mixed. In a global statistical analysis of the relationship between IO naming and shaming and government human rights, Hafner-Burton (2008) provides evidence that naming and shaming improves government respect for political freedoms (e.g., movement, speech), but targeted governments do not decrease—and may even increase—violations of physical integrity (e.g., torture).

The effect of naming and shaming on human rights practices is sometimes argued to be conditional; that is, it only “works” under certain circumstances. Hendrix and Wong (2013) explore the effect of naming and shaming on state violence conditional on domestic political institutions. AI shaming is only positively associated with improved human rights outcomes in non-democracies; in democratic countries, shaming is associated with no effect. In addition to arguments that the effect of naming and shaming is conditional on domestic political institutions it is also potentially conditional on elements of the shaming, including who shames and the type of shaming. Kahn-Nisser (2021) investigates the effect of shaming in combination with faming—focusing on positive developments—on human rights outcomes. She argues that the combination of shaming and faming is most effective in improving human rights

because it allows for criticism of human rights violations and provides information on best practices for improvement.

Using automatic text analysis to generate a more nuanced operationalization of naming and shaming than previous research, Zhou et al. (2023) show that AI shaming has little effect on human rights practices, but a spotlight from the US State Department is quite effective in improving human rights outcomes in targeted states. New data on shaming by NGOs is worth discussing in the classroom (Braithwaite et al. 2025); unlike previous data collection projects that focus on, for example, one NGO, these data match naming and shaming by a larger number of NGOs with the countries being shamed, potentially providing a less biased account of who targets whom.

Discussion question 4

How could we measure or tell if an IO like the UN was biased? Brainstorm expected examples of what biased versus unbiased IO behavior might look like.

Expand it: A wealth of literature suggests that IGOs and INGOs are strategic in deciding which states to name and shame (Ron et al. 2005; Meernick et al. 2012; Hafner-Burton & Ron 2013; Hendrix & Wong 2013; Bell et al. 2019; Kim 2023). One potential consequence is that IOs may only shame states that they expect to respond appropriately to their criticism and fail to shame states that they expect to ignore their calls for reform. We suggest referring to these possibilities and providing this additional context in class discussion following the more specific question above.

PEDAGOGICAL CHALLENGES

In addition to the practical limitations discussed above, teaching IOs has pedagogical limitations or challenges as well.

1. *Potential embedded Western bias of IOs:* Many, if not most, of the dominant IOs focused on human rights were formed in the immediate post-Second World War era and shaped by the political power structure at the time. The result is an organizational and normative structure of the international human rights regime that heavily integrates and replicates Western legal systems and values. Potential embedded biases can shape how IOs and the individuals working within them understand human rights, victims, and the needs of communities. For students, particularly those not from a Western context, it is important to contextualize the power structure within dominant IOs such as the UN, IMF, and World Bank and to discuss how and why this may influence human rights.

2. *Academic integrity issues with IO documents:* A wonderful resource for researchers and a potential source for engaging class activities, the countless digitized reports and documents from major IOs such as the UN, IMF, and World Bank present a potential academic integrity challenge. One example of digital reports is UN human rights treaty bodies' annual reports. The UN human rights treaties each have a treaty body that maintains data and reports to the treaty. The International Covenant on Civil and Political Rights (ICCPR) treaty body, the Human Rights Committee, maintains annual reports found on its website (https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=27). These reports are written in formal language and styles making them very noticeable if used by students without attribution. Countless IO documents are available online but not detected in turn-it-in or similar software or used in discussion board responses, etc. Many of these may not be detected by the software, but they are typically written in very formal language that likely will read as distinct from students' own voices. In that way, an instructor may be able to detect through close reading of voice across assignments.
3. *Difficulty in discerning causal direction:* A chicken-and-egg problem. When teaching cases and examples of IOs and human rights, it is important to fully discuss the complexity of selection effects and directionality. Since we are concerned with human rights outcomes, it is important to unpack whether and how IO policies and behavior *caused* human rights outcomes, contributed to human rights outcomes, or may be shaped by human rights practices in the first place. All of these directions may be occurring in the real world, and it is important to demonstrate to students ways that we can more closely understand causality. Looking at precise timing, causal pathways, and historical documents may help better understand the direction and timing of any human rights changes.

Classroom activity 4: Potential biases and IO activity

The objective of this activity is to get students to think about the potential role that biases may play in how we (as scholars) think about IOs and the roles they play in human rights.

- Divide students into four groups.
- Provide each group with written documents which describe the behavior of an IO. The variation point will be what IO it is.
- Collaborate: After reading the documents, each group will fill in a form assessing the IO for effectiveness and favorability.
- Discuss: Report back from each group about what their IO did and how they rated them.

- Reveal that all of the documents and behaviors were the same but different human rights IOs (varying here based on potential bias points including geographic location, religious affiliation of IO, human rights category focused on, etc.).
- Discuss: Do the groups have different ratings/expectations based on which IO was featured? If so, why? What were the differences?

HUMAN RIGHTS IOS IN THE FUTURE

In this chapter, we focused on understanding (1) why human rights actors work through IOs, (2) the conditions under which human rights IOs might actually improve human rights outcomes, and (3) how human rights issues are addressed by IOs more broadly. Although they are not a panacea for the improvement of human rights, IGOs and INGOs attempt to hold violating states accountable for abuse behavior through naming and shaming, by linking benefits to behavioral improvements, and through international socialization. Moving forward, what might we expect from IOs in terms of human rights?

IO Resilience

Many of the IOs that we discuss in this chapter are institutions created by states that police the human rights behavior of the very states that created them in the first place. This tension sometimes places them in a precarious situation, as they navigate their own goals while strategically taking into consideration the pushback that they may receive from states. Lall (2017) argues that the primary obstacle faced by IOs, writ large, is “the propensity of states to use IOs to promote narrow national interests rather than broader organizational objectives.” Copelovitch and Pevehouse (2019: 170) agree: “Nationalism has always been, and will undoubtedly continue to be, a central challenge to any international arrangement or institution that constrains national sovereignty for the purposes of global governance and the pursuit of mutual gains between states.” We see this as good news for international human rights organizations; unlike other IOs (e.g., World Trade Organization), it is more difficult for states to use human rights IGOs and INGOs to push their own narrow interests.

One of the best predictors of the “policy autonomy” of IOs is the extent to which a given IO is linked to “actors above and below the state” (Lall 2017). This bodes well for human rights IGOs and INGOs, which are linked via the boomerang model described above both to each other and to other non-state actors on the ground in their pursuit of human rights. Human rights IOs also have the benefit of working within the context of international human rights law, a framework of respect for human dignity to which most states in the international system have (at least theoretically) committed.

Because IOs are created by states, one might not only worry about states sidestepping their authority, but also about states withdrawing from them completely. Although withdrawal from IGOs has understandably been a hot topic in recent years following Brexit and US threats to withdraw from myriad IOs under President Donald Trump, we do not believe there will be a mass exodus of states from IOs with a human rights purview for several reasons. First, in the case of INGOs, states cannot simply opt out because they are not members, *per se*. Second, in the case of human rights IGOs, research suggests that states exit IOs not because of nationalist tendencies but because of geopolitical factors, including preference divergence (von Borzyskowski 2019). Because most IGOs that push for improved human rights also serve states on various other policy issues, they would have to disagree on myriad policy issues (not just human rights) to be motivated to exit. To be sure, non-democracies are more likely to exit IOs than democracies, but a mass exit from all IOs with an interest in human rights strikes us as unlikely, even for the most autocratic regimes. Third, although IGOs do sometimes disband, they are less likely to do so if they have a heterogeneous membership (Eilstrup-Sangiovanni 2020), as is the case for international human rights IGOs.

IO Challenges and Controversies

IOs have made immeasurable contributions to global human rights policies, laws, and practices over time. However, IOs and the individuals who work and operate within them are not infallible. Political scientists have long been interested in researching the underlying causes of failures or behaviors in IOs that contribute to human rights violations. The causes can be understood to (co)exist at multiple levels—individual, institutional, and global. Though the global community has a responsibility to protect a global norm and “political commitment to end the worst forms of violence and persecution” (United Nations 2024), the factors shaping when IOs will intervene and how successful they are varies based on biases, institutional failures, and other causes. Numerous scandals, controversies, and failures have marked IOs and shaped how they addressed or failed to address human rights concerns. In teaching about IOs and how they address human rights, it is important to also discuss their limitations and, at times, failures. In this section, we provide an overview of some of the causes, consequences, and limitations of IOs in the global human rights area.

IOs are composed of individuals who work within them and can perpetuate individual and social biases along gendered and racial lines that expand into humanitarian and human rights issue areas. In unpacking the humanitarian crisis in Haiti following the devastating 2010 earthquake, Pardy and Alexeyeff (2022) argue that aid organizations such as the UN and Oxfam contain within

them racialized colonial biases and interpretations of aid work that also can dismiss rights concerns along gendered lines. Vernon (2022) explores the extent to which the responsibility-to-protect norm has embedded biases and shifts understanding of when sovereignty can be questioned.

Bureaucracy and political causes also contribute to IO failure to protect human rights. IOs have been susceptible to a lack of institutional adaptability and flexibility in times of crisis (Barnett 2002). This has implications for how well IOs can protect peoples during natural disasters, widespread grievous humanitarian and human rights crises such as genocide, war, and conflict, and other types of political repression and rights violations. Notably, scholars and diplomats, such as Barnett (2002) and Power (2010), detail how at times overly cautious decision making, sometimes ignoring warnings, and a diplomatic tendency to stick to standard operating procedures contributed to the failure of the global human rights community, and namely the UN, to prevent the Rwandan genocide, among other crises.

In some cases, IOs are the recipients and distributors of immunity that undermines accountability for human rights violations. Historically, the UN has generally enjoyed immunity from national courts based on the UN Charter and the UN Convention on Privileges and Immunities (Freedman 2014). The UN creates immunity agreements with states that supply peacekeeping personnel for UN peacekeeping missions. The agreements are a means of securing enough troops for peacekeeping mandates, however, they result in the near impossibility of holding peacekeepers who abuse civilians in missions accountable for human rights abuses (Comstock 2024). Accountability for corruption and human rights violations is exceptionally difficult when the alleged offenders are IOs and other types of non-state actors, such as MNCs or transnational corporations. For example, Jochnick (1999) discusses the difficulties in holding corporations accountable for international pollution and environmental degradation impacting local communities' environmental rights. In all of these brief examples, the UN, states and their personnel, and non-state actors have operated in ways that are not fully accountable for how their actions impact human rights.

The consequences of IO scandals or failures around human rights have long-term implications for human rights. Breen and Gillanders (2015) find that following scandals and publicized corruption emerging out of IOs, there is a marked decline in trust in the IOs impacted by the scandals. If individuals and communities no longer trust IOs, then they are less likely to turn to them during times of crisis. Public trust dramatically declined in the UN following the earthquake in Haiti and the organization's mishandling of the cholera outbreak (Bakaki & Dorussen 2023). Corruption and mismanagement related to the UN's "Oil for Food" program in the 1990s undermined how the UN operated

in the Middle East and contributed to financial mismanagement, resulting in a lack of food and resources being allocated to the Iraqi people (Otterman 2005).

It is important to note that these weaknesses do not mean that IOs do not play an important role in advancing global human rights, but acknowledging them in the classroom is important in helping students understand the limitations of IOs in promoting global human rights.

On a global level, one of the largest threats to the health of IOs is the dual threat of *populism* and *nationalism* that has occurred in recent years in the very states that most strongly supported the creation of IOs at their inception. Ikenberry (2018) suggests that the main threat to liberal internationalism is not external but instead internal to the progressive coalitions that created it in the first place: liberal democracy itself appears fragile and polarized, vulnerable to far-right populism and backlash politics. In recent decades, the working and middle classes in advanced industrial democracies—the original constituencies and beneficiaries of an open and cooperative international order—have faced rising economic inequality and stagnation. Copelovitch and Pevehouse (2019: 170) argue that populist nationalism—as seen in recent years in the US, United Kingdom, Turkey, Russia, Poland, and Brazil, to name a few—is threatening to IOs. In particular, they worry about “a simultaneous populist demand for a redistribution of gains combined with a nationalist move to reclaim sovereignty from international arrangements.” Likewise, citizen attitudes about IOs, generally, are getting less positive over time (Bearce & Scott 2019), which may lead to less support for their mandates.

Discussion question 5

Why is populism potentially a threat to the work of international human rights organizations? How might INGOs and IGOs change their tactics to improve human rights in the face of this threat?

Classroom activity 5: Assessing human rights challenges using artificial intelligence

The objective of this activity is for students to discuss the most pressing challenges that IOs will face in the next two decades while recognizing the limitations of artificial intelligence (AI) to answer such queries. Note that it may take more than one class period to complete this activity but it can easily be split across two class periods and/or include a take-home assignment.

- Divide students into small groups.
- Ask students to put away their computers and answer the following question in five paragraphs: What are the most pressing challenges that you think IOs will face in the next 20 years?
- Ask ChatGPT or another AI software the same question.

- Compare and contrast the answers provided by the group and by AI.
- Reconvene the class to discuss group answers.

GLOSSARY

Anarchy. Lack of overarching authority power in the global system.

Boomerang model. Keck and Sikkink's (1998) theory that suggests that NGOs unable to affect human rights outcomes in a given state directly can pressure other states to directly pressure and to work through IOs to pressure violating states to improve human rights outcomes.

Foreign direct investment (FDI). An investment made by a company or individual in one country into business interests located in another country.

Global governance. The use of power and authority in the global arena to shape commands, framing of goals, and policies pursued (Weiss 2000: 796–798).

International governmental organizations (IGOs). IOs in which members are states or countries and operate across international borders.

International non-governmental organizations (INGOs). IOs in which members are not states or countries, but have general independence from governments and operate across international borders.

International organizations (IOs). Formalized collections of actors from more than one country working towards a set goal and/or in a set issue area.

International regime. A set of “principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area” (Krasner 1982: 185).

Linked benefits. A benefit that a state will receive (or a cost that they will pay) if they (fail to) maintain an acceptable level of respect for human rights in the eyes of another actor.

Multinational corporations (MNCs). Businesses that operate across borders in different states. Gilpin (1976: 184) describes several distinctive characteristics of MNCs, including direct investment/operation in different countries and a parent firm operating in one country with a “cluster of subsidiaries or branches” in other countries which constitute a centralized decision-making design.

Naming and shaming. The process by which actors—often INGOs and IGOs—“publicize countries’ (human rights) violations and urge reform” (Hafner-Burton 2008: 689).

Nationalism. “Nationalism is primarily a political principle, which holds that the political and the national unit should be congruent” (Gellner 1983: 1).

Populism. “A thin-centred ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite,’ and which argues that politics should be an expression of the general will of the people” (Mudde & Rovira Kaltwasser 2013: 150).

Socialization. Behavioral changes that “arise through the process of interaction with other states, whereby states copy, or learn from, the forms of behavior exhibited by others” (Greenhill 2010: 129).

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3. International law and courts

Courtney Hillebrecht and Kelebogile Zvobgo

LEARNING OBJECTIVES

By the end of this chapter, instructors will be able to:

- *Chart* the laws and courts that comprise the international human rights legal and adjudicative regime and their relationship with foundational theories of human rights.
- *Describe* how laws, institutions, and theories connect to the international relations field and political science discipline.
- *Create* assignments and course activities that help students connect this knowledge to current events.
- *Connect* content on international law and courts to other elements of the curriculum at their institution and to experiential learning opportunities for students.
- *Reflect* on how the characteristics of their institution and their students affect how they approach teaching international human rights laws and institutions.

INTRODUCTION

Teaching international law and courts from a human rights perspective in political science is a challenge and a privilege. Students enter our classrooms with a wide range of ideological viewpoints, diverse disciplinary backgrounds, and varying levels of academic preparation. Our task is to guide them through analysis of complex and often controversial topics and equally complex and controversial laws and institutions.

There are many ways to teach international human rights law and courts: in courses on human rights, international law, international relations, or public law (Reed 2024; Zvobgo 2024). Regardless of the course configuration, we address three key questions on which we elaborate below: What are human rights? What is a human rights violation? Who decides – and to what effect?

Pedagogical Challenges and Opportunities

This chapter is motivated by pedagogical challenges to teaching human rights in general and law and courts in particular and suggests ways these challenges may be overcome and even transformed into opportunities. Our goal is not to be prescriptive but to share lessons from our experiences teaching human rights law and courts inside and outside the political science classroom. The chapter proceeds in six sections.

First, we summarize state, university, and department characteristics that affect how we teach law and courts from a human rights perspective, including with respect to controversial topics. Second, we discuss student characteristics that also influence our approach, including diversity in students' disciplinary backgrounds and levels of academic preparation. Third, we address student and instructor course goals and how to bring these together when there are differences. Fourth, we suggest what to teach for such a broad, complex, and ever-changing field as international human rights law and courts. Fifth, we present course activities and discuss teaching beyond the traditional classroom. We conclude with a discussion of balancing the promise and peril in human rights, emphasizing successful stories amid experiences of failure in international law and courts.

What Are Human Rights?

In a law and courts context, human rights are a collection of freedoms and protections enumerated in international and regional treaties, and (re)articulated in domestic laws. Ten United Nations (UN) treaties compose the core of international human rights law, including the omnibus covenants on civil and political rights and on economic, social, and cultural rights (Comstock 2021; Mulesky et al. 2024).¹ Several human rights treaties exist at the regional level

¹ These are, in chronological order of adoption: Convention on the Prevention and Punishment of the Crime of Genocide (1948), International Convention on the Elimination of All Forms of Racial Discrimination (1966), International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social, and Cultural Rights (1966), Convention on the Elimination of All Forms of Discrimination against Women (1979), Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984), Convention on the Rights of the Child (1989), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Convention on the Rights of Persons with Disabilities (2006), and Convention for the Protection of All Persons from Enforced Disappearance (2006). To access the full text of

as well – in Africa, the Americas, and Europe (Hillebrecht 2009; Stone Sweet & Sandholtz 2024). The Rome Statute, while a criminal law treaty, is also within the ambit of human rights, particularly the treaty's articles on genocide and crimes against humanity (Hillebrecht 2021).

What Is a Human Rights Violation?

From a law and courts perspective, a human rights violation is an unlawful breach of a treaty obligation or domestic statute. Not all breaches are unlawful, however. States are permitted to derogate from (i.e., temporarily suspend) some of their human rights commitments (like protecting the freedom of assembly) when facing an emergency (such as COVID-19) (Chaudhry et al. 2024, 2025).² Moreover, human rights treaties do not always bind states uniformly because when ratifying treaties, states are permitted to modulate the legal effect of some provisions using reservations (Boyes et al. 2024; Zvobgo et al. 2020). States also have discretion in how treaties are incorporated into domestic law (Vilán Forthcoming).

Who Decides – and to What Effect?

A range of actors – including individuals, non-governmental organizations, states, and intergovernmental organizations – has helped promulgate human rights norms into law (Sandholtz & Zvobgo 2026). Among these actors, states are the primary enforcers of human rights laws. States are also the primary violators of these laws. Governments frequently contest the meaning of human rights law, and they can use rhetoric and legal argumentation to weaken human rights in practice just as they can strengthen it (Hillebrecht 2020; Rapp 2020).

Courts – domestically, regionally, and internationally – are empowered to determine human rights violations, as are human rights ombuds offices at the domestic level and treaty committees at the international level (Reiners 2022; Schoner 2024, 2025). We refer to these latter institutions as quasi-judicial bodies. Judicial and quasi-judicial bodies tend to have narrower, stricter interpretations of both rights and violations than do many politicians, activists, and

these documents, visit <https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>.

² A formal derogation is a legal filing submitted by a state to the body that monitors compliance with a particular international treaty (like the UN Human Rights Committee in the case of the International Covenant on Civil and Political Rights). The derogating state must indicate what treaty obligations they will suspend, for how long, and for what reason(s).

ordinary people.³ Judicial and quasi-judicial bodies rely on states to comply with and enforce their decisions. This often leads to criticisms that these bodies are not sufficiently ambitious or effective – but there is plenty of empirical evidence that these bodies can and do make a difference (Haglund 2020b; Hillebrecht 2014), often with the assistance or through the intermediation of civil society actors who facilitate both domestic and international pressure for governments to comply (Sikkink 2011; Zvobgo 2026). Still, judicial and quasi-judicial bodies at all levels can be strengthened by compliance partners and compliance competencies, including the public and civil society organizations (Alter 2014).

LOCAL, UNIVERSITY, AND DEPARTMENT CHARACTERISTICS

The first challenge to teaching international law and courts in political science from a human rights perspective is local, university, and department characteristics. Human rights courses attract students from across the political spectrum, allowing students the opportunity to confront opposing viewpoints, investigate their own beliefs, and learn how to engage with others who might fundamentally disagree with them about core human rights ideas. We cannot assume that students in human rights classes share an ideological view of the world. In fact, they often do not.

For context, we are United States (U.S.)-based academics, and our public universities are in areas that lean Democratic (Lincoln, Nebraska and Williamsburg, Virginia) but in states where party power resides with Republicans (Nebraska) and swings between Democrats and Republicans (Virginia), resulting in politically heterogeneous classrooms. From a pedagogical standpoint, this is both a challenge and an opportunity. Human rights classes ask students to consider what it means to be human. Human rights classes also require students to contemplate the fact that there is not consensus around what rights we all should enjoy by virtue of our humanity.

For example, at one of our universities, it is not uncommon to have students in a human rights class hold diametrically opposed views of abortion rights. While some students might view bodily autonomy and reproductive choice to be core human rights related to the right to individual liberty and the right to health, others might come to the class with an equally strong belief that abortion is a violation of the right to life. Both groups of students – and the broader

³ Though not always. See, for example, Reiners' (2022) analysis of the development of the right to water at the UN Committee on Economic, Social and Cultural Rights.

social movements to whose causes they subscribe – use the language of human rights to frame and substantiate their worldviews. We believe both groups of students have a place in our classrooms, and our role as instructors is to render their opposing views into constructive moments of learning.

How can instructors navigate these difficult dynamics in human rights classes? One approach is to ask students to embrace human rights as a political concept rather than an agnostic fact. That is, educators can have students take the idea of human rights off of the proverbial pedestal and, instead, consider the legal, political, and social roots of human rights discourse, policy, and practice. Doing so does not mean that students will change their opinions about deeply held moral convictions; rather, it encourages them to use their critical thinking and analysis skills to understand from whence these convictions come. In courses that address international human rights law and courts, this exercise can include analyses of how the laws defining who enjoys what rights – and under what circumstances – have changed over time and across contexts. Instructors and students can investigate how different judicial and quasi-judicial bodies have addressed human rights issues over time, considering such questions as agency, including: Who gets to decide who enjoys which rights and why?

This approach also “displaces” authority from the instructor to, for instance, international judges, who students might see as more expert, authoritative, or neutral than the instructor. For reasons of race, gender, age, and academic rank, this approach may be especially beneficial and protective. To illustrate, one of us, as a then-untentured member of her faculty, was more vulnerable to potential student backlash in the aftermath of the October 7, 2023, terrorist attack in which Hamas militants killed approximately 1,200 people in Israel and took more than 250 others hostage. In a polarized political environment, students could think discussion of the harm and suffering that Israelis experienced on that horrific day reflects the instructor’s politics. Likewise, students could see discussion of the tens of thousands of Palestinians who Israeli forces have killed and injured as “bothsidesism.” Emphasizing that international bodies like the International Criminal Court (ICC) have a mandate to address all sides neutralized potential conflicts in the classroom. More generally, underlining that human rights are for everyone refocused attention to the reason behind the class.

Instructors in human rights classes can embrace ideological diversity in their classrooms while still affirming the rights of all people and the international legal obligations of combatants to abide by military necessity and proportionality and distinguish between military and civilian targets. We note, though, that not all instructors enjoy this privilege and opportunity. As in many countries, the higher education landscape in the U.S. is shifting, with recent attacks

and even bans on work on race, gender, and queer critiques of politics – work that instructors may want to teach in a course on human rights.

Because instructors' institutional context can also affect what and how they teach, and in the interest of transparency, we also discuss our own contexts briefly here. We respectively teach at the University of Nebraska-Lincoln and William & Mary. Undergraduate education is central to the mission of both institutions (Zvobgo 2024; Zvobgo et al. 2023).

The emphasis on undergraduate education at universities like ours (or at small liberal arts colleges) likely means that an instructor must sometimes teach outside their expertise. As an illustration, while one might specialize in international human rights law, a course in international law (also covering trade, the environment, armed conflict, etc.) might be easier to stand up in a department where such a course does not already exist, to attract students from a wider pool. Where an international law course already exists, one might also be able to offer a specialized seminar on international human rights law for more advanced students, but likely not a large lecture course on such a specialized topic. We encourage instructors to take stock of the curriculum in their unit, their own teaching portfolio, and the range of existing resources, including this volume, in advance of deciding if and how to incorporate international human rights law and courts into their teaching.

STUDENT CHARACTERISTICS

Classes on human rights and international law are likely to draw a range of students from disciplines and majors well beyond political science. In many respects, this is good news. It means that students from across our campuses are interested in the core issues surrounding equality and justice. This also means that we as instructors have an opportunity to share a human rights lens with a diverse group of students and help them bring human rights principles into their coursework and future careers, whether that is in architecture, medicine, or public policy.

Having students with a wide range of disciplinary backgrounds in our classes also poses several challenges. It becomes incumbent upon instructors to make human rights law and courts content challenging for students in political science and other core disciplines, while also making the content accessible for students from other academic backgrounds. This challenge is particularly acute in courses at the intersection of international law and courts and human rights because this content often presupposes substantial background knowledge about how international laws and courts function. Instructors can balance the demands of teaching generalists and specialists through several techniques, including pairing traditional lectures with simulations and group

policy exercises that make the technical components of international human rights laws and courts come alive.

Creating classrooms and programs that are accessible, engaging, and impactful for specialists and generalists alike is consistent with the history and objectives of human rights as a field of inquiry. Human rights is a multidisciplinary field with broad-reaching implications, and our classes can reflect that multidisciplinary nature. By embracing students and even faculty from other disciplines, we can build bridges to expand human rights ideas into other fields, whether that is socially responsible design, business and economic policy, or human-centered ethics in science, technology, engineering, and mathematics-related fields. These habits not only help current students but also instructors and future students, as success is translated into more demand for human rights courses.

STUDENT AND INSTRUCTOR GOALS

Closely related to the challenge (and opportunity) of having students who come from diverse academic and disciplinary backgrounds are students' varying expectations and aspirations. Some students might expect a course at the intersection of human rights and international law and courts to center activism – essentially, a “how-to” for human rights advocacy and litigation. Students might expect the same regarding policy making. However, few political scientists teaching human rights have a professional background in advocacy, legal practice, or policy making, and thus are not likely to be able to center the practice side inside or outside class. Though we can speak to pursuing academic careers, professors are not all equipped to speak to other career paths or offer guidance to students interested in pursuing alternate careers. While imperfect, one remedy to this gap is to stay in contact with past students and connect current students with those who have gone on into human rights advocacy and the law. Another strategy for those who conduct interview-based research is to connect students with past interlocutors. Bringing practitioners to campus for talks and presentations is yet another possible approach to building out potential networks for students on a longer-term basis (Parente & Zvobgo 2025).

Two other issues may emerge. Students expecting to learn about the practice side may view the scholarly side as “too theoretical.” This is a comment that we have received at one point or another in student course evaluations. Students also might wonder why they should care about human rights law at all – an issue that, they might presume, does not affect them in the U.S. and that they are learning in a course that they do not immediately perceive will help them in the “real world.” To mitigate the first issue, framing plays an important role. At the start of the semester, an instructor can preempt the view that a class based in the empirical social science of human rights law and courts is

“theoretical” by explaining the role of social science in developing, evaluating, and promoting human rights law and justice outcomes in very practical ways. Social science is concerned with understanding – broadly, deeply, and systematically – various social, political, and institutional phenomena like the conditions under which governments are likely to comply with international court decisions (Parente 2025; Yildiz 2023). We seek to understand – and we train our students to learn – patterns, causes, and consequences of human rights law, policy, practice, and enforcement.

To address the second issue, history and historical context can play an important role. One example that we use is Nazi Germany. When the Nazi Party rose to power and began practicing discrimination against Jews, Roma, and other minoritized groups, and began codifying discrimination in the law, an American at the time might have wondered, too, why they should care or how this affected them. Here is where we can slightly modify the adage “An injustice anywhere is an injustice everywhere” to “An injustice anywhere *can* become an injustice everywhere.” Ultimately, the U.S. and its allies had to fight one of history’s deadliest wars to stop Nazi Germany’s territorial aggression and end the genocide, torture, and suffering of millions and millions of people – a program of action justified in those same discriminatory laws and practices that someone in a foreign country at the time might not have thought would affect them. In the end, more than a million Americans were killed or wounded in the Second World War. Earlier concern and action by U.S. and allied leaders may have reduced, if not prevented, the worst of the war. This is just one backward-looking example; there are many others. Likewise, there are forward-looking examples, like how human rights laws and institutions can be used to protect and restore rights that many Americans have taken for granted but that are under threat in our world today, like the right to women’s bodily autonomy (Avdan et al. 2025). A key point that we underline in our classes is that realizing the promise of human rights requires everyone’s concern, commitment, and effort, and, while states are the primary duty bearers in human rights, we as people also have responsibilities to humanity.

WHAT TO TEACH

When we teach international human rights law and adjudication, we begin from the premise that the international human rights legal landscape is a complex and interconnected web of laws, norms, and institutions (Stone Sweet & Sandholtz 2024). For students to fully understand the nature of the international human rights ecosystem, they need to understand the different sites of human rights law and adjudication, and the relationships between and across them. They also must understand and evaluate critiques from practitioners and

academics alike about the limits and possibilities of international human rights laws and courts to uphold human rights principles.

But students first need a primer on international law, what it is, how it functions, and how international human rights law might differ from other issue areas such as international trade or security. On this last point, it is essential for students to learn that while other bodies of international law govern the relationship between states and are thus largely predicated on reciprocity (e.g., State A will lower tariffs if State B agrees to do the same), international human rights law largely governs how states treat people within their territory (Koremenos 2016; Simmons 2009). The “carrots and sticks” that are effective for enforcing other forms of international law fall apart in the human rights arena. The implication is that international human rights law and adjudication is a tough test case for the strength of international law and institutions because they attempt to govern the governors. Without an appreciation for this inherent limitation in international human rights law and adjudication, students cannot fully grasp the challenges – and promises – of international human rights laws and the courts that strive to enforce them.

Once students have grasped the basics of international law and the unique position of human rights within this context, instructors and students can turn to mapping the architecture of the international human rights regime. This includes teaching students about the UN human rights system, the regional human rights systems in Africa, the Americas, and Europe, the ICC, and opportunities for cooperation and enforcement on the domestic level. In addition to the discussion in Chapter 2 in this volume on the UN human rights regime, see as resources, among others: Alter (2014), Hillebrecht (2014, 2021), Krieger and Liese (2023), and Stone Sweet and Sandholtz (2024), on different international instruments and institutions; Gonzalez-Ocantos and Sandholtz (2022), Haglund (2020a, 2020b), and Parente (2022), on the Inter-American system; Viljoen (2018), von Staden (2018), and Yildiz (2023), on the European system; and Ba (2020), Boehme (2022), Chaudoin (2016), and Nouwen (2013), on the ICC.

The UN Human Rights System

In our classes we start at the UN level, which is often what first comes to students’ minds when they think about international human rights law. Instruction includes discussing the non-binding Universal Declaration of Human Rights and the core UN human treaties (see, e.g., Comstock 2021).⁴ Once students are

⁴ For the full text of the Universal Declaration of Human Rights, visit <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

comfortable with these instruments, we move on to discussing the UN's review and compliance mechanisms (see, e.g., Schoner 2025; Terman 2023). These include the Office of the High Commissioner for Human Rights, the UN treaty bodies and their quasi-judicial functions, the Universal Periodic Review (UPR), the special rapporteurs, and the UN Human Rights Council (see, e.g., Reiners 2022; Ullmann & von Staden 2024). Each of these institutions provides opportunities for students to engage with the theory of human rights and the imperfect application of human rights laws and norms. For example, instructors and students can examine how states, particularly those with reputations for weak human rights practices, can secure a seat on the UN Human Rights Council (see, e.g., Pauselli et al. 2023). Instructors and students can also explore how and to what extent state self-reporting to UN treaty bodies works (see, e.g., Creamer & Simmons 2019).

The takeaways from our discussions about the UN human rights system are generally three-fold: (1) the UN system is ambitious in its normative reach, covering everything from civil and political rights to disability rights to the rights of migrants and the rights of children; but (2) its execution is limited by the political landscape at the UN and of its member states; and (3) human rights enforcement is predicated more on states' willingness to implement recommendations from the UPR or treaty bodies than on the UN's ability to compel states to change their behavior. Above all, students should recognize that UN human rights quasi-judicial enforcement is advisory. That is, beyond treaties themselves, the recommendations are just that – recommendations.

Regional Human Rights Systems

When turning from the UN system to the regional systems, it is useful to outline differences between them, including members (global versus regional); different governing laws (in particular, the African Convention on Human and People's Rights, American Convention on Human Rights, and European Convention on Human Rights); and the enforcement capacity of the various institutions. Because there is significant variation across the regional systems in Africa, the Americas, and Europe, we find it useful to provide students with a quick guide that outlines the following characteristics, among others:

1. *Standing* – who can bring cases to these regional courts?
2. *Substantive mandate* – which treaties and rights can be adjudicated?
3. *Process* – is there a commission that is a first stop for cases before they go to the regional court?
4. *Compliance* – what are states asked to do, and do they do it?
5. *Oversight* – following an adverse judgment, who, if anyone, monitors state compliance?

For accessible resources that put the regional courts into conversation, see, as examples: Haglund (2020b), Hillebrecht (2014, 2021), Huneus and Madsen (2018), and Murray and Long (2022).

Because the regional systems provide opportunities for rich comparisons, as well as depth of casework, instructors can assign students to engage with their jurisprudence, reading cases and following their trajectory from petition to case to compliance. By tracing a case's lifespan, such as the Inter-American Court's ruling on *Barrios Altos v. Peru* (2001) or the European Court's judgment in *A. and Others v. the United Kingdom* (2009), students can gain an appreciation for how these institutions work – or fail to work – to protect human rights.

Certainly, one of the main shortcomings of the regional human rights courts is that they require the violator, notably the state, to remedy the violation. Discussing this challenge presents an opportunity for instructors to remind students of the inherent limitations of international human rights law compared to other forms of international law. This is also an opportunity for instructors to turn the class's attention to domestic courts as sites of international law enforcement, as discussed in Chapter 4 of this volume.

Domestic courts are responsible for adjudicating domestic human rights disputes, but they also adjudicate on international law. Walking students through the different ways that states have incorporated international human rights law into their constitutions can help students see how domestic institutions are key players in the international human rights regime.⁵

Other Instruments and Institutions

Depending on the orientation of the class and the time allotted for international human rights law and courts, instructors might also include a discussion of international humanitarian and criminal law and the related courts. In one of our general human rights classes, and in the other's general international law class, we include humanitarian law and courts alongside international human rights law and courts. We differentiate between the two bodies of law and then map out the international humanitarian law infrastructure, which we understand to be comprised of the ICC, conflict-specific courts such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and hybrid criminal courts such as those in Cambodia, Lebanon, and Sierra Leone.

Instructors also can discuss domestic options for criminal accountability for gross violations of human rights. One productive exercise to this end is to ask

⁵ Colombia's constitution is a prime example of how international human rights law can be integrated into domestic constitutional law.

students to consider either a hypothetical or current example of mass human rights violations and weigh the pros and cons of pursuing adjudication at any and all of these human rights venues. More advanced students might consider the details of the Colombian case, in which international humanitarian and human rights law and adjudicative bodies have exercised overlapping jurisdiction (Hillebrecht & Hunneus, with Borda, 2018).

COURSE ACTIVITIES AND TEACHING BEYOND THE CLASSROOM

While traditional course activities and modes of assessment (such as in-class discussions, exams, and response papers) work well in courses dedicated to international human rights law and courts, the subject area also lends itself to a range of innovative course activities that we use in our classrooms to facilitate student learning and build transferable skills. In particular, we invite students to examine the scope of human rights law through the lens of one treaty, participate in simulations, and engage in policy-relevant research and writing.

Trading Depth for Breadth

Without a doubt, there is a tradeoff that instructors must make between breadth and depth. One of us often teaches international human rights law through the lens of gender and women's rights. Instructors interested in this approach can dedicate five weeks of a 15-week semester to answering the broad question "What are human rights?" and addressing in a general sense such issues as the philosophical and legal foundations for human rights (using, for instance, Donnelly 2013 and Shestack 1998, among others); categorization and codification of human rights (DeLaet 2014 is a helpful resource); and human rights commitment(s) and compliance (here, Simmons 2009 is an essential text).⁶ The

⁶ Bringing the three main schools of Western jurisprudence (natural law, legal positivism, and sociological jurisprudence) in conversation with the three key paradigms in international relations theory (liberalism, realism, and constructivism) can help ideas "click" for students coming to human rights and international law from international relations, as each pair represents a fundamentally different view of law and politics that can help explain downstream policy disagreements and differences. Do we have human rights because we are human (natural law) and therefore we construct instruments and institutions to safeguard them (liberalism)? Do we have rights because states say we do (legal positivism) and states' material and security interests determine the extent to which we can access human rights (realism)? Or do we have rights because we, the people, say we do (sociological

next five weeks are dedicated to studying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

BOX 3.1 A DEEP DIVE ON CEDAW

To do a deep dive into one international human rights law treaty, instructors can dedicate five weeks of the semester to studying CEDAW. Several existing political science texts can facilitate this work. Baldez (2014) is an especially valuable text in a U.S. political science classroom. Other work addresses feminist critiques of power, law, and enumerated rights (including Crenshaw 1993; Zinn et al. 2005), while other scholarship engages issues of identity and place (Kang 2015). Instructors can then confront the issue of violence against women in times of conflict and in times of peace (e.g., using Chappell 2015; Hill & Watson 2019; Lake 2018; O'Rourke 2020). After this, instructors can dedicate the rest of the semester to bringing theory and practice together, through analysis of empirical cases that do and do not meet expectations of state commitment to and compliance with CEDAW.

The challenge to choosing depth over breadth is that students may feel that they have missed the opportunity to study “more” human rights. Framing plays a key role here, too. Instructors can emphasize the value of understanding human rights by studying marginalized populations (note: the above design can be adapted to focusing on other groups whose rights are addressed in specific treaties, such as children, persons with disabilities, and migrant workers). Instructors can also make the case that there is seldom a human right pertaining to women that does not reflect other domains (e.g., economic rights, physical integrity rights, and so on). See Zvobgo (2024) for a step-by-step discussion of how this course is organized, as well as ideas for building different sets of academic skills in human rights courses across levels of the undergraduate curriculum, from first-year writing seminars to research seminars for final-year students.

Applications: Simulations and Policy Briefings

One of our classroom goals is helping students recognize that the academic study of human rights is distinct from the practice of human rights. Critical to enhancing students' understanding of the relationship between academia and

jurisprudence) and we determine rights (and obligations) through discourse and persuasion (constructivism)?

policy practice is teaching them that human rights courts are, first and foremost, large bureaucratic organizations. As such, human rights courts face a range of challenges, which include, but are not limited to: financial and political constraints; finite bureaucratic capacity; internal disagreements; (overly) involved external stakeholders; marketing and public relations concerns; and pervasive threats to their reputations (Heupel et al. 2018, Squatrito et al. 2018).

To illustrate the difference between academic and applied work in human rights, we often rely on detailed simulations and policy-related writing. These modes of instruction and assessment help students connect academic concepts with empirical examples while also learning to work within financial, political, and bureaucratic constraints. For instance, instructors can run simulations of international courts. The expansive universe of cases provides instructors the opportunity to choose cases that illustrate the process of international human rights adjudication and the challenges of human rights practice, while also giving students the chance to dig deeper into a substantive issue area. Instructors can use a publicly available database, such as the European Court of Human Rights HUDOC database,⁷ which covers all of the Court's cases to date, or the open-access Women's Rights Recommendations and Compliance Explorer⁸ to identify cases of interest for their simulation.

Consider, for example, a simulation of the *Jaloud v. The Netherlands* (2014) case at the European Court of Human Rights, which raises thorny questions about the state's responsibility for the death of a civilian during international conflict. For this simulation, we divided students into three groups – the state, the petitioner and their representatives, and the Court's judges. Prior to the simulation, students learned about the general nature of human rights, as well as the mechanics of the European human rights system.

By putting their knowledge into action within the confines of a particular case, however, the students came to appreciate the limits of what could be adjudicated in a court of law. At first, students found this experience frustrating. "Clearly there was a violation!" they would say. But feeling deeply about a wrong committed and proving it in court are two very different things, and this simulation helped students see not just the promise of human rights law but also its application and limits within the parameters of a particular case. To help achieve this learning outcome, we complemented learning in the simulation with preparatory research and regular reflection.

⁷ Available at <https://hudoc.echr.coe.int/hudoc-database>.

⁸ Available at www.wrrce.org.

BOX 3.2 A SEMESTER-LONG SIMULATION OF THE UNIVERSAL PERIODIC REVIEW

In one of our human rights classes, we run a semester-long simulation of the UPR, which is discussed in more detail in Chapter 5 of this volume. Briefly, the UPR is a quasi-judicial, UN-based process. Every four and a half years, states submit their human rights records for review by their UN peers. Through the review process, states receive recommendations about how to improve their human rights performance. The UPR process is highly performative and political, with states taking their bilateral relationships into account when devising recommendations for their peers and when deciding which recommendations to accept and address (Terman 2023).

The UPR is fertile ground for a semester-long simulation to showcase the nature of applied work in human rights. The simulation proceeds in four steps. First, students are assigned to a country team at the start of the semester. Instructors can, of course, select any countries to assign to the student groups, but we have found that assigning countries that will soon go under review at the UPR is most fruitful and timely, as students can view the countries' previous reports while also reflecting on the countries' current context.

Next, students collaborate to create a country self-report, which highlights their human rights achievements. Instructors might find it helpful to provide examples of these self-reports and to use class time to help students navigate both the UPR website and upr-info.org, both of which are open-access websites that provide a wealth of information and plentiful examples of the multiple steps of the UPR process.⁹ These reports are, critically, self-reports, meaning that they are curated snapshots of a country's human rights record (Creamer & Simmons 2019, 2020). Students must choose which human rights issues to raise and when.

Third, after student teams write and submit their country reports, the peer-review process begins. Country teams are responsible for reviewing each other's reports and generating recommendations for each of their peer countries. Students confront the political realities of human rights practice. They must decide what they can – or cannot – say to their allies and foes, and what the likelihood of compliance would be based on a peer's economic and political constraints. Again, here, instructors might showcase examples of what shape recommendations take and help

⁹ These resources are available at <https://www.ohchr.org/en/hr-bodies/upr/upr-home> and <https://upr-info.org/en>, respectively.

students navigate the available information on upr-info.org to find previous recommendations, to see what issues their country has with the other countries in the simulation.

Finally, once the student teams receive recommendations from their peers, they must decide which ones they should accept. Students quickly realize that decision-making is rarely guided by any moral compass. Instead, it has much to do with the political landscape in their assigned country and what will – or will not – be achievable in their particular context.

In addition to simulations, we have found that inviting students to do policy writing is a good introduction to human rights practice. In one of our classes, we often ask students to produce a briefing book on a human rights policy issue of their choosing. The topic can be global or hyper-local. For example, students have produced briefing books on human trafficking with the intended audience of the U.S. Secretary of State. Others have produced briefing books for university leadership on campus human rights issues, such as accessibility of restrooms or environmental justice in student residence halls.

BOX 3.3 PRODUCING A HUMAN RIGHTS LAW POLICY BRIEFING BOOK

Producing a briefing book consists of multiple steps, from identifying the policy area, understanding current practice and regulation, identifying opportunities for policy innovation, and articulating potential challenges to policy changes. The briefing book exercise has students engage with existing laws, budgets, political factions, and public opinion, and, as a result, students gain insight into the contours of a particular human rights policy issue and develop an appreciation of the constraints inherent in human rights policy work. While this exercise centers on students' skills-building and reflection on a policy issue of interest to them, they do share their research with the class. By the end of the semester, the students and instructor gain new knowledge and appreciation for the policy issues covered by the class.

Importantly, through all of these activities, students gain key transferable skills, including critical thinking, written and oral communication, leadership, project management, negotiation, and collaboration. Whether their careers

take them farther into academia, human rights practice, or a field far beyond human rights, these experiences and skills will serve them well.

Co-curricular opportunities for experiential learning include research assistantships, whether students work with us one on one (through independent study projects or honors theses at the undergraduate level and master's theses and doctoral dissertations at the graduate level) or with a group of their peers (through collaborative research teams such as labs). See Zvobgo et al. (2023) on a variety of modes of faculty–student research collaboration and Zvobgo (2022) for a step-by-step discussion of integrating students in multi-year research projects. Internships in government and non-governmental organizations are yet another opportunity, which we discuss in greater detail below.

Internships

Human rights internships at the local, national, or global level have proven to be transformative experiences for our human rights students. These internships allow them to see the various facets of work that fall under the “human rights” umbrella, from fundraising to policy research to direct service provision.

Human rights internships, particularly at the local level, can also remind students that human rights “happen” everywhere, including in small midwestern and southern cities in the U.S. Many of our students come to our human rights and international law classes thinking about human rights as something that pertains to people and countries “over there” but not “here.” This might be a function of how the U.S. socio-judicial environment conceptualizes rights as pertaining to specific groups or categories (e.g., women’s rights, civil rights, environmental rights), without referring to a broader human rights framework. This might also be a function of the U.S.’s absence from most international human rights legal instruments and courts. Given this, one of the most transformative aspects of having students participate in local human rights internships is them realizing that human rights – up to and including international human rights law and adjudication – affects us on even the most local level. For our students, this has included local internships in areas as diverse as human trafficking, persistent hunger and the right to food, and homelessness and the right to housing, among others. Students do not need to live or study in large urban centers or be connected with large human rights non-governmental organizations to find important and meaningful internships. These can be found in students’ local communities, and faculty support throughout internships can help students connect the dots between their coursework, their work experience, and the international human rights legal landscape.

Human rights internships also provide students with a valuable perspective of their own role within the larger international human rights and justice architecture. They learn that they can be active participants in human rights

and that they do not need to wait until they are older, have more degrees, or have more money to make an impact. If anything, it is this feeling of empowerment – but with eyes wide open – that can transform our students into change makers.

There is, however, a significant caveat that comes with internships, which is that human rights programs must take care to ensure that their internship opportunities do not replicate some of the very power dynamics and inequities that their organizations seek to interrupt. Offsetting the costs of internships, paying interns, providing academic credit for internship participation, or otherwise making internships accessible to all students is critical for human rights programs looking to “practice what they preach.”

BALANCING PROMISE AND PERIL

It is easy, when teaching and researching international human rights law, to become cynical and jaded; this can become a form of armor for scholars in our field, and it is all too easy to pass this trait on to our students. When one of us was a young faculty member, she had students somewhat – but not entirely – jokingly refer to her human rights classes as “killing hopes and dreams.” This was certainly not the intent but, in hindsight, one can see how realism can devolve into cynicism in a human rights class.

One of the wonderful attributes that many students in our human rights and international law classes share is that they want to make their communities and the world a better place, whatever that might look like for them. (As noted above, students do not always share a common vision for a better world, but they are almost all motivated by the idea of pursuing one.) Given their passion for improving the world, how can we as instructors share the hard and sometimes gruesome reality of human rights while also encouraging students to maintain their hope for the future? The answer lies in balancing the peril of human rights with its promise: showing students that international human rights law and courts are far from perfect, but they have improved human rights conditions in specific ways in myriad contexts around the globe. Instructors may, therefore, illustrate examples of human rights defenders who have triumphed, perhaps against the odds, to effect change in their communities.

For example, we might consider the case of *Maria da Penha v. Brazil* (2001), a petition brought by a Brazilian woman, Maria da Penha, against her government at the Inter-American Commission on Human Rights following multiple domestic violence attacks that left her paralyzed. After many failed attempts and half-hearted remedies by Brazil, this international court case ultimately resulted in new national legislation on domestic violence, the creation of domestic violence hotlines across the country, and domestic violence courts. This case exhibits some of the worst failures of the state to protect its citizens;

but it also shows how over time and thanks to Maria da Penha's resilience and relentless struggle, she was able to take her one experience to fundamentally change the rights of Brazilian women and children confronting domestic violence.¹⁰ Cases like this provide excellent learning tools for students who want to make a positive change in the world but who also need to understand the challenges they are likely to face when doing so.

Balancing the peril and promise of human rights and international law and courts also means empowering students to become change agents, rather than being passive observers. This work pairs students' classroom experiences with opportunities beyond the classroom, whether that is through internships, study abroad experiences, research assistantships, independent projects, or others. Teaching students about the complexity, nuance, and highly politicized nature of international human rights law and courts is a privilege and a responsibility. Our goal for students is to leave our courses with a better understanding of international human rights laws and courts and be able to apply that understanding to a range of cases and experiences, developing along the way the skills they need to thrive both within our classrooms and well beyond them.

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¹⁰ Available at <https://www.institutomariadapenha.org.br>.

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4. Domestic institutions

Melissa Martinez and David Cingranelli

LEARNING OBJECTIVES

- Identify how institutional structures influence human rights practices.
- Facilitate active student engagement through structured debates, simulations, and guided class discussions on human rights.
- Develop strategies to teach about institutions in ways that encourage students to think critically about the causes of human rights violations.
- Develop discussion questions that prompt students to explore the challenges and limitations faced by human rights activists in addressing violations.

THE VALUE OF INSTITUTIONS

Some advocates appeal to moral and ethical principles to promote the adoption of human rights laws or to oppose repressive practices. These arguments seldom persuade governments to comply with international norms. Merely ratifying treaties does not guarantee adherence to their provisions. Research shows that the quality of domestic institutions is a crucial factor in determining how well countries implement their human rights commitments. This highlights the importance of institutions because self-interest, especially regarding their political careers, often drives political actors (Downs 1957). The rules and norms of these institutions significantly influence their decisions on whether to uphold or ignore human rights commitments.

Domestic institutions are comprised of both formal rules—such as constitutions and laws—and informal norms or shared understandings. These institutions shape political actors' behavior, structure citizens' engagement with the state, and determine the extent to which internationally recognized human rights are realized in practice. March and Olsen (1996) argue that institutions establish expectations by defining appropriate or legitimate behaviors. Human rights protections are designed to limit state power and safeguard individual autonomy. Institutional arrangements that prevent concentrating authority in a single person or small group are more likely to promote human rights.

Research shows that, when minimally capable, democracies are more respectful of human rights than their authoritarian counterparts (Poe & Tate 1994). However, the degree of human rights protections varies across democracies. A central question addressed in this chapter is how to help students understand how domestic institutions influence compliance with international human rights obligations, as outlined in United Nations treaties and regional agreements and national-level implementation efforts.

The following sections explore the institutional features that lead to greater human rights protections. Formal structures such as the requirement that there be periodic, free, and fair elections, with universal adult suffrage, ensuring party competition and constitutional design all shape the likelihood that governments will respect and uphold human rights (Landman 2005).

Nations characterized by a strong rule of law—where both government officials and citizens are equally subject to legal standards—develop robust protections for civil and political rights. The equal protection of all citizens under the law is a cornerstone of institutional strength and democratic governance. Institutions that ensure judicial independence and maintain checks and balances among the executive, legislative, and judicial branches further enhance these protections. The chapter also discusses the limitations of institutional frameworks in fully supporting human rights practices. When legal standards are applied unevenly or when accountability is lacking, institutions risk being perceived as illegitimate or unjust. This perception can erode public trust and undermine the foundations of lawful, accountable governance. Additionally, threats to democracy, external influences, and the extensive power of non-state actors can undermine institutional protections of civil, political, and economic rights.

Throughout this chapter, we include cases, reflections, and activities designed to help students critically engage with the theories and analyze how the literature applies to contemporary examples. One of the more challenging tasks for students is understanding how to reckon with the sometimes conflicting research findings. The last section provides additional pedagogical tools for further exploration of the topics.

HOW REGIMES AND INSTITUTIONS SHAPE HUMAN RIGHTS

Defining democracy and autocracy helps students—even those with some institutional knowledge, particularly political science majors—build a foundation for evaluating how political systems impact human rights. The literature examines institutional constraints as key factors influencing the repressive actions of political leaders and their security agents. Institutional constraints appear in many forms in different branches of government. Scholarly research

has emphasized institutional factors—such as rule of law, electoral systems, free and fair elections, constitutional design, judicial independence, government transparency, checks and balances, military reforms, bureaucratic structures, state capacity, and national human rights institutions (NHRIs)—as key constraints shaping the state’s propensity to commit human rights violations.

Democracies and Elections

Democratic systems facilitate peaceful transitions of power, promote government accountability, and enable legal reforms through non-violent, majority-driven methods. Political scientists typically examine democracy along a spectrum. At the minimalist or representative end, democracies are defined by the presence of competitive elections (Schumpeter 1942; Przeworski et al. 2000). Free and fair elections create political accountability for political leaders; constituents can vote representatives out of office when they do not support their interests. Electoral competition promotes transparency, as democratic governments prioritize social welfare more than authoritarian regimes. Transparency involves the dissemination of information, including electoral processes and policy decisions. This commitment to public well-being encourages governments to share policy information (Hollyer et al. 2011). After all, politicians depend on voter support to keep themselves in office. Electoral competition allows constituents to keep their representatives accountable for their commitments and encourages politicians to remain responsive to public needs.

Free and fair elections enforce the norm of electoral accountability, making repression costly because violence can jeopardize a leader’s hold on power. However, not all forms of electoral competition promote human rights protections. Presidential elections have been associated with negative effects on human rights practices, whereas legislative elections have fostered greater respect for physical integrity rights (Richards & Gelleny 2007). Citizens elect legislators to articulate their interests and, presumably, vote for those who uphold their rights. While competition and participation are central to understand how elections affect human rights outcomes, they alone do not ensure strong human rights protections. This leads to an important discussion: *Why do electoral governments differ in their support for human rights?*

Authoritarian Governments

To begin, not all elections practice pluralist electoral competition. Similar to democracies, authoritarian regimes take various forms, some of which hold elections and are classified as electoral authoritarian regimes. For authoritarian leaders, their primary objective is to use institutions to maintain power

structures and limit political pluralism (Linz 1964). *Why would regimes that are uninterested in political pluralism support elections?*

The third wave of democratization marked a significant transition from authoritarian to democratic governance in various regions worldwide. This period introduced a new political norm: the use of elections to legitimize the ruling authority (Huntington 1991). However, authoritarian governments often conduct elections that are neither fair nor transparent, while also restricting the political opposition's ability to gain power or implement meaningful institutional changes.

In some cases, electoral autocracies employ co-optation through political parties and legislative bodies to minimize censorship, even as they simultaneously increase violations of physical integrity rights, including torture and political imprisonment (Rivera 2017). By placing the opposition within formal institutions, dictators can maintain greater oversight over them. However, without rules that promote free and fair elections, political opponents usually secure only a few seats in office.

Narrow political competition leads to fewer dissenting voices and a greater concentration of power and resources among elites. Authoritarian leaders establish control based on centralized power and consolidate authority within a small ruling group. As a result, unfair elections become a tool to project a superficial sense of public legitimacy while reinforcing centralized control.

Authoritarian regimes seek to hide the unfairness of their elections by intimidating civil society actors, silencing dissent, and suppressing political opposition. Incumbents who fear losing power and have few institutional constraints resort to the repression of voters or opposition candidates (Hafner-Burton et al. 2014). Authoritarian leaders use physical integrity violations to reduce threats from opposition actors outside the official political platform, where state control is weaker. As a result, elections alone are insufficient institutional mechanisms to deter leaders from committing human rights violations.

Authoritarian governments that suppress all political opposition typically take the form of single-party systems, as seen in China or Cuba, or hereditary monarchies, such as Saudi Arabia. These governments concentrate power in a central authority and exercise extensive control over media and public discourse, excluding opposition voices from any political platform. In the case of China, although protests occur, protesters practice self-restraint by avoiding grievances that directly reflect political opposition (Li 2019). This leads to the following discussion question: *How do executive constraints affect efforts to centralize power?*

Bill of Rights

Executive constraints often originate from constitutional provisions. Constitutions that explicitly guarantee human rights, such as through a bill of rights, establish a legal framework that allows these rights to be enforced (Dixon & Ginsburg 2011). This places liberal democracies at the other end of the democracy spectrum, where constitutions recognize individual rights and where elected representatives are responsible for respecting and protecting them. High-quality democracies go beyond electoral competition; they promote equality for all citizens, uphold individual freedoms, and ensure accountability in governance (Diamond & Morlino 2004). These constitutional provisions for basic rights influence the likelihood of repression (Cross 1999; Keith et al. 2009).

Diamond (1999) argues that civil liberties are a fundamental aspect of democracies; without them, individuals cannot fully participate in the institutions that facilitate electoral competition. Civil and political rights enable citizens to engage peacefully in society while providing specific protections against discrimination, as well as guaranteeing freedoms of expression, assembly, and association, along with electoral rights. For example, freedom of speech and freedom of the press have been used to inform and exert pressure on the executive and judicial branches. In many cases, executive leaders use repression to quiet dissent. Although demonstrations, strikes, and riots occur more frequently under liberal democratic institutions, these governments tend to refrain from responding with repressive measures (Carey 2010). The consolidation of democratic procedures allows democratic leaders to feel less threatened by dissent activity (Davenport 1999). Therefore, democratic governments that protect freedom of the press, electoral competition, and political participation are more likely to respect physical integrity rights (Davenport 2007; Whitten-Woodring 2009; Conrad & Moore 2010).

Institutions that recognize civil and political rights commit to supporting them and can face electoral consequences if they fail to do so. However, scholars note that this accountability effect differs across types of rights. While consolidated democracies are less likely to engage in political imprisonment, regime type has no consistent influence on the prevalence of extrajudicial killings (Richards et al. 2015). Democratic protections weaken when governments face large-scale threats, like guerrilla attacks and revolutions (Carey 2010; Pierskalla 2010).

Conversely, political leaders in authoritarian governments restrict freedom of association to silence their opposition; in some cases, the constitution does not recognize these rights (Buyse 2018). When authoritarian governments allow freedom of association, they create limitations on registration, activities, and access to resources. In 2015, Russia passed a law prohibiting “undesirable

organizations” in the state to deter external and internal support for opposition groups (Associated Press 2024). Authoritarian leaders also control the media and use propaganda to reduce pressure from the masses. They stay in power despite international shaming because they manipulate and reframe international information. Authoritarian governments, like China, often portray criticism of their governments as attacks on national sovereignty, deflecting attention from ongoing human rights violations (Gruffydd-Jones 2019). Without a bill of rights, citizens face significant challenges in ensuring political accountability, since there are no formal safeguards to prevent abuse of power.

Constitutions and Rule of Law

Beyond a bill of rights, constitutional rules bind both politicians and constituents. Constitutions establish institutional constraints designed to reduce the risk of human rights abuses. Different government branches contain institutional constraints that vary in structure and purpose. While democracies are the most effective promoters of these rights, they vary in their commitment to uphold them. This variation highlights the importance of institutional rules in promoting the rule of law. Rule of law, defined as adherence to the law—particularly the constraint of political actors by established laws—varies significantly. Several scholars attribute these variations to differing electoral systems (see sections on the legislature, executive, and judicial branches of government).

Constitutional provisions can support social and economic rights. Chilton and Versteeg (2016) argue that governments usually support constitutional rights that promote the formation of unions. However, democracies are typically better at protecting labor rights due to their emphasis on freedom of association and political participation (Wang 2017). These freedoms empower workers to hold elected officials accountable and raise the political costs of supporting “race to the bottom” labor policies. On the other hand, authoritarian regimes are more inclined to curtail freedom of association and limit the emergence of independent unions, thus undermining collective bargaining efforts (Josephs 2009; Chen 2016; Wang 2017). However, economic and social rights do not consistently yield corresponding economic rights outcomes. For instance, Brazil implemented welfare and human development policies after its democratic transition, yet it still faces significant challenges related to economic inequality (Hunter & Sugiyama 2009).

Executive Constraints

Executive constraints established by constitutional rules exert a significant influence in shaping human rights outcomes. Research shows that governments imposing robust checks on executive power are less likely to engage in repressive practices (Davenport 2007; Conrad & Moore 2014; Meng 2019). Oversight from other governmental actors affects the executive's ability to use and rely on repressive tactics. For instance, cabinets composed of a higher percentage of representatives from parties other than the president's party are associated with greater respect for human rights (Holzer 2018).

While executive constraints examined as independence of the judiciary, the role of legislatures, and checks and balances are critical in reducing state repression, Davenport (2007) found that these are less effective than mass participation and party competition. When combined, states with mass participation in elections, party competition, and executive constraints were less likely to experience repression.

An Effective Legislature

In democracies, legislative support is expected to reflect the will of the citizens. However, majority rule does not inherently ensure the protection of human rights. These institutions reflect the will of the people, but does everyone seek to support human rights? We assume everyone wants their government to protect all internationally recognized human rights for all citizens (Cingranelli et al. 2014). Nonetheless, many democratic countries grapple with the "tyranny of the majority" problem, where the majority overrides minority rights. This problem becomes especially pronounced in contexts marked by widespread nationalist sentiments, which can expand the marginalization of minority groups. Posner (2014) argues that states cannot create robust institutions that respect human rights because there is a failure of will. In most countries, people only want human rights for themselves. Thus, institutional design can strengthen domestic legal institutions that protect minority rights. For example, proportional representation systems, parliaments with low-district magnitudes for electing members, and voting systems that allow voters to cast a vote for individual candidates foster stronger human rights protections (Cingranelli & Filippov 2010). This mechanism ensures individual accountability for poor human rights practices and greater protections for minority rights. In contrast, closed party lists in elections limit voters' ability to sanction representatives with a history of support for human rights violations, since the party determines who secures a seat in the legislature.

Even in a liberal democracy, perspectives on rights vary. For example, abortion rights remain a contentious issue, even in long-established democratic

systems like the United States. As a result, the legislature plays a vital role in representing the public's sentiment, often shaped by partisan divisions. While introducing a bill in support of human rights is one way to advocate for them, legislators can also support human rights in other ways. For instance, they can act as veto players by blocking repressive laws (Lupu 2015). Support for rights can also shift over time. Scruggs (2018) argues that, between the 1990s and 2006, support for economic human rights declined in many countries.

Independent Judiciary

The judiciary can serve to restrict or disregard abuse of power. In most governments, except those with parliamentary sovereignty, the courts primarily interpret cases based on constitutional principles. However, the inclusion of human rights in a constitution does not guarantee judicial support for these rights. Institutional safeguards that promote judicial independence, specifically, the separation of the judiciary from loyalties to the executive and other political leaders, are essential in holding leaders accountable for abuses of power (Keith 2011). De facto judicial independence improves respect for physical integrity rights because it allows the judiciary to hold state leaders accountable for abuse of power (Abouharb et al. 2013).

Transitioning democracies face a significant challenge in achieving judicial independence, as past political loyalties may still influence judges, a common trait in authoritarian regimes. Even when governments commit to peaceful transitions of power, institutional divisions can still affect their dedication to supporting physical integrity rights (Martinez 2023). In Argentina, domestic pressure to hold human rights trials at home rather than abroad prompted judges to reassess their previous political positions. This shift toward impartiality strengthened judicial independence and led to greater support for human rights (Huneus 2010). Similarly, in 1995, South Africa's Constitutional Court overturned the death penalty, ruling it unconstitutional. This decision came after the adoption of a new constitution that emphasized individual rights. As part of the country's democratic transition, the Court sought to align the justice system with international human rights standards. These examples illustrate how judicial commitment—when exercised by independent constitution courts—can strike down laws that violate human rights.

Nevertheless, authoritarian regimes are not monolithic in their judicial dynamics; the extent of judicial allegiance to ruling authorities differs based on institutional design (Kureshi 2021). If the regime has a direct role in the appointment and promotions of judges, the judges will support the regime's preferences. However, when social and professional networks determine judicial appointments and the regime's influence on promotions weakens, this empowers judges to challenge authoritarian rulers more effectively. One way

to promote support for autonomy in the judiciary is through transparency. According to Berkinshaw-Smith (2023), transparency on judicial procedures allows the public to decide whether and to what extent judicial procedures are honest, effective, and fair. For example, Romania's Free Access to Information Act allows people to get access to judicial proceedings. This transparency allows greater scrutiny from the public and increases the costs of engaging in corrupt or politically motivated rulings. Others have argued that legal principles, not just career considerations, underlie judicial decision-making and adherence to the rule of law; these principles can manifest as subtle adjustments in legal rulings (Liu et al. 2024).

Federalism

Federalism influences human rights outcomes by shaping the distribution of state authority. In theory, federal arrangements allocate government functions across national and subnational units, with each level exercising autonomy within its designated domain. According to Faguet et al. (2015), decentralization can deepen democracy by supporting higher levels of participation and legitimacy. Federalism allows citizens to express their concerns and policy preferences at the state level, reflecting the unique needs of their local populations. This dynamic requires local and regional politicians to respond to these demands, making it critical for the support of minority rights. However, federal systems can operate asymmetrically, as national governments may override state authority or favor certain subnational units over others. Since political competition takes place across different levels of government, it is critical for federal institutions across national and subnational levels to implement policies that reduce the centralization of power (Filippov et al. 2004).

Military and Police Reforms

The relationship between state leaders and the armed forces can significantly influence the likelihood and intensity of state-sponsored repression. In authoritarian regimes, the military serves as an extension of the leader's authority, enabling the suppression of dissent, enforcement of state policies, and consolidation of power. Even in hybrid regimes, the military can continue to exert influence, often obstructing efforts towards democratic governance. Albeit with less frequency, democratic leaders have deployed the military in response to perceived high-level threats. This raises the following question: *How might the use of the military for internal security erode democratic checks designed to limit its power?*

According to Feaver (2003), restricting military autonomy and providing civilian oversight over rules of engagement can work as an institutional check

that controls military power. Overpowering militaries can lead to a military coup d'état, justified with the ironic claim that they are reinstating and reinforcing democracy or democratic norms by force, as in the cases of Bolivia and Turkey. These abrupt interruptions of governance from the military can exacerbate state repression (Lachapelle 2020). In the absence of civilian oversight, military forces often use intimidation, coercion, and excessive force to enforce compliance.

Military deployment used for internal security can also undermine the role of law enforcement and can lead to the use of excessive use of force against civilians. Although it is less common for the military to govern in transitioning regimes, they have had a large role in national security policies. Governments across the world have turned towards the militarization of law enforcement, while others have turned to the military for policing responsibilities, as has been the case in Latin America. Such shifts have led to more human rights violations (Flores-Macías & Zarkin 2019). González (2020) argues that the lack of attention placed on police reform in the region's democratic transition not only led to poor performance in the police's ability to protect the citizens from criminal violence, it also led to a significant number of cases where police used excessive use of force and violence against civilians.

Bureaucracy and State Capacity

While much of the focus on institutions centers on the three main branches of government, other scholars have found that bureaucratic efficacy (a form of state capacity that focuses on the ability to execute policies and maintain order) improves compliance with civil, political, and physical integrity rights provisions (Cole 2015). States with low public support, weak tax-funded governance, corruption, and centralized power jeopardize physical integrity rights due to ineffective laws and law enforcement (Englehart 2009). For this reason, human rights abuses are more likely to take place in low-capacity states.

Governments with high levels of state capacity are more effective at policing abusive non-state actors and controlling the actions of their own agents. Democratic governments that possess high state capacity are more apt to uphold human rights obligations, including those related to union rights. In contrast, low-capacity mixed regimes, particularly those transitioning to democracy, tend to witness more violations of these rights (Cingranelli et al. 2023).

However, government strength without restrictions on authority can also be detrimental. State capacity, including armed capabilities, can provide internal and external security (Colaresi & Carey 2008), but that same security can also repress the population (see the "Military and Police Reforms" section). *How can states balance effective internal security needs against the risks of*

military influence over civilian policing, especially in contexts with limited institutional capacity?

National Human Rights Institutions

NHRIs are a separate branch within the government whose only mandate, constitutional or legal, is to promote human rights. The Global Alliance of National Human Rights Institutions provides insight into these institutions. These institutions monitor, report, investigate, and provide advice to meet international human rights standards. As of 2024, there are 118 members of the Alliance.

Are the NHRIs effective? Welch (2017) claims that NHRIs collect information and support legal processes, which has led to reducing torture in countries that have ratified the United Nations Convention against Torture. The effectiveness of these institutions is largely driven by the level of democracy and political stability (Welch 2019). Moreover, the success of NHRIs is promoted by institutional safeguards such as the power to initiate, execute, and complete investigations after receiving complaints (Linos & Pegram 2017). Students can use the case study in Box 4.1 to examine the roles and limitations of these institutions.

BOX 4.1 NATIONAL HUMAN RIGHTS INSTITUTIONS: MEXICO'S NATIONAL HUMAN RIGHTS COMMISSION

Former Mexican President Carlos Salinas de Gotari created Mexico's National Human Rights Commission in 1990 by presidential decree to monitor human rights violations in the country. He initially placed it within the Ministry of Internal Affairs, which he oversaw, since the Secretary of Internal Affairs served in his cabinet. A 1992 constitutional reform changed the Commission into an independent public body with a separate budget. However, these reforms did not provide complete independence. The president was in charge of appointing the president of the Commission and its council members. This duty shifted to the Senate in 1999.

The Commission has documented and monitored multiple physical integrity abuses in the state. However, it still lags in its ability to pressure the government to change behavior. Local and international activists have criticized the Human Rights Commission for its inability to promote reforms to improve Mexico's human rights practices. One of the major criticisms has been its inability to monitor compliance with

recommendations provided by the Commission after documenting violations. In fact, despite concerns and continued reports from local human rights activists and the Commission of human rights violations by the military, in 2022 Congress voted to provide the military with direct control over federal police forces.

Discussion Questions

1. Does the Senate's authority to appoint the Commission's president by majority vote open the process to political influence? How can political influence affect the role of the Commission?
2. Does your country have a NHRI? If so, you may discuss with the students whether this institution supports and promotes human rights in their country (see Chapter 11 in this volume). If not, you may ask the students whether their country needs this type of institution—what arguments would they use to support this claim?

Teaching Note

The Global Alliance of National Human Rights Institutions has a map of the countries with NHRIs. You may pick a country on the map to engage in different case studies from other parts of the world. The students may then compare whether they face similar challenges.

BOX 4.2 SIMULATION: INSTITUTIONAL DESIGN

Activity

A new government has just formed after a long-standing conflict. Instructors may make up a new government or mention an existing territory and claim that this territory has seceded from the main state to form its own. Let the students know their objective is to advise this new government on what they would suggest to be part of their institutional design if they want to create an institution that best supports human rights. Students should support their advice based on human rights scholarship.

Example

Congratulations to the new government of Kasnia! The population of Kasnia includes 60 percent Arab, 30 percent Kurdish, and 10 percent Christian. The new government wants to promote peaceful transitions

of power and human rights in the state. You are working as an advisory council for the new government. Your task is to create a constitution and government system that is best at protecting minorities in the state and one that promotes human rights. What type of government should they adopt? What institutional provisions would you recommend?

Teaching Note

The exercise can be adapted into a brief in-class activity rather than a full-length simulation. For example, students might identify two or three institutional features that raise the costs of repression. To support a full-class simulation, instructors can use a rubric grounded in scholarly reflection or offer extra credit to help students examine critical analysis.

LIMITATIONS OF INSTITUTIONS

Democratic Backsliding and Democratic Erosion

Institutional design can mitigate the likelihood of human rights violations; however, it does not guarantee permanent protections. One of the most significant limitations of democracies is their limited capacity to prevent restrictions on civil liberties, which often pass through legal channels. Democratic backsliding takes place when a government gradually transitions from democracy towards authoritarianism (Bermeo 2016), often leading to significant violations of human rights as democratic norms and individual rights protections deteriorate. When this shift results in a complete transition to authoritarian rule, it is referred to as democratic erosion. Instructors can use the exercises in Box 4.3 to help students discuss how democratic backsliding affects human rights.

BOX 4.3 DEMOCRATIC BACKSLIDING

El Salvador

The Chapultepec Peace Accords ended El Salvador's brutal civil war (1979–1992), leading to a democratic transition. The Accords allowed the former guerilla group, Farabundo Martí National Liberation Front, to form a legal political party, which allowed political pluralism. Judicial reforms, as part of the Accords, also ensured transparency and due process in the courts. The Office of the Human Rights Ombudsman, established in El Salvador, bolstered the promotion and protection of human

rights. The transition to democracy led to fewer human rights violations, but the weak rule of law in the state created challenges for human rights activists.

In 2019, Nayib Bukele peacefully assumed office; however, his governance has since steered El Salvador toward authoritarianism. The state of emergency that began in 2022 weakened democratic procedures. Bukele declared a state of emergency after the country experienced a spike in homicides. He suspended constitutional protections such as freedom of assembly and association, the right to civil defense, the right to know the reasons for detention, limits on detention length, and privacy protections for communications and correspondence. Police and military officials can detain people without a court order or evidence of gang affiliation. Journalists now cannot report on gang violence or its victims. Additionally, the state of emergency has led to mass arbitrary detentions, torture, ill treatment of detainees, enforced disappearances, deaths in custody, and unfair prosecutions (Human Rights Watch 2022).

Reflection

Nayib Bukele maintained strong support and secured reelection for a second term. His political party received a majority and was able to dismiss judges and appoint new ones, paving the way for judicial backing of his continued tenure. Many supporters argue human rights violations were justified as they brought peace to the streets. However, human rights activists and those directly affected who have been unable to receive due process argue that stability does not excuse democratic backsliding or human rights abuses. The class may engage in a debate: Do the ends justify the means? How were citizens impacted by the loss of democratic governance, and what specific rights or freedoms were diminished as a result? Could this have long-term implications for the protection of human rights?

Teaching note

This topic can be particularly sensitive. To foster a balanced and respectful dialogue, instructors should ensure equal speaking time for students representing diverse perspectives and articulate a clear objective before drawing conclusions. One productive approach is to frame the discussion around whether the situation contributes to the centralization of power and how such changes could impact the protection of human rights over time.

United States

The United States has encountered serious threats to its democratic institutions, most notably through attempts to undermine a peaceful transition of power and executive aggrandizement, which is the consolidation of executive power by undermining checks and balances. In 2020, Donald Trump attempted to undermine the long-standing norm of peaceful transition of power following his electoral defeat. After assuming office for a second term, his administration continued to challenge democratic norms. Most recently, since returning to office in 2025, Trump has actively pressured and dismissed senior officials and has expected loyal support from the attorney general, judiciary, and other leading officials (Tucker 2024).

The Trump administration has politicized and made extensive cuts to the independent civil service; these government agencies are in charge of politically salient information and, if politically biased, may affect transparency and politicize public information for citizens to consider policy implementation (Williamson 2023). He brushed off an order by the Federal District Court in Washington to pause the deportation of a group of migrants that did not receive due process (Green et al. 2025). In May 2025, he signed an executive order that ceases funding for an independent national public news broadcasting network (NPR). A month later, he issued a memorandum deploying the National Guard to protect federal immigration officials from protests over his immigration policies.

These developments have led to executive aggrandizement in the United States, impacting democratic norms and weakening the institutional safeguards meant to preserve democratic governance (Williamson 2023).

Reflection

The class may discuss the challenges the United States faces in maintaining democratic protections. Is this rooted in institutional design? Can institutions effectively safeguard individual rights when there are deep divisions in the population regarding their support?

Teaching note

To ensure a constructive learning environment, it is important to structure the discussion objectively. Consider framing the conversation around evidence-based questions: What does the scholarly literature say about the relationship between centralization of power and authoritarianism? Is there empirical evidence suggesting the country is heading in that direction? Which human rights are potentially at risk?

Unlike democratic backsliding, under democratic erosion, there are extensively fewer institutional avenues for minorities or a political opposition to use institutions to restore democracy and increase protections for human rights. The case study in Box 4.4 can be used to examine the consequences of democratic erosion and its impact on human rights.

BOX 4.4 CONSEQUENCES OF DEMOCRATIC EROSION: HUNGARY

Hungary has a mixed-method majoritarian system where voters cast two votes for parliament. One vote is cast as a two-round majority vote for single-member districts. The second vote is cast as a closed-list party vote. The parliament does not add or adjust seats based on votes, which leads to a parliament that favors larger parties. Electoral systems that favor larger political parties and an ability for a large political party to maintain power in the legislature can be detrimental to the protections of rights. In 2010, for the first time, Hungary's parliament was in the hands of a supermajority, the Fidesz-KDNP Party Alliance. Not long after the election, the Alliance created new electoral laws without a debate in parliament. The laws remapped the districts to favor the party coalition in power and changed the two-round majority vote for a first-past-the-post vote.

At the center of the Alliance is Viktor Orbán, Hungary's prime minister, who has supported multiple actions that began with democratic backsliding and led to erosion. In addition to the constitutional changes, he supported the parliament's dismissal of senior judges by Fidesz, which led to the reappointment of new judges by Orbán. Orbán dismissed criticism from the European Court of Justice when they ruled that this action violated European Union law. Moreover, the Hungarian Parliament passed a law in April 2024 that undermines judicial independence. According to the Hungarian Helsinki Committee, the law allows the Ministry of Justice to interfere and influence court proceedings (Human Rights Watch 2025).

Parliament centralized government control over public media outlets and directed state funds towards pro-government media in order to obtain greater media control (Shah 2025).

In-Class Activity

The class may list the rights violated in this case. Students may then use the knowledge from studies discussing the relationship between regime type and physical integrity rights to answer the following question: How has Hungary weakened institutional constraints?

International Constraints on Domestic Institutions

Businesses and non-state actors are outside the formal political institutions, yet these play a big role in support for or violation of social, cultural, and economic rights, and even physical integrity rights. For example, governments with the ability and willingness to regulate the market can protect workers against exploitation from foreign corporations.

Less developed states that rely on international institutions for investment and financial stability are more vulnerable to international institutions when compared to more developed states. These institutions often require states to adopt policies that do not prioritize the redistribution of wealth and protection of workers' rights. For example, international financial institutions like the World Bank and International Monetary Fund have shifted power from the state to the market using structural adjustment policies, which support the liberalization and privatization of economic affairs (Abouharb & Cingranelli 2007). Studies show that governments implementing structural adjustment policies demonstrate less respect for economic, social, and workers' rights. These policies often cause the governments to reduce protections for workers. Organized workers and civil society organizations often protest inequalities created by the markets. However, studies have yielded mixed results regarding whether these protests subsequently face increased or decreased repression. While Sorens and Ruger (2012) find no evidence that suggests that foreign investment affects repression, others find that foreign direct investment flows lead to less repression (Richards et al. 2001; Adelaiye 2023).

Violent Non-State Actors

Domestic non-state actors, such as organized criminal groups and terrorist organizations, can also impact a government's ability to protect human rights and citizens' enjoyment of them. These non-state actors can significantly influence human rights outcomes. The enjoyment of human rights by individuals often depends on the actions of both governments and non-state actors. For instance, ongoing terrorist attacks can lead governments to resort to more extrajudicial killings and disappearances (Piazza & Walsh 2009). Governments have used terrorism as a justification for implementing unrelated repressive measures, such as the elimination of civil society groups and restrictions on the media (Puddington 2015).

In countries with high crime rates, citizens often abandon their commitment to democratic values. Violence from terrorist and organized crime groups undermines press freedom and can lead governments to reduce human rights protections throughout the state. For instance, governments in Central America have frequently implemented *mano dura* (iron-fist) policies, which

involve the mass incarceration of individuals accused of gang-related activities and a reduction in due process rights. These policies tend to polarize public opinion regarding the use of hardline national security measures, which may result in human rights abuses. A study found that rising crime rates in Guatemala influenced public support for authoritarian measures to control crime, including iron-fist policies that utilize militaristic tactics and compromise due process (Krause 2014).

Corruption can also hinder governments' ability to protect human rights (Bohara et al. 2008; Cardona et al. 2018). When state agents can act without governmental oversight or accountability, the likelihood of torture increases. In other cases, governments cooperate with non-state actors to violate human rights. Criminal organizations may hold extensive control of state agents (Dal Bó et al. 2006). These organizations often use threats, intimidation, and bribes to maintain control over territory and profit from illegal activities and goods. In such circumstances, security agents working for the state may turn a blind eye or even collaborate with criminal organizations, indirectly or directly facilitating human rights abuses.

ADDITIONAL PEDAGOGICAL TOOLS

The Council on Foreign Relations has a segment in the "Education resources" section of its website that provides ideas on different exercises that allow students to expand their understanding of domestic institutions and their relationship with human rights practices. Simulations can bring abstract and often complex concepts to life by complementing and reinforcing book or lecture learning. They can help students understand the relationships among domestic actors within member states when confronting human rights issues. The essays, discussion questions, and reports can help stimulate discussion on the role of institutions and include the following:

- Essay and discussion questions on forms of government.
- A simulation on asylum seekers and refugees at the United States border.
- Reports on censorship and freedom of expression, genocide and mass atrocities, refugees and displaced persons, women's rights, sexual violence, and human trafficking.

These could be used as readings to discuss the strengths and weaknesses of the literature on human rights. How do these cases support their arguments? What assumptions should we revisit?

YouTube videos can be more effective than readings in getting a discussion started. If the class period is long enough, show a short video in class to ensure that everyone starts with the same prompt.

Consider requiring that each student predict the outcome of a contemporary human rights debate (such as whether the Palestinian people will get their own nation state) using the Prince System of Political Analysis (available at <https://files.eric.ed.gov/fulltext/ED247187.pdf>).

The following questions aim to stimulate classroom engagement using contemporary topics of discussion to further examine the role of domestic institutions.

Discussion Questions

1. To what extent do democratic institutions contribute to stronger human rights practices, and what explains this relationship? What political limitations might undermine this relationship?
2. Can institutional design, alone, help safeguard human rights? What additional factors contribute to the promotion of human rights?
3. On the one hand, a National Human Rights Commission provides a legitimate path to state cooperation to provide information on human rights abuses. On the other hand, the Commission might be tied to political interests. Can such commissions ensure people's enjoyment of their human rights?
4. Do external actors override domestic institutional frameworks, and under what conditions does this occur?
5. Fascism and nationalism are on the rise around the world, including in Europe where, by most indicators, human rights tend to be well respected. Why is this happening? How and to what degree do you think that domestic institutions matter? While the chapter does not explicitly address fascism, the Council on Foreign Relations (n.d.) and Encyclopaedia Britannica (n.d.) can help initiate a discussion on how institutions respond to fascist groups or leaders and their capacity to safeguard human rights in such contexts.
6. How has the expansion of the use of social media affected citizens' ability to hold politicians accountable for their actions? Is it necessary to prevent lies from being spread through social media? Who should decide which messages to prohibit? What are the decision rules that should be applied?
7. Do national governments have an obligation under international human rights law to ensure that all members of society have adequate shelter (housing)? What are the institutional arrangements that make it more likely that a particular nation will meet its obligations to protect economic and social rights, such as adequate shelter? Langford (2009) offers additional context for examining the role of institutions in shaping social and economic rights.

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5. Public policy mechanisms

Tina Kempin Reuter and M. Joel Voss

LEARNING OBJECTIVES

At the end of this chapter, educators:

- Will be able to understand how public policy impacts human rights outcomes.
- Will understand several pedagogical challenges and opportunities for teaching human rights in a public policy framework.
- Will be able to analyze and compare different teaching strategies using public policy impacts.
- Will be able to create appropriate lessons, including experiential learning using the Universal Periodic Review and human rights cities movement.
- Will be able to explain the connection between social change and human rights.

INTRODUCTION

Human rights do not exist in a vacuum. Instead, human rights are a product of significant legal and normative contestation among numerous groups with different world views, policy objectives, and decision-making processes. Historically, human rights and public policy have been taught separately; human rights classes are taught as part of international studies or international law curricula while public policy classes are housed in public administration and political science, often as graduate degrees. Within political science, human rights have been offered as part of the international relations or comparative politics curriculum while public policy courses focus mostly on American politics and state and local government.

Human rights are enshrined within the United Nations' (UN) broad corpus of international human rights law (Office of the United Nations High Commissioner for Human Rights). These include civil and political rights, or civil liberties in Western contexts, and economic, social, and cultural rights

that include, among others, the right to health, education, work and leisure, and to participate in one's culture. These rights are codified in international human rights treaties, which lay out specific rights for individuals and duties for states. How rights are implemented varies from country to country, but the UN system creates the basic set of principles, norms, and processes for human rights realization with the goal to ensure human dignity for every person (Mertus 2009; Anaya et al. 2023).

Public policy refers to the actions, decisions, and laws that governments implement to address societal issues and promote the public good. It includes laws, regulations, executive orders, and funding priorities established by government institutions at local, state, and national levels (Dye 2017; Anderson 2022). At the international level, public policy refers to coordinated efforts, agreements, and regulations by multiple countries, international organizations, non-governmental organizations (NGOs), and other transnational actors aimed at addressing global issues such as trade, human rights, security, climate change, and public health (Nanda 2019). Public policy is goal-oriented, problem-solving, authoritative, and enforceable, evolving to meet societal needs (Birkland 2019). It can be distributive (allocating resources), regulatory (controlling behavior), redistributive (promoting equity), or constituent (structuring government institutions) (Anderson 2022).

Teaching human rights in a public policy context allows instructors to take advantage of the significant overlap between the two frameworks. With this chapter, we aim to achieve two goals: (1) to prepare human rights instructors to teach human rights within a public policy framework; and (2) to offer Americanists and public policy teachers a way to incorporate human rights into their curriculum.

UNDERSTANDING PUBLIC POLICY IN A HUMAN RIGHTS CONTEXT

The Public Policymaking Process

The public policy cycle, first introduced by Lasswell (1956), remains the most recognized framework for understanding policymaking. It typically includes five stages: agenda-setting; policy formulation; decision-making; implementation; and evaluation (Knill & Tosun 2008; Dye 2017; Anderson 2022). This cycle is useful for understanding policy in any field, including human rights.

- *Agenda-setting*: Issues gain government attention through public opinion, media, advocacy, and crises. Only some make the formal agenda, shaped by political actors, perceived urgency, public demand, and feasibility (Kingdon 2011; Birkland 2019).

- *Policy formulation:* Experts and officials develop solutions, considering prior evidence, feasibility, cost, and impact. Negotiation and proposal refinement are central at this stage (Dye 2017; Anderson 2022).
- *Decision-making:* Policies are formally adopted through legislation, executive orders, or regulations. Political dynamics, party ideologies, and institutional constraints in addition to compromises to gain legislative or public support often shape final outcomes (Kingdon 2011; Birkland 2019).
- *Implementation:* Agencies and institutions carry out the policy, requiring resources, coordination, and oversight. Barriers include inefficiency, unclear guidelines, insufficient funding, lack of public awareness, and political opposition (Dye 2017; Anderson 2022).
- *Evaluation:* Effectiveness of a policy is assessed via data, stakeholder input, and impact analysis. Unsuccessful policies may be revised or terminated (Kingdon 2011; Birkland 2019).

The cycle is iterative and responsive to evolving needs and conditions, helping diverse actors engage more effectively in policymaking.

The Public Policymaking Cycle and Human Rights

Public policy plays a crucial role in shaping human rights protections at the international, national, state, and local levels. Depending on the human right(s) that are being examined and where they are being examined, this policymaking process may be occurring at multiple levels at once, including locally, regionally, nationally, and internationally. As such, it is helpful to think of the process as fractals or as Matryoshka dolls. Often, there are overlapping jurisdictions (subsidiarity), rival jurisdictions, and numerous competing stakeholders all involved in the process.

BOX 5.1 UNDERSTANDING THE SYRIAN REFUGEE CRISIS (2011–PRESENT) AND ITS PROMINENCE ON THE GLOBAL AGENDA

The Syrian refugee crisis is one of the most visible humanitarian challenges of the twenty-first century, but it did not emerge in isolation. Several key geopolitical and domestic factors converged to produce the mass displacement of over 13 million Syrians from 2011. Among the root causes were the destabilizing effects of the 2003 United States (U.S.)-led invasion of Iraq, which contributed to regional insecurity and laid the groundwork for the rise of extremist groups like ISIS. The 2011 Arab Spring uprisings sparked widespread protests in Syria, which were

met with brutal repression by President Bashar al-Assad's regime. In response, the U.S. and other countries began providing support to so-called "moderate rebels," further fueling a complex and protracted civil war (Beaujouan & Rasheed 2020).

What set the Syrian refugee crisis apart—placing it more firmly on the global policy agenda compared to other displacement crises—was its visibility and proximity to Europe. As millions fled toward neighboring countries and the European Union, images of suffering children and overwhelmed borders galvanized public attention. The crisis triggered moral, political, and security debates across Western democracies, prompting widespread media coverage and emergency policy responses. Understanding these dynamics helps illustrate how certain human rights crises are elevated over others in international discourse and policymaking.

In the following paragraphs, we will discuss each stage of the policymaking cycle through the lens of *refugee rights and the Syrian refugee crisis*, highlighting how different levels of government respond to global human rights challenges.

- *Agenda-setting:* In the context of *human rights*, several pressing issues compete for space on national and international policy agendas. These issues emerge due to global crises, advocacy efforts, media coverage, and political dynamics, and tend to be highly contested as actors have different priorities and agendas. In the context of refugee rights, the issue gained prominence at the international level during the Syrian refugee crisis, as the UN and advocacy groups called for action. At the national level, the U.S. government faced pressure to accept more refugees, leading to debates over refugee admission quotas. At the state level, states like California responded by adopting sanctuary policies to protect refugees from federal immigration enforcement. Locally, cities such as Chicago began discussions on housing initiatives for refugees, with advocacy groups pushing for action.
- *Policy formulation:* Policy formulation must adhere to the established definitions and obligations outlined in human rights law, which is often complicated by institutional norms. For example, human rights advocates must contend with issues of subsidiarity when deciding where to submit cases for review, with the local level often the most successful. In the context of refugee rights, UN High Commissioner for Refugees (UNHCR) proposed international agreements, such as the Global Compact on Refugees (2018), to provide updated frameworks for refugee protection. At the national

level, the U.S. government formulated refugee resettlement policies, determining the annual refugee cap and eligibility criteria. At the state level, California's sanctuary state law (SB 54) was drafted to limit state law enforcement cooperation with federal immigration authorities. Locally, Chicago policymakers crafted housing programs and legal aid initiatives to help refugees integrate into communities (Office of Immigrant, Migrant, and Refugee Rights, n.d.).

- *Decision-making*: Decision-making is the process of finalizing a decision by executors. It is worth noting that the final decision may not be the "best" decision for the original problem. In our example, the UN General Assembly formally endorsed the Global Compact on Refugees at the international level, urging member states to support refugee rights. In the U.S., the presidential administration set the annual refugee cap, determining how many refugees would be admitted. At the state level, California's legislature passed SB 54, making it official policy. Locally, the Chicago City Council approved funding for refugee housing and support services, finalizing its commitment to aid refugee resettlement.
- *Implementation*: The policy chosen is sent to the relevant actors to implement. It is worth noting that implementation goes beyond compliance with a specific law, and includes the creation of enforcement mechanisms, allocation of resources, training of personnel, public awareness campaigns, institutional capacity-building, and continuous monitoring to ensure that the policy achieves its intended impact while addressing any unforeseen challenges. In the refugee rights example, the UNHCR implemented the Global Compact on Refugees by coordinating international efforts, providing aid, and monitoring compliance. Nationally, U.S. agencies like the Department of Homeland Security and the Office of Refugee Resettlement processed refugee applications and facilitated resettlement programs. In California, state agencies ensured compliance with SB 54, restricting state law enforcement from cooperating with federal immigration raids. Locally, Chicago's housing agencies and non-profits began placing refugees in safe housing and providing employment support.
- *Evaluation*: In this last stage, the success of a policy is assessed to determine whether the policy should be continued, changed, or terminated. Again, it is important to note that termination or continuation is not necessarily reliant on how beneficial the policy is in solving the original problem. In the refugee situation, the UNHCR and international human rights organizations monitored how well the Global Compact on Refugees was implemented, reporting on countries' compliance. In the U.S., agencies like the Government Accountability Office assessed whether refugee resettlement programs met their goals. California evaluated SB 54's impact by measuring immigrant community safety and law enforcement

effectiveness. Locally, Chicago's city government reviewed the housing and legal aid programs to determine how well they supported refugee integration and whether additional funding was needed. One key issue with policy evaluation is whether or not policymakers are measuring the right variables and outcomes, which is often difficult. In democratic states, election outcomes are a further way to assess policy effectiveness.

Understanding why certain issues capture the attention of policymakers while others remain neglected is central to the study of public policy and especially pressing in the field of human rights, where crises of equal magnitude often receive vastly different levels of attention, funding, and political will. Often, the emergence of issues on global or national agendas is not solely based on the severity of harm, but rather on political, social, and strategic dynamics, including framing and narratives that resonate with dominant policy discourses, the availability and power of norm entrepreneurs and advocacy networks, political and strategic interests of powerful actors, and media coverage (Carpenter 2007).

Further, policymaking is not a neutral process of solving problems but a strategic and often symbolic exercise, where policy entrepreneurs frame "solutions" that actively construct the "problems" they seek to address (Stone 2012). Competing transnational policy networks actively contest the meaning, application, and legitimacy of human rights law, strategically interpreting rights norms to advance divergent political agendas (Bob 2019). The role of timing, political mood, and competing interests in opening policy windows reveals how agenda-setting is shaped by flux rather than linear logic (Kingdon 2011). In other words, human rights issues, especially those affecting marginalized populations or in more remote areas of the world, may not lack urgency but rather lack advocates, visibility, or strategic alignment with powerful actors. These perspectives underscore the importance of understanding policymaking not only as a technical process, but as a dynamic arena of power, interpretation, and struggle over values.

Integrating Public Policy into Human Rights Education

Traditional human rights courses often begin by exploring the philosophical and, at times, religious foundations of human rights before transitioning to their evolution in international law, typically framed within the aftermath of the Second World War. While this historical and theoretical approach is essential, this chapter argues that human rights education can and should incorporate real-world applications much earlier in the curriculum. Given that many students are more engaged when working with tangible, real-world issues,

integrating practical applications sooner can enhance both understanding and impact.

A useful guide to applying real-world scenarios to human rights education is to take core human rights principles outlined by the UN and apply them to policymaking processes and vice versa (Felice 2021). These principles include, among others, universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, and accountability and rule of law (UN Population Fund 2005). While these terms are defined in international legal instruments and domestic law, their meanings and applications are far from settled. Indeed, many of these concepts are *contested, evolving, and subject to political interpretation*, which make them ideal for critical classroom debate. Rather than presenting these principles as fixed or self-evident, educators can invite students to examine *how they are defined, where tensions arise, and how they are applied or ignored in different policy contexts*. For example, what does “universality” mean in immigration or refugee policy? How does “participation” manifest in public health decision-making? Can “accountability” be achieved in international development programs?

By interrogating these principles through concrete case studies and policy processes, students not only develop deeper insight into human rights practice but also hone the analytical and normative skills necessary to navigate real-world governance challenges. This approach encourages sustained, critical engagement with the ideals of human rights and their practical limits.

BOX 5.2 APPLYING HUMAN RIGHTS PRINCIPLES TO REAL-WORLD POLICY: THE CASE OF VOTING RIGHTS

A practical way to connect human rights principles to policymaking is by examining voting rights policies through the lens of the UN’s core human rights principles. Take, for example, efforts to expand or restrict access to voting in different countries.

- *Universality and inalienability*: The right to vote is recognized as a fundamental democratic right. However, in some places, policies such as voter ID laws or restrictions on voting for formerly incarcerated individuals limit access to this right. Students can analyze whether such policies uphold or undermine the universality of voting rights.
- *Equality and non-discrimination*: Disenfranchisement laws, gerrymandering, and polling place closures disproportionately affect marginalized communities. Students can investigate whether these policies violate non-discrimination principles and how international human rights frameworks address such inequalities.

- *Participation and inclusion*: A key human rights principle is ensuring that all individuals, especially historically underrepresented groups, can fully participate in decision-making processes. Policies such as automatic voter registration or voting accessibility measures for people with disabilities can be examined as efforts to enhance inclusion.
- *Accountability and rule of law*: Examining how governments uphold—or fail to uphold—fair electoral processes can provide insight into accountability mechanisms. For instance, students might analyze how election monitoring, judicial review, and international human rights bodies assess the fairness of elections.

TEACHING HUMAN RIGHTS IN A PUBLIC POLICY FRAMEWORK

This section includes discussions on curriculum development, teaching strategies, and introduces two examples of how to teach human rights within a public policy framework, namely, the UN Universal Periodic Review (UPR) and the human rights cities movement (HRMC).

Curriculum Development and Assessment Strategies

To effectively teach human rights within a *public policy framework*, the curriculum should blend *theoretical foundations, policy analysis, and real-world application*. This approach ensures students understand *not only the principles of human rights but also how they are operationalized through policymaking*. Below is a structured outline for developing a syllabus. By the end of the course, students should be able to:

1. *Understand core human rights principles* and their legal foundations.
2. *Analyze public policies* through a human rights lens.
3. *Evaluate policy decisions* based on human rights principles such as equality, non-discrimination, and participation.
4. *Propose human rights-based policy solutions* to real-world issues.

Potential Topics Outline

- Module 1: Foundations of Human Rights in Public Policy:
 - Theoretical origins of human rights.
 - Key international treaties and domestic laws (e.g., Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social, and Cultural Rights).

- The role of governments and international bodies in human rights policy.
- Module 2: The Policymaking Process and Human Rights:
 - How policies are formulated, implemented, and evaluated.
 - The role of advocacy groups, courts, and international organizations.
 - Policy frameworks: rights-based versus needs-based approaches.
- Module 3: Human Rights and Economic Policy:
 - The right to work and fair wages.
 - Economic inequality and social protections.
 - Corporate responsibility in human rights.
- Module 4: Civil and Political Rights in Policy:
 - Voting rights and democratic participation.
 - Free speech versus censorship in policymaking.
 - Law enforcement and human rights standards.
- Module 5: Social and Cultural Rights in Policy:
 - Health policies and the right to healthcare.
 - Gender equality and reproductive rights.
 - Indigenous rights and cultural protections.
- Module 6: Human Rights in Crisis and Emergency Policy:
 - Refugee and asylum policies.
 - Humanitarian intervention and sovereignty.
 - Climate change and environmental justice.
- Module 7: Accountability and Advocacy in Public Policy:
 - How human rights violations are addressed through legal and policy mechanisms.
 - The role of international courts, commissions, and watchdog organizations.
 - Strategies for policy advocacy and reform.

Besides exams, assessment methods could include policy briefs in which students write memos analyzing real-world human rights issues, comparative case studies analyses of policies across different countries, sub-state units, or cities, engaging in policymaking scenarios, and a research-based policy proposal addressing a human rights issue.

Teaching Strategies

One of the great opportunities of teaching human rights within a public policy framework is that it allows for several applied and experiential teaching strategies. These include discussions and debates, simulations and roleplay, community engagement and service-learning, and policy hackathons. All these applied strategies should be used in addition to more traditional teaching

formats like lectures, documentaries, guest speakers, discussion of readings, etc. Using two examples, the UN UPR and the HRCM, we will introduce several hands-on teaching strategies that focus on including and experiencing real-world examples and applications.

UPR: The UPR is the UN's newest human rights mechanism. Every four and a half years, states have their human rights records reviewed by the UN, other member states of the UN, and stakeholders including NGOs. The UPR is a diplomatic political process, unlike reviews that are undertaken by the international human rights treaty monitoring bodies which, although thorough and embedded in law, lag years behind and are under substantial strain. States under review can either accept recommendations or note recommendations, which is essentially a rejection (UPR Info n.d.). So far, every state has participated in the process through multiple reviews, which has given stakeholders an enormous amount of data to analyze.

HRCM: The HRCM is a global initiative that seeks to embed the principles of human rights into the policies and practices of urban governance. By focusing on local governance, the movement encourages cities to adopt inclusive, non-discriminatory policies that safeguard the rights of all citizens, particularly the most vulnerable. This approach promotes a framework where public policy is closely aligned with human rights standards, fostering civic participation and accountability. As cities become key actors in implementing human rights on the ground, they offer innovative models for integrating rights-based approaches into urban planning and development.

Discussions and debates

Discussion and debate serve as important and relatively low-effort strategies in teaching human rights within a public policy framework by actively engaging students in critical analysis and dialogue. These methods encourage learners to explore diverse perspectives, challenge assumptions, and articulate well-informed positions on complex issues such as discrimination, equity, and governance. By simulating real-world policy debates, students develop skills in argumentation, negotiation, and consensus-building, which are essential for effective advocacy and decision-making in public policy. This interactive approach not only deepens understanding of human rights principles but also fosters a dynamic learning environment where future policymakers are better equipped to address societal challenges.

UPR: Engaging students in discussions is an effective way to introduce them to policymaking and the UPR process. These discussions can include comparisons between the UPR and other UN mechanisms, such as the Security Council, Human Rights Council (HRC), and the special procedures of the HRC. By examining these institutions, students can better understand the distinction between politically driven bodies and those where individual experts

act in their professional capacities, such as treaty-monitoring bodies or special procedures. Prior to data analysis, follow-up discussions can explore the strategic considerations behind state recommendations. For example, why might Nigeria make a recommendation on religious freedoms to Senegal but not to Sweden? Or why would Iran suggest reforms on women's rights to Syria but not to Sudan? Similarly, students can critically assess why some states choose to accept or reject specific recommendations, shedding light on the political dynamics and diplomatic calculations involved in the UPR process. In-class debates could have groups debating each other on the merits of recommendations or the types of recommendations that could be used to change a state's domestic policies. For example, if stakeholders within the U.S. wanted to change gun policy within the U.S., which recommendations should stakeholders pursue at the UPR? In addition, debates could focus on the merits of presenting an issue at the UPR instead of another UN or regional institution.

HRCM: In a human rights cities' context, classroom debates and discussions offer students the opportunity to examine urban issues like housing inequality, public safety, and environmental justice through a human rights perspective. Controversial topics like gentrification, access to public transportation, policing, and the intersection of human rights and technology in urban spaces provide a rich basis for debate, encouraging students to explore the intersection of urban policy, social justice, and human rights. For example, a debate centered on gentrification explores complex questions about the right to housing, economic development, and social justice. While some argue that gentrification displaces low-income residents and exacerbates housing inequality, others contend that it brings investment, improved infrastructure, and economic opportunities. Students learn to critically examine urban policy and explore how cities can balance growth, affordability, and inclusivity in development.

Simulations and roleplay

Simulation and roleplay are effective pedagogical strategies for teaching human rights within a public policy context, as they immerse students in realistic, scenario-based exercises that mirror the complexities of policymaking. By assuming roles such as state representatives, members of international organizations, government officials, human rights advocates, or affected community members, students actively engage in navigating ethical dilemmas, negotiating policy trade-offs, and formulating strategies that align with human rights standards. This experiential learning approach not only deepens theoretical understanding but also develops critical skills such as empathy, problem-solving, and effective communication, thereby equipping future policymakers with the practical tools needed to implement human rights in diverse policy settings. Existing simulations for college students include the Council of Foreign

Relations' Model Diplomacy simulations, the University Network for Human Rights Simulation, Model United Nations, and Statecraft Simulations.

UPR: Simulations and roleplay are an excellent way for students in smaller classes to understand policymaking and human rights within the UPR. A simulation of the UPR process should include dividing students into different states under review (preferably with varying regional distributions), different recommending states, and different non-government stakeholders, including NGOs. Students could then be assigned an issue area for recommendations. In a first step, students are assigned roles of specific UN member states or non-state actors. Second, the class will be assigned one or more issue area(s) to engage with at the UPR (e.g., freedom of speech, maternal health, climate change, business and human rights, or the right to education). Students are then expected to research their own state or non-state actor's positions on the issue area(s) as well as other states' and actors' positions. In class, students then engage in round-robin format simulation in which states are being reviewed and providing recommendations to other states. This simulation can occur over several classes so that students can have enough time researching, recommending, and being under review.

HRCM: In a human rights cities' class, students can be assigned roles as city council members, urban planners, local activists, and community residents. The professor sets the stage by presenting a case study on a city's proposal to redevelop a historic neighborhood. Students debate whether the redevelopment plan, which promises economic growth and modern infrastructure, justifies the displacement of long-time residents and the erosion of cultural heritage. In this roleplay, each group must research their assigned stakeholder's perspective, articulate their concerns and aspirations, and negotiate with other groups to propose amendments that balance development with the protection of human rights.

Service-learning

Service-learning is an innovative teaching method that integrates academic study with community engagement, providing students with the opportunity to apply human rights theories to real-world public policy challenges. Through partnerships with local, national, or international organizations and community groups, students work on projects that address issues such as social justice, equality, and access to essential services. This hands-on approach not only deepens their understanding of human rights and policy frameworks but also develops critical skills in problem-solving, communication, and civic engagement. By actively contributing to initiatives that promote social change, students gain a more nuanced perspective of the complexities involved in policymaking and become empowered to act as informed advocates for human rights in their future careers. This approach might be more difficult for

teaching human rights and public policy in an international context (e.g., UPR) than a class that focuses on national or local issues (e.g., HRCM).

UPR: Service-learning offers students in advanced courses, including law school, a valuable opportunity to engage with the UPR process and collaborate with NGOs and community partners, while also building professional connections for future employment. For students aiming to submit information to the UPR or assist another stakeholder, it is essential to adhere to the UN guidelines (UPR Info n.d.) to ensure their contributions are considered. Students should engage with international law and draft recommendations that do not exceed five pages, aligning with UPR submission requirements. Additionally, proactive engagement with states before the review process is crucial for amplifying their policy priorities. The most effective way to connect with states is by reaching out to their diplomatic offices in Geneva, Switzerland, where key decision-makers shape their UPR positions.

HRCM: In a human rights cities class, service-learning could involve students partnering with a local community organization to assess and address urban disparities in access to essential services. For example, students might work on a project evaluating how public transportation policies affect residents' ability to access healthcare, employment, and education in underserved neighborhoods. Through surveys, interviews, and data analysis, they would gather firsthand insights into the barriers residents face, then collaborate with local stakeholders to develop recommendations that promote equity and uphold human rights. This real-world engagement not only reinforces classroom theories on human rights and urban policy but also empowers students to contribute directly to improving the quality of life in their communities. Ideally, the specific focus of service-learning is decided or driven by a community partner.

Case studies

The case study method is an effective teaching approach for exploring the intricate relationship between human rights and public policy. By analyzing real-world examples, students unpack the complexities of policy decisions, legal frameworks, and the ethical dilemmas that arise when protecting human rights in various contexts. This method encourages critical thinking as learners examine both the successes and failures of past initiatives, evaluate the roles of different stakeholders, and consider alternative policy responses. In doing so, students gain a nuanced understanding of how human rights principles can be operationalized in public policy, equipping them with the analytical tools necessary to address contemporary challenges and advocate for social justice.

UPR: Case studies provide a deep dive into critical human rights issues, using methods such as descriptive statistics and process-tracing. The UPR Info (n.d.) database offers a comprehensive resource for analyzing trends in human rights recommendations, helping stakeholders identify which countries

or regions prioritize specific rights and where gaps exist. For example, students researching refugee rights can track which states recommend, accept, or reject related proposals and whether these rejections are from specific states, regions, or regime types. The UPR also serves as a hands-on tool for teaching international policy change and diplomacy. Students can observe UN proceedings via UN Web TV, which includes states providing defense of their positions on resolutions or attempts by states to challenge or change resolutions (Voss 2019). Students may also practice active learning techniques like drafting and refining recommendations to states under review. Additionally, the UPR's document repository supports large-scale comparative analysis. Students can explore how recommendations reference international law, domestic law, or cultural norms, leveraging the vast dataset of 98,000 observations for research. With recommendations categorized by cycle, session, state, region, and action level, the UPR is a valuable tool for data-driven policy analysis. Students can examine patterns in recommendation specificity, the influence of diplomatic relationships, and regional approaches to human rights advocacy.

HRCM: In a human rights cities class and using the same topic, namely, the redevelopment of historic urban neighborhoods, students could examine how local government policies aimed at urban renewal led to the displacement of long-standing communities and the loss of cultural heritage. By analyzing planning documents, media reports, and firsthand accounts from affected residents, learners can assess the impact of these policies on human rights, particularly the right to housing and cultural preservation. This could be done for one particular city or for different cities in groups, offering an opportunity to discuss different strategies as a class. A case study on urban redevelopment encourages students to critically evaluate the balance between economic development and social justice, ultimately guiding them to propose more inclusive policy solutions that respect the dignity and rights of all urban inhabitants. Students can also conduct a comparative case study on how different cities approach the right to water, racial justice, or immigrant rights. The course could further incorporate policy document analysis, where students examine city human rights charters (e.g., Vienna, Montreal, Barcelona), local housing ordinances that impact marginalized communities, or municipal climate justice initiatives and their alignment with international standards. Resources like the UN Global Compact on Cities and Human Rights Watch reports on urban policies provide rich material for critical analysis.

One particularly enticing option for HRCM is that students can engage hands-on and directly with local human rights actors. They can interview city officials, community organizers, or researchers working on human rights issues and attend public town halls where human rights policies are debated. Many city human rights offices and NGOs are open to student engagement,

making this an excellent opportunity for networking and real-world application of course concepts.

Policy hackathons

Policy hackathons offer an innovative, hands-on approach to teaching human rights within a public policy context by engaging students in rapid, collaborative problem-solving. In these intensive workshops, participants form diverse teams to tackle real-world policy challenges that affect human rights, such as social equity, access to justice, or environmental sustainability. Working under time constraints, students analyze existing policies, identify gaps or injustices, and develop creative, data-driven proposals to improve outcomes for vulnerable communities. This dynamic format not only deepens their understanding of the complex interplay between human rights and public policy but also fosters essential skills in collaboration, critical thinking, and agile policymaking, equipping them to be effective advocates and innovative problem-solvers in their future careers.

UPR: In a class on human rights and the UN, students might examine ways to “name and shame” or publicize critical human rights issues like ongoing war crimes, crimes against humanity, or genocide. Students could examine where the UN is tackling these issues (if at all) and then devise a strategy to integrate the UPR review process into efforts to decrease human rights and humanitarian law violations.

HRCM: In a human rights cities class focusing on the human rights challenges of urban renewal, students might be grouped into teams and provided with a detailed case study of a city district where long-time residents are at risk of displacement due to new commercial developments. Each team would analyze local demographic data, review current urban policies, and consult community feedback to identify gaps in protecting residents’ rights. Over the course of the hackathon (usually a day or some hours), students would rapidly prototype policy proposals—such as affordable housing initiatives, tenant protection measures, and community land trusts—and pitch their ideas to a panel of local policymakers and community leaders. This immersive, time-bound exercise not only reinforces human rights principles in urban contexts but also equips students with practical skills in collaborative problem-solving and policy innovation.

Assessment and evaluation

Assessment and evaluation of student work in experiential learning strategies are crucial for measuring both the acquisition of knowledge and the development of practical skills. In applied teaching and learning approaches, evaluation methods can include reflective journals, peer assessments, and performance-based rubrics that capture critical thinking, creativity, and effective collaboration. For

instance, in a simulation exercise, students could be evaluated through a combination of peer and instructor assessments using a detailed rubric that measures criteria such as argument clarity, stakeholder empathy, and policy coherence. In a service-learning project, assessment might include reflective journals that capture personal growth and community impact, as well as a final project report that outlines actionable policy recommendations developed in collaboration with local organizations. Feedback by the community partner can also be factored into a final grade. During a policy hackathon, evaluators could use a scoring system that assesses the feasibility, creativity, and human rights sensitivity of each team's proposal, supplemented by oral presentations and feedback sessions from industry experts and community leaders.

These varied methods not only provide a comprehensive picture of student learning but also encourage ongoing reflection and practical application of public policy and human rights principles. By incorporating both formative and summative assessments, educators can provide ongoing feedback that encourages students to refine their approaches and deepen their understanding of human rights and public policy. This comprehensive evaluation framework not only recognizes the diverse ways students demonstrate learning but also ensures that experiential activities translate into meaningful competencies for real-world advocacy and policymaking.

UPR: For the UPR example, evaluating students' work using non-traditional approaches may include matching their suggested coding of recommendations to the actual coding of recommendations by UPR Info (n.d.). For example, if students code an action category as "1" when it is a "5," this would show that the students need more engagement with understanding what constitutes differences in action categories. More advanced evaluations could have students attempt to match the correct independent variables to different states under review. For example, if the class is examining Portugal's human rights record, students could match suggested recommendations to the correct regional group, regime type, or region. For data analysis, students may be evaluated on whether they chose the correct quantitative method, the best available variables, and whether the outcomes matched the professor's outcomes. Students in upper-level classes, law classes, or graduate classes should have their applied work or service-learning evaluated on whether it matches the correct international law, is within the page limits, and whether or not it is used by a stakeholder during the UPR. In addition, students could have their process-tracing work graded on the number of individuals interviewed, the types of interview questions created by students, and how the students code interview answers.

HRCM: For the HRCM example, evaluating students' work using non-traditional approaches may include comparing their analysis and categorization of urban policy challenges with established frameworks or indices. More advanced evaluations could involve having students match policy recommendations to the

appropriate urban rights frameworks or categories, such as identifying which initiatives best address the right to public space, access to transportation, or environmental justice. In terms of research methods, students may be evaluated on their skills implementing interviews and focus groups and/or depth of thematic analysis and intercoder reliability for qualitative methods or whether their quantitative methods utilized the most relevant urban metrics and achieved outcomes that align with those established by experts in urban policy and human rights studies.

Technology and Artificial Intelligence

Technology and artificial intelligence (AI) offer transformative tools for teaching human rights and public policy by creating interactive, data-driven learning experiences that enhance both engagement and analysis. AI tools like large language models (e.g., ChatGPT), natural language processing, and machine-learning algorithms and *data science and statistical software* tools like R, SPSS, Python, Excel, and Tableau can be used for student engagement with real-world datasets in public policy and human rights. For example, educators can use statistical analyses and AI to model the impacts of different policy decisions on urban communities, allowing students to see real-time consequences of actions on human rights indicators. Virtual reality can immerse students in environments affected by policy issues, such as displacement or environmental injustice, providing a visceral understanding of these challenges. Additionally, machine-learning algorithms can analyze large datasets such as social media sentiment to economic and demographic statistics, helping students identify patterns and correlations in policy outcomes. These technologies not only facilitate deeper analytical skills and critical thinking but also prepare students for modern public policy challenges by integrating cutting-edge tools into the curriculum.

BOX 5.3 CRITICAL CAUTIONS ON AI IN HUMAN RIGHTS EDUCATION

AI technologies raise significant ethical, legal, and environmental concerns. Machine-learning models may reflect and reinforce systemic biases, particularly when trained on biased data. Their outputs often reflect mainstream perspectives and may marginalize alternative or dissenting voices. Moreover, the environmental impact of training and operating large AI systems is considerable. Educators should encourage students to critically examine these tools, questioning how and by whom they are developed, what assumptions are embedded within them, and how their use affects rights-based policymaking.

For UPR, UN Web TV (United Nations n.d.) provides access to nearly every public meeting of the UN, making it an invaluable tool for students studying the UPR and broader UN policymaking processes. Students can use Web TV not only to observe the UPR in action but also to explore other UN institutions based on their interests. For example, those focused on public health can follow World Health Organization proceedings, while students interested in business and human rights can watch special procedures sessions on corporate accountability. The UN HRC has transitioned to a hybrid format, increasing accessibility for stakeholders with limited resources—though this format remains subject to change. Students can access HRC-related documents, including UPR materials, via the HRC Extranet (n.d.), using the login hrc extranet and password lsession. Social media platforms also offer valuable insights into real-time diplomatic and civil society engagement in human rights discussions. Students can analyze global reactions to UN initiatives by tracking NGO, diplomat, and UN social media interactions, such as responses to the latest UN climate change conference.

Several databases specialize in the UPR and HRC processes:

- UPR Info database (<https://upr-info.org/en>): A comprehensive resource for analyzing UPR recommendations.
- Universal Rights Group (<https://www.universal-rights.org>): Provides datasets on human rights policymaking at the UN.
- Office of the United Nations High Commissioner for Human Rights databases (<https://www.ohchr.org/en/resources/databases>): Include reports and data on UN human rights mechanisms.
- HRC Sessions database (<https://www.ohchr.org/en/hr-bodies/hrc/sessions>): Archives of HRC meetings and decisions.

These resources equip students with the tools needed to analyze UN decision-making, track human rights trends, and engage in policy research within the UPR and beyond.

For HRCM, many cities stream their city council meetings, public hearings, and policy discussions online, offering students firsthand insight into how local governments address human rights issues. Examples include:

- New York City's Human Rights Commission hearings (<https://www.nyc.gov/site/cchr/index.page>).
- Chicago's Commission on Human Relations (<https://www.chicago.gov/city/en/depts/cchr.html>).
- Barcelona's Office for Non-Discrimination (<https://ajuntament.barcelona.cat/oficina-no-discriminacio/en>).

Students can compare these discussions to broader international frameworks like those outlined by UN-Habitat's Right to the City initiatives. Further, many cities have open data portals where students can analyze local housing policies, policing practices, environmental justice initiatives, and equity reports. These datasets allow for hands-on research into how cities are implementing human rights commitments. Students can conduct quantitative and qualitative analyses of how different cities are approaching housing rights, migration policies, and racial justice efforts. Examples include:

- Chicago Data Portal (<https://data.cityofchicago.org>): Includes datasets on housing inequality, police accountability, and public health.
- European Union Human Rights Cities Network (<https://humanrightscities.net/>).
- UN-Habitat Urban Indicators Database (<https://data.unhabitat.org>): Tracks sustainable development and urban equity metrics worldwide.

Social media is another rich source to discuss human rights and urban policy. For example, students can look up X, Instagram, and YouTube accounts of local community organizations, activists, and city governments to track and map the discourse around different human rights topics, how local governments frame their human rights commitments, community responses to urban policies, and case studies of grassroots movements challenging city policies. For example, students can analyze social media discourse around affordable housing movements in cities like Los Angeles, Berlin, and São Paulo to see how human rights-based advocacy influences policy decisions.

Finally, educators can use AI-powered simulations to model the outcomes of urban redevelopment projects, enabling students to experiment with policy choices and observe real-time effects on housing stability, public safety, and community cohesion. Virtual reality and augmented reality platforms can immerse students in digitally recreated urban environments, allowing them to experience firsthand the challenges of gentrification, displacement, or environmental injustice. Additionally, AI tools can analyze extensive urban datasets, such as demographic trends, environmental quality indices, and accessibility metrics, helping students identify patterns and evaluate the effectiveness of policy interventions.

Public datasets used for human rights research often contain inconsistencies, missing values, or require contextual interpretation. Incorporating a critical data literacy component into human rights courses, where students learn how to clean, code, and question datasets, can prepare them to engage more thoughtfully with policy metrics and evidence-based decision-making. Together, these technologies, especially when critically and ethically integrated, prepare students to navigate the complexities of modern public policy

while sharpening their ability to evaluate evidence, challenge assumptions, and advocate for human rights in the digital age.

PEDAGOGICAL CHALLENGES

Teaching human rights within a public policy framework presents several pedagogical challenges that require careful navigation by educators. One major issue is the inherent complexity of integrating two multifaceted disciplines: human rights, with its legal, moral, and ethical dimensions; and public policy, with its intricate processes, decision-making frameworks, and diverse stakeholder involvement. Students must grapple with not only the substantive content of human rights—such as international norms, legal precedents, and ethical considerations—but also the procedural aspects of policy formulation, implementation, and evaluation. This dual demand can be overwhelming, especially for students who come with varying degrees of prior knowledge across fields like political science, international law, sociology, and economics. This can also be an issue for instructors: educators need proficiency in both human rights and public policy to bridge the gap for students effectively. Professional development and collaborative teaching models can support instructors in updating their knowledge and adopting innovative teaching methodologies.

A second challenge is keeping course content current and relevant. Human rights issues and public policy landscapes are constantly evolving due to shifts in political climates, legal interpretations, and social movements. Educators must continuously update their teaching materials and case studies to reflect these changes, a task that is both resource-intensive and demanding. Access to up-to-date databases, case studies, technology-enhanced learning tools, and other materials is vital for keeping the curriculum relevant and engaging. Institutions must invest in these resources to ensure that both educators and students have the necessary tools to explore complex contemporary issues.

Third, the interdisciplinary nature of the subject necessitates a careful balance between depth and breadth. Instructors face the decision of whether to focus deeply on one aspect, such as human rights law, using public policy frameworks as a supportive lens, or to provide a comprehensive overview of both fields. Striking this balance is crucial because an overly in-depth approach across multiple areas risks overwhelming students, while a superficial overview might not provide the critical analytical skills necessary for nuanced understanding.

A fourth challenge is the question of bias. Power is deeply intertwined with politics, extending its influence to both public policy and human rights, with some perspectives and approaches underrepresented. It is therefore vital that courses on human rights and public policy incorporate non-dominant viewpoints from marginalized groups. This can involve including readings that directly address these disparities (Zvobgo & Loken 2020) and incorporating scholarship

beyond the U.S. and Western Europe, such as classic works focusing on the East, West, or Middle East, to challenge inherent biases and promote inclusivity. Additionally, leveraging the work of NGOs operating on the periphery or collaborating with smaller embassies can provide valuable insights. Moreover, if inviting guest speakers or organizing interviews with individuals from at-risk communities, educators must take all necessary measures to ensure the safety and well-being of those involved. Understanding the interplay between power and politics in human rights also requires acknowledging the constraints imposed by local political environments and policies. For example, in the U.S., increasing pushback and new regulations restrict what professors may say about diversity, equity, and inclusion. Educators must consider these limitations when designing course materials and assessments. Similarly, in some countries, LGBTQI rights are severely limited or penalized under “propaganda” laws (sources), and such restrictions must be taken into account. Additionally, there is a real risk of violence against students, educators, or human rights defenders engaging with international human rights mechanisms—such as the UPR—which further underscores the need for caution and robust safety measures.

Fifth, effective assessment and evaluation can be difficult, as traditional exams may not adequately capture students’ grasp of complex, interrelated concepts from both human rights and public policy. Innovative assessment methods—such as simulations, case studies, reflective journals, and project-based learning—must be designed and implemented to evaluate not only factual knowledge but also practical skills and critical thinking. This requires educators to develop robust, multifaceted evaluation tools that can track students’ progress in understanding both the theoretical frameworks and real-world applications.

Finally, managing a diverse classroom with students from varied academic backgrounds and learning styles presents its own set of challenges. Educators must employ a variety of teaching methods—ranging from lectures and case studies to simulations, roleplays, and technology-enhanced learning environments—to cater to different learning needs and ensure that all students are actively engaged. Strategies such as differentiated instruction, peer learning, and continuous feedback can help create an inclusive environment that supports every learner’s journey.

While integrating human rights and public policy in the classroom offers a rich, interdisciplinary learning experience, it demands a thoughtful, adaptable approach. Addressing the complexities of content integration, staying current with evolving issues, implementing innovative assessment strategies, ensuring specialized teacher training, managing resource allocation, and catering to diverse learners are all essential for overcoming the pedagogical challenges inherent in this field.

BOX 5.4 ADDRESSING CONTROVERSIAL ISSUES IN HUMAN RIGHTS AND PUBLIC POLICY

Teaching human rights within a public policy framework often involves navigating controversial issues. Here are some strategies to handle these challenges effectively:

- *Establish ground rules:* Begin by setting clear expectations for respectful discourse. Emphasize the importance of active listening, empathy, and the recognition that diverse perspectives enrich the learning process.
- *Encourage critical engagement:* Invite students to examine multiple viewpoints through case studies, data analysis, and debates. This approach helps demystify controversial topics by grounding discussions in factual evidence and robust scholarship.
- *Diversify perspectives:* Integrate materials from underrepresented groups, non-Western scholars, and relevant NGOs to counterbalance dominant narratives. This not only challenges existing power structures but also fosters a more inclusive dialogue.
- *Prepare for discomfort:* Acknowledge that controversy can generate discomfort. Equip students with strategies for managing this discomfort, such as reflective journaling and structured small-group discussions that allow for deeper exploration of sensitive topics.
- *Facilitate safe spaces:* When organizing guest lectures or interviews, especially with individuals from at-risk communities, ensure all necessary measures are taken to protect participants' safety and well-being.
- *Reflect on power dynamics:* Continuously prompt students to critically consider how power shapes public policy and human rights discourse. This can include analyzing local political constraints and understanding how regulatory environments (such as limitations on diversity, equity, and inclusion discussions or LGBTQI rights) impact academic freedom and community safety.

By proactively addressing these challenges, educators can create a learning environment that not only navigates controversy but also uses it as a springboard for deeper understanding and meaningful dialogue.

CONCLUSIONS

Teaching human rights within a public policy context offers both profound challenges and rich opportunities for transformative education. This chapter has explored the complexities inherent in merging two intricate fields, the importance of interdisciplinary approaches, and the need for adaptable teaching strategies that reflect the evolving nature of policy and human rights issues. By embracing innovative pedagogical methods—such as simulations, service-learning, case studies, and policy hackathons—educators can empower students to critically

analyze, engage with, and shape policies that uphold human rights. Moreover, addressing controversial issues with sensitivity and inclusivity not only deepens understanding but also prepares students to navigate real-world challenges. As future advocates and policymakers, students are encouraged to continually question, reflect, and innovate, ensuring that the pursuit of justice remains at the forefront of both their academic and professional endeavors.

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6. Human rights defenders

Clifford Bob and Suparna Chaudhry

LEARNING OBJECTIVES

- Learn to convey the complex concept of who human rights defenders are and how to teach the structure, goals, and mechanics of human rights campaigns.
- Learn to teach how different groups of activists can claim the language of human rights to further their own differing objectives, thus creating contention and controversy.
- Reflect on how students might critically think about the successes, failures, and unintended consequences of the work of human rights activists.

INTRODUCTION

Across the world, individuals, civic groups, states, and international organizations defend human rights, even as others violate them. They do so from a variety of political, social, and cultural perspectives, sometimes with goals contradictory to one another. Because both the concept of “human rights” and its embodiment in international conventions are vague, entities with a wide range of goals claim to defend them.

This chapter discusses ways to teach about the full range of human rights defenders in college classrooms. The chapter begins by defining “human rights defenders,” an important introductory task in teaching about any human rights topic. We then show how teachers may introduce students to two broad types of human rights defenders: social movements that seek to achieve the political goals of their “constituents” by framing them as internationally recognized human rights; and third parties who do not seek those goals for themselves but who support the rights movements for other reasons. Together, these defenders often form transnational advocacy networks (TANs) that seek to create new human rights law and to vindicate the existing rights of repressed or deprived groups. Scholarship about TANs grew primarily out of case studies, and we provide brief ones highlighted in the boxes below that teachers might elaborate

upon in their classrooms, to show students how TANs operate. A final focus of the chapter is the successes, failures, and unintended consequences of rights movements, providing students a chance to reflect upon the real-world results of activism.

Teaching about human rights defenders offers the opportunity to educate students about the nature and tactics of human rights activists. Just as important, teaching about human rights defense, especially using active learning methods, can help students learn and practice skills used by defenders, such as strategic public relations (framing), advocacy, and debate. These skills will be particularly helpful to students who are considering work in the human rights field, whether local, national, or international. More generally, the defense of human rights has been at the heart of some of the world's most important historical and contemporary political struggles. As a result, the study of human rights defense can be a crucial aspect of teaching students about politics more generally.

DEFINING “HUMAN RIGHTS DEFENDERS” FOR STUDENTS

For students in elective courses, as most human rights courses will be, providing clear definitions of key concepts is essential. Yet international law, including international human rights instruments such as the Universal Declaration of Human Rights, does not define “human rights defenders.” The United Nations (UN) Office of the High Commissioner for Human Rights, however, states that the term refers to “people who, individually or with others, act to promote or protect human rights” (OHCHR, 2004, p. 2). Scholars have used similar definitions (Wiseberg, 1991, p. 527; Nah et al., 2013), and we urge teachers to do so as well, early in any human rights course or unit. We include within our definition not only individuals but also governmental and non-governmental organizations (NGOs) that advocate for an end to human rights abuses or for the implementation of human rights laws. Accordingly, we use the term human rights “defender” interchangeably with human rights “advocate,” “activist,” “movement,” and the like. This approach is admittedly broad but allows students to appreciate the ideological and political expansiveness of human rights.

To underline the breadth of human rights defense work, teachers would do well to assign students foundational human rights documents to read and discuss. The relatively short Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social, and Cultural Rights should be assigned, potentially along with excerpts from lengthier legal instruments such as the Convention on the Elimination of All Forms of Discrimination against Women or the Convention

on the Rights of the Child.¹ Student examination of these documents should go beyond debating the meanings of key provisions. Of particular use in learning about the scope of human rights defense are exercises in which students use legal texts to advance human rights claims, as Box 6.1 indicates.

BOX 6.1 HOW DEFENDERS WORK: DEFINING GENOCIDE AND THE GENOCIDE CONVENTION

The Convention on the Prevention and Punishment of the Crime of Genocide is a basic document of international human rights law. It covers arguably the worst possible human rights violation and is written in brief accessible prose, making it ideal for in-class debates where students may hone their advocacy skills. One way of doing so is to ask students to debate whether the Convention adequately covers the crimes it is supposed to prohibit. Are the protected groups listed in this decades-old Convention—“national, ethnical, racial, or religious” groups—sufficient to cover the panoply of groups that we recognize as meaningful and important today? Should the Convention be expanded, or are there important moral or political reasons to leave it in its current form? Similarly, students might debate whether the variety of genocidal “acts” listed in the Convention should all be included on an equal basis—or whether other acts not contemplated by the drafters should be added. A third idea is to have rival student teams apply and debate the terms of the Convention in contemporary cases of alleged genocides, asking them to provide evidence to support their arguments. This would allow students to grapple with another key provision of the Convention, requiring proof that the listed “acts” were committed “with intent to destroy, in whole or in part,” members of a protected group. Such assignments can help students understand not only the intricacies of the Genocide Convention but also how human rights defenders assemble evidence and advance their arguments in highly contentious cases. If teachers wish to include media in their courses, this discussion could be paired with the documentary *Prosecuting Evil* (2018), which shows the story of Ben Ferencz, the last surviving prosecutor from the Nuremberg Trials.

¹ These texts can be accessed at <https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>.

TEACHING ABOUT HUMAN RIGHTS MOVEMENTS— AND THEIR FOES

A wide variety of individuals and groups may be considered human rights defenders. Together, they form human rights movements that engage in long-term conflict with a variety of opponents. To foster systematic student thinking about these entities, teachers should present a rough typology early in a course.

Constituents of a Human Rights Movement

Central to all human rights defense are aggrieved individuals or groups who seek to reduce their deprivation or suffering by achieving some political goal which they denominate as their “human right.” For these “constituents” of a human rights movement, vindication of the right will provide direct benefits—anything from the most basic recognition of them as human beings to less fundamental matters, such as six weeks of paid vacation time. Whatever a movement’s goals, students should come to understand that constituents form the nucleus of human rights movements and are typically their key actors. They are not passive “victims” waiting helplessly for outsiders to come to their aid. All constituents are not equally active or prominent in a movement, however. Only a small, highly politicized minority form the social movement organizations (SMOs) (Tilly, 1978; Tarrow, 1994) whose leaders come to personify the larger rights movement. Students may know of some of these leaders from the recent past, such as South Africa’s Nelson Mandela, Czechoslovakia’s Vaclav Havel, and America’s Martin Luther King. For teachers wanting to add media to students’ understanding, the International Center on Nonviolent Conflict provides many materials about rights movements, along with discussion questions.² This material can help students understand how local activists raise awareness and mobilize support for their campaigns by training publics about how to organize sit-ins, protests, letter-writing campaigns, and other forms of non-violent or civil resistance (Murdie & Bhasin, 2011).

To illustrate the centrality of constituents to rights movements, teachers should consider assignments requiring students to report to the class about today’s most important rights movements worldwide, focusing on the identity and grievances of constituents, as well as the SMOs and leaders claiming to represent them. Many such SMOs have English-language websites that can provide students with valuable opportunities for primary research. Of course, teachers should make clear to students that such sources must be used

² For these resources, please see <https://www.nonviolent-conflict.org/icnccfilms/>.

cautiously because SMOs and the constituents of a movement seek to present their cause in the most favorable light possible. Teaching students to be critical consumers of political messaging, even from those who portray themselves as defenders of human rights or victims of abuse, is an important lesson in any course.

Third-Party Supporters of a Movement

Beyond the constituents of a human rights movement, most also include third parties who do not benefit directly from the success of the movement or the achievement of the constituents' rights. If a local SMO can interest one or more of the most powerful international human rights groups, it may be able to attract greater attention and support for its cause (Keck & Sikkink, 1998). Some third parties, such as journalists, trade union organizers, states, or international organizations defend human rights as important if subsidiary and occasional aspects of broader missions. For example, in South Africa during the Apartheid era, emphasis on local organizing and politicization of community issues related to resource distribution and access to services, as opposed to national politics against the Apartheid state, drew many women with no previous history of activism into the arena of human rights struggle (Hassim, 2006). Other groups dedicate themselves full time to human rights work. Most notable are large, multi-issue human rights NGOs, such as Human Rights Watch, Amnesty International, and the International Federation for Human Rights. Scholars often view these internationally active groups as the embodiment of the modern human rights movement, making discussion of them necessary in any course.

Teachers can help students assess the activities of such third parties by assigning primary documents, such as press releases, country or incident reports, or executive summaries of these lengthy documents. Critical review of the websites of human rights NGOs can bring the work of human rights defenders to life for students, as long as teachers caution them to recognize the advocacy nature of such documents. Examination of these websites can open the door to student discussion about how third-party support can aid the constituents of a human rights movement. Class brain-storming sessions, based on review of third parties' websites, might point to such benefits as enhanced publicity, novel strategic advice, and public solidarity, as well as material goods, personnel, and money. In addition, third parties often have better contacts with external audiences, media, and foreign governments than do local movement constituents or SMOs. Such contacts can provide a gateway to greater support—a dynamic that many students may not understand initially. For instance, in Cambodia, human rights organizations are severely restricted in their advocacy because of government harassment and attacks.

However, organizations in neighboring Thailand have served as a resource for local Cambodian activists, even offering free training seminars. Similarly, after South African human rights activists were successful in overthrowing the Apartheid regime, many local activists turned their attention to neighboring Zimbabwe, bringing their tools and strategies to bear against a different form of repression to a different population (Bell et al., 2012).

Working together, movement constituents and third-party supporters form advocacy networks. The scholarly literature has focused on TANs, loose-knit and non-hierarchical formations linking local movement constituents and SMOs to international human rights NGOs, foundations, journalists, and human rights agencies in foreign states or international organizations (Keck & Sikkink, 1998). TANs have sought to create new human rights law and to vindicate the existing rights of repressed or deprived groups.

Organizational Dynamics among Human Rights Defenders

It is important for students to recognize that although third-party supporters can be extremely helpful to a movement, they, like all organizations, have crucial if less obvious internal needs—their own maintenance and survival as advocacy organizations (Zald & Ash, 1966; Jasper, 2014; Bush, 2015). These needs mean that they must concern themselves with a variety of quotidian activities such as maintaining their own popular support, attracting funding, building donor relationships, and staffing offices. These needs can exert significant influence on all aspects of their operations, campaigns, and interactions with movement constituents. Most obviously, third-party advocacy groups often devote large percentages of their personnel and resources to their own fundraising, development, and public relations (Cooley & Ron, 2002), a phenomenon that is likely to be eye-opening for many students.

More subtly, students should consider how third parties' publicly stated missions might affect their willingness to interact with constituents of certain movements. At times, third parties may reject controversial allies to avoid alienating their own support base (Bob, 2005; Hopgood, 2006). Other times, third parties will pay a high price for adherence to principled stances on contentious issues, as Box 6.2 indicates.

BOX 6.2 THE COSTS AND BENEFITS OF HUMAN RIGHTS DEFENSE: THE ISRAEL–PALESTINE CONFLICT

Teachers should consider assigning student teams to make rough tallies of the costs and benefits of supporting controversial contemporary human rights movements. In 2024, for instance, Human Rights Watch and Amnesty International independently issued major reports condemning Israel for genocidal acts against Palestinians in Gaza (Amnesty International, 2024; Human Rights Watch, 2024). The reports not only attracted widespread international media attention, but also generated harsh criticisms from the Israeli government, its primary arms supplier the United States (U.S.) government, and civil society groups sympathetic to Israel (Politico, 2024; Reuters, 2024). Amnesty International, Human Rights Watch, and the Israeli human rights group B'Tselem faced similarly strong condemnation several years earlier when they issued comprehensive reports labeling Israel an Apartheid state (B'Tselem, 2021; Human Rights Watch, 2021; Amnesty International, 2022; Klein, 2022). In examining this case, teachers might ask students to consider the effect of the reports (and the reactions to them) on the parties involved and foreign states and societies. How, if at all, did the conflict change as a result of human rights defense work? Did any of the parties, including the human rights defenders themselves, suffer any material or reputational damage from the reports? Did international or domestic public opinion toward the conflict shift as a result of the reports and, if so, with what effects on state policy and the conflict itself?

Opponents of Human Rights Movements

For students learning about human rights defense, it is not enough to focus only on a movement's constituents and supporters. Movements exist in constant interaction with opponents who the movement identifies as the source of its grievances and labels as rights violators or abusers. In addition, it is these foes upon whom the movement seeks to impose new duties or responsibilities to end the abuses they face. In many cases, states are the direct source of violations or deprivations, and human rights defenders seek ways to convert these offenders into upholders of human rights—i.e., by forcing states to establish, implement, and enforce new rights embodied in laws. Although states are usually the most powerful foe that rights defenders face, the opponents of a human

rights movement often include societal groups who have different or contradictory political interests.

Fighting against the movement on their own or with the support of states, societal opponents often claim to be defending their own human rights (Bob, 2012, 2019; Perugini & Gordon, 2015). The result can be contestation over human rights norms (Wiener, 2018) that continues for long periods of time, as Box 6.3 indicates.

BOX 6.3 CONFLICT OVER ABORTION RIGHTS: THE UNITED STATES AND THE WORLD

For teachers seeking to show the deeply contested nature of human rights defense, both the battle over abortion rights in the U.S. and the global conflict to which it is linked make excellent case studies. The conflict clearly illustrates that two or more movements seeking contradictory goals may each express themselves in the language of human rights. The conflict pits the “right to life” movement against the “right to choice” (“abortion rights” or “reproductive rights”) movement. Teachers can easily show that both movements have sought to influence government policy in many states. In the U.S., targets for the movements’ activism have long included both the national government and individual states in the federal system, as well as the larger culture and society. The movements have done so using parallel tactics: framing their opposing goals as human rights; activating political and quasi-political institutions—legislative, executive, judicial, and media; and internationalizing their struggles (Cole, 2025). In the ongoing conflict, both sides have won victories and suffered setbacks over many decades. Most notably, the abortion rights movement scored a signal victory in 1974 with the Supreme Court’s *Roe v. Wade* (1973) decision, whose implementation in U.S. states (and whose expansion into international legal instruments) the movement continued to pursue. For its part, the right to life movement fought back for decades, seeking to overturn *Roe* in the courts, prevent the case’s implementation in states and overseas, and eat away at the right where it had come into practice. This decades-long campaign was crowned in the U.S. by the right to life movement’s victory in *Dobbs v. Jackson Women’s Health Organization* (2022), reversing *Roe*. In turn, the abortion rights movement has continued its own battle in defense of abortion rights.

Teachers using this case study would do well to move beyond judicial decisions, providing readings and discussions that would examine the tactics activists used to sow the cultural and political seeds for each side’s

victories and defeats. For students, the abortion battle should illustrate that “human rights” are a vague and contentious concept from which ideological enemies can draw rhetorical support. In addition, the case shows that attempts to expand one group’s conception of human rights will often butt up against the existing rights (or preferences framed as rights) of other groups. Finally, the case study can easily be expanded to other countries and international institutions. Such an expansion might start with teachers showing that the U.S. has provided significant if fleeting support and funding for reproductive rights worldwide. Since 1985, each time the presidency has changed between the Republican Party and Democratic Party, the new president has implemented or rescinded the “Mexico City Policy” (called by its opponents the “global gag rule”), halting or restarting critical U.S. funding for NGOs that promote abortion overseas. Teachers can show students, using easily available press releases from the rival rights movements, that these dramatic policy shifts, which have had major effects on abortion rights and availability worldwide (Brysk, 2025), are the result of long-term political strategies, executed in conjunction with political parties.

PROCESSES OF HUMAN RIGHTS DEFENSE

Boomerangs, Spirals, and Markets in Human Rights Defense

Keck and Sikkink (1998) were the first to recognize the dynamics of transnational human rights interactions. Assigning chapters from their watershed book is probably essential in any course focusing on human rights defense. Their “boomerang model” held that local movements whose claims are blocked by their home states will often reach out for support from international actors such as NGOs, states, and international organizations. The TANs that may develop can then use various tactics to pressure the state from outside its borders. Together with pressure exerted by the movement domestically, this external pressure may increase the local movement’s chances of attaining its goals (Brysk, 1993).

The later “spiral model” builds on the boomerang approach. It highlights a repeated process in which states react to domestic and international activism, in turn spurring the local movement to mobilize further, galvanizing greater pressure against the repressive state (Risse et al., 1999, 2013). Over time, the spiral model holds, TANs encompassing both domestic and international actors can push target states into changing their policies toward local movements. These transnational connections can be especially vital for activists

in authoritarian regimes. Research shows that human rights organizations in neighboring countries can often help mobilize resources even in repressive regimes (Bell et al., 2012). The spiral model recognizes that this process is contingent and uncertain, and later research has sought to develop scope conditions for the success of human rights campaigns (Sikkink, 2017).

For advanced undergraduates and graduate students contemplating their own contributions to human rights scholarship, chronicling the intellectual development of the original “boomerang” model into various iterations of the “spiral model” can be an enlightening exercise that is relatively easy to chart using key works (Keck & Sikkink, 1998; Risse et al., 1999, 2013). Similarly useful is an examination of critiques of the model, highlighting gaps in its conceptualization. For instance, a key question left unanswered by the models is: When and why do third parties join with movements—in other words, why do TANs form around some human rights issues but not others? Much of the literature initially highlighted human empathy, moral sympathies, and ideological linkages as explanations. Keck and Sikkink (1998), for instance, use such factors to understand the transnational movement to bring accountability to members of the Argentinian military regime responsible for large-scale torture and extrajudicial executions.

Later scholarship, however, highlights other reasons that TANs form in some cases but fail to do so in other similar cases. This literature shows that activism or “marketing” by local movements, as well as organizational considerations among potential third-party supporters, play key roles (Bob, 2005; Dupuy et al., 2015). Beyond a baseline of moral sympathy, third parties make their choices based first on the extent to which they are even aware of a particular aggrieved group. This fundamental prerequisite means that many local movements spend considerable time and effort raising awareness about their causes (Giugni, 2008). To publicize their movements, local activists lobby overseas, develop websites, post on social media, and cultivate the mainstream press. Attention-grabbing tactics include boycotts, demonstrations, and mass marches (McAdam, 1999; Bob, 2005).

Although raising awareness among third parties is a necessary condition, it is not sufficient for a local political movement to gain outside support. In addition, its cause must resonate with the interests and concerns of outsiders. Framing the parochial goals of the movement as a “human rights” issue can be a particularly effective way of “matching” with national and international audiences (Snow & Benford, 1988; Della Porta & Tarrow, 2005; Bob, 2019).

To help students understand how human rights defenders gain support, teachers can assign projects asking teams of students to develop a written “marketing plan” to transform a little-known grievance into a global human rights *cause célèbre*. Such a plan should start with analysis of the constituents of a movement and their grievances, discussing how the latter could be framed

as a human rights issue under current human rights law. On that basis, students should be asked to develop a workable plan to achieve at least three key goals: attracting third-party support; minimizing or co-opting opposition; and realizing the right not just in rhetoric or law but also in practice. Among other things, students might be required to create publicity materials, internet ads, websites, memes, and slogans. In-class presentations, with the aim of convincing classmates of the importance of the issue, cap this exercise with practice in persuasive communication.

New Organizational Forms

Recently, the defense of human rights has not been limited to traditional SMOs or their NGO and TAN allies. Activists have developed new organizational forms, many of them digital. Groups such as 38 Degrees, 350.org, GetUp!, and Avaaz have pioneered new strategies and tactics for rights defense. Unlike traditional NGOs that wield power and authority because of their expertise and commitment (Stroup & Wong, 2018), the power of digital advocacy organizations comes from rapid mobilization of a broad public base. Rather than making a long-term commitment to an organization, individuals can be directly and quickly involved in multiple decentralized campaigns (Hall, 2022). On the other hand, purely digital campaigns may amount to little more than “slacktivism”—easily performed online activities that make supporters feel better about themselves but, because of the fleeting engagement they involve, fail to achieve constituents’ political goals (Hall, 2022, p. 118).

It is also worth noting that even today all aggrieved groups may not be able to mount digital campaigns. Internet and smartphone access remain spotty or under strict government control in many regions of the world (Hall, 2022, p. 117). Precisely the people most in need of outside support may be least able to access it because of armed conflict, harsh repression, or abject poverty.

In classrooms where many students will bring phones or laptops, discussing digital advocacy can be an easy way of sparking lively debate. Among questions students might consider are: What is their own experience of digital advocacy, whether for human rights or similar causes? Are social networking sites compatible with the more institutionalized forms of human rights defense provided by NGOs and TANs? Why and how? Do social network sites empower “the voiceless”? What are the advantages and disadvantages of human rights defense via social media?

MECHANISMS OF HUMAN RIGHTS DEFENSE

Monitoring and Litigation

Monitoring involves documenting and publicizing violations, often as joint endeavors among local SMOs, international NGOs, and sometimes states. Together, these defenders collect information about a state's level of abuse towards its citizens. The information can then be submitted to UN institutions or used in TAN campaigns. Monitoring is particularly useful as the basis for human rights litigation. Defenders may write briefs, provide legal aid to victims, and provide expert testimony at trials.

In some cases, human rights defenders have sought to enforce international law themselves, working both domestically and internationally. Technological advances have given activists powerful tools to gather data useful for court cases (Eilstrup-Sangiovanni & Sharman, 2022). Between 1970 and 2010, of the 3000 domestic human rights prosecutions, around 750 were instances of private prosecutions, where NGO involvement was vital (Dancy & Michel, 2016, pp. 173–174). Almost every human rights prosecution in Chile and Argentina was an instance of private prosecution, usually aided with NGO involvement (Michel, 2018, p. 6). This trend has become increasingly visible in international courts as well, whose numbers have risen in recent years. Around 80 percent of judgments in the Inter-American Court of Human Rights between 2000 and 2009 involved NGOs acting on behalf of their victims (Mayer, 2011, p. 931).

Shaming: Mechanism and Critiques

Domestic and international human rights defenders put issues on the international community's agenda by "naming and shaming" rights-violating regimes in reports, press releases, and campaigns (Franklin, 2008; Hafner-Burton, 2008). This approach assumes that shamed states will implement reforms and respect rights to avoid negative publicity. Some scholars have claimed that when faced with a shaming campaign, a logic of "appropriateness" will "socialize" the target into compliance (Risse et al., 1999, p. 14; Finnemore, 2013, p. 27). The underlying assumption appears to be that government officials will feel embarrassment for their state's failing to conform to the norms of rights-abiding states with which they identify (Risse & Sikkink, 1999, p. 15).

However, later literature has raised questions about this assumption. Snyder (2022) uses psychological and historical approaches to argue that targets of shaming campaigns are often unmoved by them or double down in response. Shaming can backfire because target governments are not passive before

human rights campaigns. Rather, they deflect and evade accusations of abuse (Cohen, 2001; Buzas, 2021). They defy international norms, especially when adversaries seek to shame them (Terman, 2023). They use such foreign “meddling” to bolster support for their own rule. Or they establish sham institutions to avoid or limit penalties for non-compliance (Cronin-Furman, 2022).

In the classroom, discussion of shaming should explore these dynamics. Teachers can ask students to examine recent international campaigns involving the shaming of alleged rights violators: Who instituted the campaign, against what target, and with what messages? Did the campaign demonstrate sensitivity to the possible pitfalls of shaming? Particularly effective are questions relating to transnational shaming campaigns against one’s own nation. Examples might include campaigns against euthanasia policies in Canada and certain European states, against capital punishment in the parts of the U.S., or against whaling in Japan. From another angle, teachers might ask students when and why they feel shame in their personal lives—and whether and how such feelings have affected their behavior. What is the effect of other people, whether peers or parents, seeking to shame them about their actions?

Material Strategies: Boycotts, Sanctions, and Interventions

In addition to the foregoing rhetorical strategies, there are a range of material sanctions that human rights defenders seek to impose on targets. These include everything from economic boycotts of goods or services to military interventions in the name of human rights. At times, TANs may be able to implement the former sanctions on their own. If these groups can bring sufficient attention to an issue, they may be able to convince consumers or corporations not to purchase goods exported from repressive regimes. Civil society pressure directed against corporations doing business with such regimes can sometimes convince companies to reduce or withdraw their operations, creating material costs to repressive regimes. Similarly, activists have sought to end sports or cultural exchanges with favored groups in repressive societies to isolate them and exert further pressure.

Although purely civil society approaches are most common, many human rights campaigns seek more formal sanctions by harnessing the power of states and international organizations. Particularly with regard to states, however, the likelihood of sanctions will vary depending on the character of the target. States are most likely to impose material sanctions against other states with which they already have adversarial relations, especially if those states are relatively unimportant as trading partners. By contrast, it is often difficult for human rights defenders to gain state-sponsored sanctions against allies, friendly states, or major trading partners, however bad their human rights’ records (Terman, 2023). In both sets of cases, realpolitik rules. Human rights

considerations typically constitute secondary concerns, no matter how loudly human rights defenders uphold more principled stances, as Box 6.4 suggests.

As in the case of shaming, there are also important questions about whether material sanctions work against target states. Although it might seem logical that they would have political effects, the literature is far from agreed about this issue. Powerful rights-violating states such as China, Russia, and even Iran and North Korea have proven largely resistant to long-term pressure from rights defenders, whether rhetorical or material and whether backed by states (Hafner-Burton, 2013). Similarly, despite decades of efforts by rights defenders in Europe to pressure the U.S. to end capital punishment, the practice continues in many states and at the federal level. To discuss whether interventions can promote human rights, Box 6.4 highlights a case that teachers might utilize in their courses.

BOX 6.4 PROMOTING AFGHAN WOMEN'S RIGHTS AT THE POINT OF A GUN

To illustrate the problematic usages of material and even military force to promote human rights, teachers should consider assigning materials concerning foreign interventions to promote women's rights in Afghanistan in the 1990s–2020s. The plight of Afghanistan's women was a major human rights concern during the 1990s, but early in the decade foreign rights defenders could do little because the country was torn by anarchy and war. In 1996, the Taliban restored stability but imposed fundamentalist Islamic rule that sharply restricted women's and other rights. In 2001, the Bush administration initially justified its post-9/11 invasion of Afghanistan by pointing to the Taliban government allowing al-Qaeda to have a base there (although the Taliban itself did not attack the U.S.). Within weeks, however, the administration draped the war in the assertion that it was seeking to bring human rights, women's rights, and democracy to the country (Bush, 2001). Foreign human rights NGOs then entered the country in large numbers, supported by grants from the U.S., European states, and private donors. When Western enthusiasm seemed to be waning after ten years of unsuccessful war against the Taliban, Amnesty International (2011) publicly encouraged NATO to continue fighting. In Afghanistan itself, a small but vocal portion of the population, the educated classes in cities controlled by U.S. forces, supported the war, often launching local rights organizations dependent for their existence on American funds and protection (Benard, 2002). Importantly, however, other Afghan defenders of women's rights criticized the intervention for violently seeking to impose alien values on

a largely rural and traditional culture (Joya, 2009). The U.S. defeat in 2021, with much of the NGO class forced to flee Afghanistan, underlined not only their disconnect from the Afghan masses, but also the dangers of states and allied rights defenders using human rights rhetoric to justify their wars. Classroom discussion of this or other cases in which human rights activism has had mixed or negative consequences, along with discussion of more positive cases, will give students a realistic appreciation of the challenges that dog human rights defense work.

“CLOSING SPACE” FOR HUMAN RIGHTS DEFENSE

Target states have neither been passive recipients of the above strategies nor have they necessarily always improved their human rights practices. Foundational literature was optimistic about the effects of TANs. Even when states reform their behavior, these successes can also generate negative repercussions for human rights defenders, as recent scholarship shows. Thus, teachers should take special care to discuss unintended consequences of such work.

In recent years, states targeted by TANs have used a variety of tactics—some old, some new—to “close space” against human rights activism (Christensen & Weinstein, 2013; Dupuy et al., 2016; Bakke et al., 2020; Bromley et al., 2020; Glasius et al., 2020; Chaudhry, 2022). The most overt policies include detention, arbitrary arrest, and extrajudicial killings. The UN Office of the High Commissioner for Human Rights estimates that between 2015 and 2019, human rights activists were killed in at least 64 countries for a total of 1323 deaths (United Nations General Assembly, 2020). However, these numbers may be severely underreported. Further, violent crackdowns are not limited to authoritarian or hybrid regimes. Recent research finds that although democratic countries make it easier for human rights activists to operate, they may also unintentionally put these activists at greater risk by incentivizing them to continue activities and pursue information that puts them at risk (Krain et al., 2024). Legal protections in democracies may not always protect human rights defenders. Even in democracies, corrupt officials and criminal organizations may engage in politically motivated attacks against high-profile human rights defenders. Some research shows that activists are more likely to be killed in democracies than autocracies, perhaps because rampant repression leads to greater caution in voicing dissent (Krain et al., 2024).

Although state violence can prevent activism, it may also attract international attention and opprobrium. For this reason, some governments have sought to shrink civic space through administrative or legal crackdowns—duly enacted laws or policies that make activism difficult or impossible. Laws against NGOs specifically criminalize human rights defense for a variety of alleged reasons:

non-compliance with registration requirements; foreign influence and funding; conducting or supporting “terrorist” activities; and threatening national security. The laws, which appear ordinary, routine, and apolitical, allow governments to maintain a democratic facade, even while sharply curtailing human rights activism. They limit domestic backlash because citizens view legal crackdowns as regulation rather than repression. And they rarely spark international condemnation because foreign supporters may not be sympathetic to activists’ alleged failures to register with government agencies or to raise funds domestically (Chaudhry, 2022).

To help students understand the variety of attacks on the work of human rights defenders, as well as the challenges of collecting such data, teachers could point students to databases that collect information from the Universal Periodic Review (UPR). The UPR is a process conducted by the UNHRC where governments’ human rights records are scrutinized by their peers, who then follow up with feedback in the form of specific recommendations.³ States then decide whether to accept particular recommendations or not. Importantly, when a country is under review, NGOs and other human rights defenders can submit information that the UN can use to target violating states (Carraro, 2019). These submissions help to inform the overall UPR report, as well as the recommendations that other states make, by providing updates on the implementation of the recommendations from the previous cycle as well as any relevant developments that went unaddressed or have since emerged.

However, in recent years, many governments have engaged in retribution against defenders participating in the UPR mechanisms. For data on state actions against NGOs participating in the UPR, professors can utilize data from the Office of the High Commissioner for Human Rights, which collects information on the reported number and severity of reprisals and intimidation against NGOs engaging with the UN.⁴ Working in groups of two to three, students can be assigned particular countries and asked to research: What kinds of retaliation did human rights defenders in their assigned country face? Did that deter them from future participation in the UPR, or did they continue engaging with this mechanism? What kinds of attacks might be missing from these data? Why might organizations not submit this information and choose to be silent instead? What kinds of local human rights defenders are more or less likely to know about these UN mechanisms?

³ The basis of country reviews includes: (a) Charter of the UN; (b) Universal Declaration of Human Rights; (c) human rights instruments to which a state is party; and (d) voluntary pledges and commitments made by the state, including those undertaken when presenting their candidature for election to the HRC (General Assembly resolution 60/251 2006, paras 1–2).

⁴ Available at <https://endreprisals.ishr.ch/>.

Once students have learned about the varieties of repressive tactics, as well as the challenges of tracking them, they can then be directed to discuss their effects. Administrative crackdowns can often be disastrous for local rights defenders. For instance, the 2009 Ethiopian Charities and Societies Proclamation stipulated that NGOs working on any rights issues in the country must acquire 90 percent of their funding from domestic sources. It also prohibited organizations from spending more than 30 percent of their budget on “administrative costs,” which the act does not define but could be interpreted to include the provision of free legal aid, advocacy, and other activities essential to the missions of rights groups (Brechenmacher, 2017, p. 69). This law dealt a devastating blow to Ethiopian civil society, as most domestic NGOs working on human rights relied almost exclusively on foreign aid (Brechenmacher, 2017). Within two years, the total number of local NGOs decreased by 25 percent, and by an astounding 90 percent among international human rights NGOs (Dupuy et al., 2015). NGOs such as Mercy Corps and Action for Development abandoned their conflict resolution work, while Human Rights Watch, Amnesty International, and the International Federation for Human Rights were prevented from opening field offices in the country. Of the 125 human rights NGOs in operation when the law passed, only 10 percent registered under the new requirement (Dupuy et al., 2015).

While the phenomenon of closing civic space has affected civil society activists of all kinds, human rights defenders, overall, have been placed at the greatest risk. According to a former UN Special Rapporteur on Human Rights Defenders, “the much discussed closing of civic space ... has become, in too many locations, a war on human rights defenders” (Forst, 2018, p. 7). To understand the impact of this phenomenon more systematically, teachers could assign students to research two human rights defenders working in the same country (or the same defender working in two different countries), where one has experienced repression and one has not. What explains these divergent outcomes? Factors to consider might include the paired NGOs’ funding sources, operational autonomy, and responses to new government policies. How has the state’s attitude towards them changed over time, and how have such changes influenced the NGO’s mission and programming?

Given that repression endangers activists physically and psychologically, teachers might ask students to brainstorm about ways of supporting human rights defenders. Organizations such as Defend Defenders, Frontline Defenders, Peace Brigades International, Civil Rights Defenders, and Protection International provide physical security, legal and digital support, and mental health resources to activists at risk. Finally, to wrap up this section, professors might consider connecting such attacks back to the initial optimism espoused in scholarly models of human rights work and ask students to reflect: What are the implications of the boomerang and spiral model for human rights defenders? How useful is this model for understanding the effectiveness of human rights policy?

CONCLUSION

Throughout history, individuals and groups have risen up against deprivation and repression. In the modern world, they often portray themselves as defenders of human rights. Joining these rights movements, third parties have played important roles in advocating for and enforcing new and existing rights. Without both sets of human rights defenders, the promise of human rights would be empty. Because that promise, as outlined in national and international laws, is expansive and expanding, human rights defenders promote a wide variety of issues. Conflict pervades rights work, and success is far from certain. As should be clear from this chapter, human rights defense—its character, mechanisms, and outcomes—is also a rich source of debate among scholars. Along with recurrent controversies over the practice of human rights defense, these debates enliven the teaching of human rights.

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PART II

Lenses and approaches

7. Theory

Daniel J. Edquist-Whelan and Thomas Briggs

LEARNING OBJECTIVES

- To guide instructors to appreciate the importance of normative questions related to human rights, in theory and in practice.
- To help instructors appreciate the diversity of foundational conceptions underlying contemporary human rights from histories of ideas (philosophies, faith traditions, secular approaches).
- To grasp elements of sometimes differing approaches to key human rights concepts that shape the global politics of human rights, such as universality, indivisibility, duties and obligations, and individual and group rights.
- To assist instructors to engage students with suggested classroom exercises.

KEY RESOURCES FOR THIS CHAPTER

Many human rights textbooks have chapters related to theory, philosophy, and other normative aspects. Here are some key resources you can use in conjunction with this chapter. Several contain readings or excerpts we use for our suggested exercises. Other materials are available online (links are included).

Anthony Langlois, “The philosophical foundations of human rights,” in Michael Goodhart (Ed.), *Human rights: Theory and practice* (4th ed.). Oxford University Press, 2022. *This textbook also has several chapters that deal with a variety of conceptual issues.*

Daniel J. Edquist-Whelan and Jack Donnelly, *International human rights* (7th ed.). Routledge, 2026. Three chapters are especially relevant: “Theories of human rights” (chapter 2); “The relative universality of human rights” (chapter 3); and “The unity of human rights” (chapter 4). *The 6th edition (2020) includes these chapters as well.*

Patrick Hayden, *The philosophy of human rights: Readings in context*. Paragon Press, 2001. *This excellent volume includes excerpts from*

major classical, modern contemporary, and non-Western thinkers, as well as readings relevant to contemporary issues.

Michele Ishay, *The human rights reader: Major essays, speeches, and documents from ancient times to the present* (3rd ed.). Routledge, 2023. *This outstanding compendium explores origins of human rights in secular, Asian, and monotheistic traditions; early liberalism and the Enlightenment; the socialist contribution in the Industrial Age; self-determination in the Imperial Age; and human rights in the age of globalization. It also includes a wide variety of excerpts from legal documents.*

INTRODUCTION

Where do human rights come from? Is their origin “Western”? When the United Nations (UN) declares in the 1993 Vienna Declaration on Human Rights that human rights are “universal, indivisible, interdependent, and interrelated,” what does that mean in theory and in practice? Whose duty is it to protect and promote human rights? Are group (or collective) rights human rights? Do some human rights have priority over others? Are there trade-offs? Are economic and social rights really “rights” or just aspirations?

These questions represent a mere snapshot of the many and varied normative questions that students have about human rights. It is our goal to guide the classroom instructor to appreciate the importance of engaging in normative questions as a way of understanding human rights. In so doing, students can come to appreciate how human rights as a matter of law and political reality is informed and constantly engaged with fundamental normative questions.

We’ll start with an example and an exercise. In his landmark account of the drafting of the Universal Declaration of Human Rights (UDHR) from 1946 to 1948, Johannes Morsink (1999) recounts hundreds of normative and philosophical discussions among UN delegations. One such debate was over Article 1 of the Declaration.¹ It reads:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

The Declaration’s drafters – who hailed from the Americas, Europe, Asia, and the Middle East – wanted to ensure that the universal nature of human rights was sufficiently grounded in core universal principles despite the diversity of

¹ See <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

countries and peoples (many still formally under colonial rule) across the globe. With respect to the origin of human rights, there was a lively debate within the Commission on Human Rights about “God” versus “nature,” reflecting philosophical schools of thought (classical liberalism), theological views (neo-Thomism), and various religious traditions (Christian, Muslim, Confucian, Buddhist, Hindu). In the end, they decided to punt – all human beings are “endowed” with “reason and conscience,” but who or what is doing the endowing is left unanswered. This was a deliberate compromise among the drafters.

EXERCISE 1 ARTICLE 1 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 1 of the UDHR provides an opportunity to explore the normative dimensions of human rights. It lays out who has human rights, why they have them, and how they should act by virtue of having human rights. Break your students into several groups to explore the constituent parts of this short but highly important article:

“*All human beings*”: all human beings have human rights, regardless of any other distinction between or among them.

“*are born free and equal in dignity and rights*”: this reflects the “natural rights” tradition in Western philosophy (but also shared in other philosophical traditions): that human beings have human rights from the moment they are born into the world. All human beings have equal dignity (moral worthiness) and hold all human rights equally. None are better nor worse, more nor less important, than any other human being.

“*They are endowed with reason and conscience*”: Note the passive phrasing. Prompt this group into discussing why they think there is no active agent (e.g., why not by some supernatural being, or “nature”?) Note also that this passage extends from the first two: since all human beings equally have human rights from birth, all equally also have reason (the capacity to think, to know, to contemplate, to understand) and conscience. All human beings have (at least the capacity for) moral agency. This brings us to the last phrase.

“*and should act toward one another in a spirit of brotherhood*”: The word “should” is purely normative: since human beings have moral agency, they should treat others as moral agents. The final phrase brings us back to the universal (the word “humanity” could easily replace the gendered term “brotherhood”). This conveys a cosmopolitan ideal. No matter the distinctions between human beings (especially nationality), we are all members of the human family and should respect one another as individuals *and* as members of the human family.

Learning about human rights through theory is an exciting way to engage students with the “how” and “why” of human rights. It promotes critical thinking and an appreciation for diversity of perspectives, contexts, and viewpoints. It will give students the tools to challenge their own preconceptions about human rights and consider alternatives. It will also provide a solid foundation for engaging with the other lenses and approaches to human rights found throughout this book.

OUTLINE OF THE CHAPTER

The normative dimensions of human rights include “theory” as reflected by philosophy, religion, and the history of thought and ideas about notions of rule, governance, the nature of law, and human nature itself. The “human rights regime” incorporates the array of legal instruments and institutional structures and practices that exist at the global and regional levels. Those spaces are also animated by conceptual approaches and debates about obligations of states to their own peoples as well as between states. This chapter will focus on core concepts and contours of (sometimes longstanding) debates, critiques, and points of consensus.

The normative elements of human rights are *always* in conversation with their empirical dimensions, including methods used to measure human rights, the formulation and evolution of human rights law, and how human rights are practiced – at the political level (as in setting human rights standards) – as well as in terms of implementation – monitoring and the actual enjoyment of human rights.

Those who teach human rights come to the topic from a variety of disciplines and perspectives: political science; anthropology; economics; history; sociology; or law. Still others who teach human rights may be approaching the task as practitioners: those who work as advocates for human rights.

This chapter proceeds with this diversity in mind. We begin exploring the nature of rights and human rights: how normative ideals related to human rights have unfolded in the history of ideas; and theories and approaches to key concepts about the international politics of human rights. While we cannot address every normative question about human rights, we aim to address the most fundamental theoretical and conceptual questions. We include a number of classroom exercises for instructors to consider in order to encourage students’ deeper engagement with these topics.

RIGHTS IN GENERAL; HUMAN RIGHTS IN PARTICULAR

Any module on theory and human rights usually begins with a general discussion about what rights are and what they confer upon the person (or group) that holds them. Human rights are a specific type of right.

Rights in General

To have a right, in general, is to have an entitlement to something with respect to another agent – be that a person, a company, a group, or a government. We think of the classic formulation, “A has a right to x with respect to B.” The right-holder (A) stands in a special relationship to a duty-bearer (B) with respect to the object(s) of A’s right (x). Conversely, with respect to x, B has special duties to A.

If A has a right to x, they are *entitled* to x. X belongs to them, in a particular and special way. They suffer a special harm if denied x. It is not merely unjust (wrong) that x is denied to them: it constitutes a violation of their right to x.

Having a right makes available to the right-holder special claims and related practices that seek to guarantee their enjoyment of x. Rights claims ordinarily take *prima facie* priority over other types of claims. Ronald Dworkin (1977) refers to this priority as a “trump.” When someone’s rights are violated, their claims for relief have a special force.

When a rights-holder claims a violation of their right, the act of claiming their right generally does three things. First, it stops discussion, at least for the moment; second, it shifts the burden of proof to those who are infringing on the right to justify the violations; and third, it raises that burden substantially. Only rarely, when something else of relatively great importance is at stake, is it right to override a right.

The source of most individual rights arises from specific relationships between people and other agents, be they individuals or institutions. Some rights come as a benefit of membership in a group – like being a member of an indigenous tribe, a particular religious congregation, or a citizen of a state. Sometimes rights come from a status we hold, such as being a faculty member at a college or university (giving us the right to vote in a faculty meeting) or because we hold a particular office (a town mayor, for example). Still other individual rights – most of them, in fact – result from contractual agreements people make with one another, such as property rights. I have a right to live in and enjoy my home – and to exclude others – because I hold legal title to the property and improvements on it (the house). If I were a renter, I would have certain rights (e.g., to enjoy my apartment and exclude others from it), but not others (I might not have a right to tear down a wall).

For most rights, if we lose the source of the right (membership in a community, retirement from a job, a lapsed contract), we lose the right itself. In other words, the possession and enjoyment of many individual rights are *contingent* and *alienable*.

Human Rights

Human rights are a very specific type of right: we hold human rights by virtue of our humanity. Our humanity is both the source and justification for our having human rights. All human beings hold them, regardless of any distinctions between them, such as race, ethnicity, gender, religious belief, social status, wealth, and nationality. They are rights we hold irrespective of any other rights we may also hold, based on our particular situation, status, or circumstances.

If all human beings have human rights simply because they are human, then human rights are held equally by all – the notion of *universality*. One cannot renounce, lose, or forfeit one’s humanity. Therefore, human rights are also *inalienable*.

As a matter of empirical fact, although all human beings *have* human rights, not all people are able to *enjoy* all their human rights, let alone enjoy them equally. When we believe our human rights have been violated (or unfulfilled), we have a specific, valid claim for remedy. To assert one’s human rights is to attempt to change political, economic, and social practices (and ultimately political structures) so that it will no longer be necessary to claim those rights as human rights.

To recap: having a right to something is an entitlement that trumps other considerations. Others – be they individuals, groups, or governments – have duties with respect to our rights. And for rights to be meaningful, there must be the possibility for remedy. To have a right where no one has obligations and there is no recourse when our right is violated is to have nothing at all. We now look more closely at duty-bearers and their obligations.

HUMAN RIGHTS: DUTY-BEARERS AND OBLIGATIONS

At the most basic level, each one of us has an obligation to everyone else to respect their human rights (see UDHR Article 1). Other agents in organized society (sometimes called “legal persons” to distinguish them from “natural persons”) also have duties and obligations for human rights.

Because human rights are universal and because virtually all people live under the jurisdiction of a sovereign state, the primary duty-bearer for ensuring human rights is the state in which one resides. Their obligations are more robust and subject to scrutiny by monitoring bodies and others. But the

protection and promotion of different kinds of human rights entail different types of duties.

The Problem of “Negative” versus “Positive” Rights and Duties

The UDHR enumerates civil, cultural, economic, political, and social rights. But the UDHR is not a treaty: there are few enumerated obligations. That was supposed to be the task of the Covenant on Human Rights, a treaty the UN Commission on Human Rights began drafting during the deliberations over the UDHR between 1946 and 1948. The original Draft Covenant included only civil rights. Later, the Commission added economic, social, and cultural rights (political rights came even later). But there was a long debate over the question of obligations for civil (and later political) rights versus economic, social, and cultural rights. Eventually, the UN decided to divide the Covenant into separate treaties – one on civil and political rights; the other on economic, social, and cultural rights.

In addressing normative questions instructors often begin with distinctions between different “categories” of rights. One, often attributed to the political philosopher Isaiah Berlin (1969), distinguishes between “negative” and “positive” rights (he uses the word “liberty”) – “freedom from” versus “freedom to” rights. This distinction is attractive: it is simple and can easily be mapped onto the two “grand categories” of civil and political (“negative”) and economic, social, and cultural (“positive”) rights. Berlin argued that “negative” rights were more fundamentally necessary for human freedom; they curtailed the power of an (almost certainly) abusive state. He feared “freedom to” rights would lead to the expansion of state power, leading to an abusive state. Berlin’s conceptualization was influenced by the then-recent experience of totalitarian regimes in the form of Nazism and Soviet communism.

EXERCISE 2 COMPARING THE GENERAL OBLIGATIONS CLAUSES OF THE TWO COVENANTS

This group-work exercise allows students to unpack the “positive/negative” distinction by examining the two Covenants. We have made some suggestions about which specific articles to compare, but feel free to come up with your own.

- The International Covenant on Civil and Political Rights (ICCPR) can be found at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.
- The International Covenant on Economic, Social, and Cultural Rights (ICESCR) can be found at <https://www.ohchr.org/en/instruments>

-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.

Divide your class into small groups. For the ICCPR, have them look at Articles 2.2 and 2.3. For the ICESCR, have them look at Articles 2.1 and 2.3. Then have them explore the following questions.

Discussion Questions

- Are the general obligations in the ICCPR more “precise” than the ICESCR? Why do you think this is the case?
- What do these different obligations suggest about the “nature” of civil/political versus economic/social/cultural rights?
- Does ICCPR Article 2 suggest that those rights are “negative” – meaning that the only obligation of states is to not directly violate the rights in the treaty? Are there any “positive” obligations (that the state must do more than just refrain from violating the right)?
 - You might prompt students to compare, for example, Article 7 (which is short and suggests a fully “negative” right) and Article 9 (which suggests that the state has significant “positive” duties).
- Does ICESCR Article 2 suggest that those rights are only “positive” – that the primary obligation is for states to provide for the rights in the treaty (food, housing, work, etc.)?
 - Prompt students to explore this question through Article 7 (just and favorable working conditions) and Article 11 (the right to food). The goal is understanding the state’s primary obligation to regulate private actors rather than direct provision of the right. Ask them who or what might be the cause of a violation of the right.

We hope your students will conclude that the positive/negative distinction is not very useful, especially when applied to the two categories of rights as a whole.

Obligations to Respect, Protect, and Fulfill/Promote

If the negative versus positive distinction is problematic, what is a better approach? In response, experts serving at the UN formulated a tripartite framework that would apply to all human rights, regardless of “category”: to respect, protect, and fulfill. Philosopher Henry Shue’s *Basic rights* first proposed a similar tripartite formulation of obligations related to what he called “subsistence rights” (economic/social rights) but which also correlated to what he called “security rights” (civil/political rights): to refrain from depriving; to protect from deprivation; and to aid the deprived (Shue 1996 [1980], p. 53).

After the establishment of the UN Committee on Economic, Social and Cultural Rights in 1986 – largely along the same institutional lines as the

already existing Human Rights Committee (which oversees the ICCPR) – the “respect, protect, and fulfill” obligations framework emerged. It was first fleshed out by Norwegian jurist Asbjørn Eide with respect to the right to food in the early 1980s, through the UN’s Sub-commission on the Protection of Minorities and Prevention of Discrimination. It was finally outlined in paragraph 6 of the 1997 “Maastricht Guidelines on Violations of Economic, Social and Cultural Rights” (1998):

Like civil and political rights, economic, social and cultural rights impose three different types of obligations on States: the obligations to respect, protect and fulfill. Failure to perform any one of these three obligations constitutes a violation of such rights. The obligation to respect requires States to refrain from interfering with the enjoyment of economic, social and cultural rights. Thus, the right to housing is violated if the State engages in arbitrary forced evictions. The obligation to protect requires States to prevent violations of such rights by third parties. Thus, the failure to ensure that private employers comply with basic labor standards may amount to a violation of the right to work or the right to just and favorable conditions of work. The obligation to fulfill requires States to take appropriate legislative, administrative, budgetary, judicial and other measures towards the full realization of such rights. Thus, the failure of States to provide essential primary health care to those in need may amount to a violation.

EXERCISE 3 APPLYING THE “RESPECT, PROTECT, FULFILL” FRAMEWORK

Choose two or three rights from both Covenants (links in Exercise 2), and have your students work in groups to identify what states must do to fully fulfill these three obligations for each specific right. Ask them to identify, in your national context, whether and how the state is meeting these obligations or falling short.

HUMAN RIGHTS IN PHILOSOPHY AND THE HISTORY OF IDEAS

Contemporary human rights theorists have looked back to the history of ideas to identify “plausible starting points for defending the key features of human rights and offer an account of the transition from those starting points to a list of specific rights” (Nickel & Etinson 2024). This quest encompasses centuries of evolving ideas about justice, morality, and ethics across global intellectual traditions (Ishay 2007).

This section examines the origins of human rights based on Article 1 of the 1948 UDHR, which establishes foundational principles through key assertions about humanity and our moral obligations. From this article we can extrapolate

a vision of human rights grounded in universality, inherent equality and dignity, moral agency through reason and conscience, relational responsibility, and normative commitment to act to a certain standard (see Exercise 1). Importantly, it suggests that rights flow from the fundamental nature of what it means to be human in relationship with others, not from governments or earned behavior.

We trace these ideas from ancient philosophers and religious traditions through Enlightenment thinkers to modern democratic thought, focusing on “natural law” and “natural rights” theory as “[a]n important ethical tradition that influenced the modern emphasis on reason” and from which we can view the development of modern notions of human freedom, equality, dignity, and rights (Hayden 2001, p. 3).

It is important to look at a variety of sources from diverse traditions, regions, and cultures to locate the multiple starting points of human rights. As noted, the UDHR committee members came from around the world, drawing on diverse belief systems, and notable contributors included Peng-chun Chang (China), Charles Habib Malik (Lebanon), Hernan Santa Cruz (Chile), and Alexander E. Bogomolov (Soviet Union).² Women’s voices were influential, including Eleanor Roosevelt as chair and delegates Minerva Bernardino (Dominican Republic), Hansa Mehta (India), and Begum Shaista Ikramullah (Pakistan); Hansa Mehta notably changed Article 1’s language from “All men are born free and equal” to “All human beings are born free and equal.”³ It thus is incumbent when exploring the history of ideas to cast a wide net to include women and thinkers around the world to fully understand the various origins of ideas about human rights.

This timeline provides an introductory context for students to explore and interrogate theories of human rights, considering various alternative thinkers, texts, ideas, traditions, and systems of thought in relation to contemporary human rights.

METHODOLOGICAL NOTE

By “working backwards” from the 1948 UDHR to identify historical intellectual forebears, we take an explicitly *teleological* approach – understanding history as a process leading to a particular endpoint.

However, methodological caution is necessary. Quentin Skinner, associated with the “Cambridge School” of historiography, warned

² See <https://research.un.org/en/undhr/draftingcommittee> for more details.

³ See <https://www.ohchr.org/en/stories/2018/03/role-women-shaping-universal-declaration-human-rights#>. Also see Adami (2019).

intellectual historians against uncritically mining the past for evidence supporting present-day ideas (2002). He noted distorting effects of arbitrarily selecting texts while ignoring others, analyzing them out of historical context, and anachronistically relating them to current concerns. Reading intellectual history backwards involves the illogical assumption that thinkers could “anticipate” future debates they could not have known. He also warned against assuming consistent intellectual lineage between thinkers without evidence of causality or influence.

While Skinner’s warnings are important, they should not prevent examining the past to understand the origins and development of present ideas. First, we naturally focus on historical texts containing original ideas that still resonate today. Second, many historical thinkers, especially philosophers, aimed to speak to transhistorical and universal audiences, transcending immediate contexts. Third, when direct evidence of intellectual influence cannot be found, absence of evidence may not equal evidence of absence – some speculation may be necessary when understanding historical intellectual traditions. Moreover, in-depth studies meeting Skinner’s demanding historiographical criteria exceed the scope of most discussions on the origins of human rights.

Nevertheless, teachers should encourage critical thought when presenting intellectual lineages and careful consideration of methodological and epistemological issues when studying the history of ideas.

Ancient and Religious Foundations

The first evidence of early human rights ideas emerged from ancient and religious thought through natural law doctrine from ancient Greek philosophy, Judeo-Christian scripture, Roman moral and legal thought, and equivalences in Hindu, Buddhist, Confucian, and Islamic belief systems.⁴

Natural law theory holds that immutable “higher laws” of nature, often existing as divine law, constitute moral norms about right conduct. Patrick Hayden explains that through reason – a faculty endowed to all human beings – “humans can access and act in accordance with universal values, thereby bringing about the moral and political order required for the common good”

⁴ On the concept of theoretical “equivalences” in comparative political philosophy, see Larson (1988). For good introductions to comparative political philosophy, see Parel and Keith (1992), Dallmayr (1997), and Holmes (2003).

(2001, p. 4).⁵ Natural law thinkers believe “humans share a common ability to distinguish right from wrong and can deduce rules of conduct consonant with universal [principles]” (2001, p. 4). While early thinkers did not specify “human rights” per se, they established groundwork for understanding the essence of being human as possessing reason and conscience, creating moral obligations to act toward one another based on evident principles.

In ancient Athens, Plato (c.429-347/8 BCE) and Aristotle (384–322 BCE) raised fundamental questions about human nature, the ideal state, and individual–society relationships. Plato’s *Republic* (1992) argues that reason must govern appetites and spirit at both individual and city-state levels, developing concepts of human rational capacity realized according to the nature of good. Aristotle’s *Politics* (1996) articulates “natural justice” where certain principles exist independently of human laws and customs, considering the political state as a natural association based on humans as “political animals.” Both placed the state as natural law’s fundamental locus and espoused hierarchical conceptions where reason’s benefits were accessible only to free male citizens – particularly influential as Aristotelean thought dominated subsequent centuries.

The Stoics made significant contributions to the development of natural law. Originating in Athens around 300 BCE and developed by thinkers like Zeno of Citium (334–262 BCE), Epictetus (50–130 CE), and Seneca (4–65 CE), they believed in cosmopolitanism – that all humans are part of a single, universal community governed by reason and nature which is the source of true human flourishing. Roman statesman Cicero (106–43 CE) argued in *On the laws* (2014) that individuals had obligations to respect fellow humans and that laws of the political community are legitimate only insofar as they conform to higher laws of nature.

Judeo-Christian traditions further shaped natural law, particularly regarding universal human dignity and rights. The biblical idea that all humans are made in God’s image is foundational for recognizing their inherent dignity and worth, shaping ideas about equality and moral rights regardless of social status. Early Christian thinkers like St. Augustine (354–430) and medieval theologian Thomas Aquinas (1225–1274) reflected on natural law rooted in divine will, arguing that all people, through their rational nature, can discern principles of justice. In his *Summa theologica*, Aquinas defined law as human action determined by reason, directed toward common good, and he noted that human laws become unjust if contrary to common or divine good, lacking “power of binding the conscience” (Hayden 2001, p. 47).

⁵ Religious interpretations view the external actor giving this endowment as a divine source. However, a secularized formulation does not invoke nor require any religious doctrine to accept humans are endowed with these rational and ethical qualities.

Non-Western philosophical traditions similarly contributed to concepts central to Article 1 of the UDHR. In Islamic philosophy, scholars like Al-Ghazali (1058–1111) and Ibn Rushd (1126–1198) developed theories about human dignity (*karama*) and universal moral obligations, and the concept of *maslaha* (public interest) emphasizes collective welfare alongside individual dignity. In Confucian thought, Confucius (551–479 BCE) and Mencius (372–289 BCE) articulated ideas about *ren* (benevolence/humaneness) and inherent human moral capacity.⁶ Mencius argued that all humans possess innate moral sense and capacity for goodness, emphasizing moral cultivation and mutual responsibility. Hindu philosophy's concept of *dharma* in texts like the *Mahabharata* emphasizes righteous duty and moral law transcending narrow individual interest, while *ahimsa* (nonviolence) accords fundamental respect for all beings based on inherent worth. In Buddhism, the Buddha's (563–483 BCE) teachings on compassion (*karuna*) and the interconnectedness of all beings provided foundations for universal moral concern transcending social distinctions.

The Enlightenment and Age of Reason

The religious, scientific, and political revolutions of the sixteenth and seventeenth centuries initiated momentous shifts in thinking about human nature and just social order. Beginning in the seventeenth century, natural law theory became increasingly secularized, moving away from divine authority toward rational foundations. Hugo Grotius (1583–1645), the Dutch legal philosopher, described natural law as a dictate of “right reason,” essential to human nature and conforming with humanity's rational and sociable character. In *The rights of war and peace* (2005 [1625]), he understood natural law as the right to self-preservation, arguing that state laws must be constrained by this basic law of nature.⁷

Thomas Hobbes (1588–1679) was the first major social contract theorist to develop theories of government where rights were instrumental. His *Leviathan*

⁶ Confucius and Mencius are Latinized versions of Kong Fuzi (Master Kong) and Mengzi, respectively. This belies their “discovery” by western Jesuits in the sixteenth and seventeenth centuries and the interplay between the ideas of different world cultures. Similarly, Averroes is the Latinized version of Ibn Rushd, who was born in Córdoba in southern Spain and whose Aristotelianism influenced scholarship in European Christendom.

⁷ Grotius was writing in the context of Dutch imperial expansion and writing in defense of certain maritime rights. It is salient to note the expansive international context in which many Enlightenment thinkers were operating. For example, Locke's work can be read in the context of the colonization of North America and Mill had a 35-year career working for the East India Company.

(1985 [1651]) starts from human nature where all actions are self-interested, primarily to obtain satisfaction and avoid harm. Hobbes described a pre-political “state of nature” where people lived under conditions of suspicion, insecurity, and conflict. Though humans are born equal in aspirations and abilities, their natural egoism combined with competition over scarce resources leads to perpetual war. Fear of death and desire for material well-being led people to enter political society through a “social contract,” creating government and agreeing to give up absolute liberty to a political sovereign in exchange for security.

John Locke (1632–1704) critiqued divine right doctrine and developed his theory on civil government’s origin, extent, and purpose in his *Second treatise of government* (2002 [1689]). Unlike Hobbes, Locke contends that in the state of nature, people’s actions are controlled by natural law – the manifestation of human reason restraining pure self-interest and promoting sociable conduct. People are obligated to preserve their lives, liberty, and property while assisting others to achieve the same. Notably, these rights cannot be surrendered, and if the government fails to protect individual rights and enhance freedom, people may rightfully overthrow it. Locke thus uses natural rights to establish popular supremacy and limit governmental authority.

Jean-Jacques Rousseau (1712–1778), in his *Discourse on the origins of inequality* (2004 [1754]) and *The social contract* (2003 [1762]), contends that in a state of nature, humans are free but corrupted by civilization and private property, which create inequality and vice. This is captured in his famous opening: “Man is born free, and everywhere he is in chains.” Rousseau presents a distinctive vision of how legitimate political authority grounded in collective freedom and popular sovereignty can overcome this paradox through his concept of the “general will” – the community’s collective rational judgment about the common good.

All three social contract theorists influenced later democratic theory, offering a model where individual freedom and collective authority are reconciled through democratic self-government. However, their divergent conclusions about the state of nature revealed fundamental tensions in grounding human rights theory. Where Hobbes saw natural equality leading to conflict, Locke found it supporting natural rights to life, liberty, and property, and Rousseau emphasized collective freedom through the general will. These disparities raise important epistemological and normative questions about the viability of natural rights: if rational inquiry could yield such conflicting visions of human nature and political legitimacy, could any universal foundation for human rights be securely established?

Immanuel Kant (1724–1804) provided a systematic philosophical foundation in his *Groundwork of the metaphysics of morals* (2012 [1785]), moving beyond the speculative historical method of social contract theorists to develop

a rigorous moral theory based on the structure of reason itself. He argued that the only unconditional good is good will – acting solely because the action is obligatory rather than from inclination or self-interest. From this, Kant proposed the categorical imperative whereby one acts “only on the maxim which you can at the same time will that it should be universal law.”

Most significantly for human rights theory, Kant insisted that we must treat all persons as ends in themselves, not merely as means to other ends. For Kant, human dignity derives not from particular social arrangements or hypothetical contracts, but from the rational moral capacity that all humans possess by virtue of their humanity.

The American and French Revolutions brought these philosophical concepts into political practice. The American Declaration of Independence (1776) asserted that “all men are created equal” with unalienable rights to “Life, Liberty and the pursuit of Happiness.” Similarly, the French Declaration of the Rights of Man and Citizen (1789) proclaimed that “men are born and remain free and equal in rights.” Both documents reflect Enlightenment commitments to individual liberty, equality, and the universality of human rights, and laid the groundwork for the modern human rights framework, embedding natural rights discourse in democratic political thought.

Nineteenth-Century Critiques of Natural Rights Theory

The transformative ideas of natural rights faced significant intellectual challenges in the nineteenth century from conservative, utilitarian, and socialist thinkers who questioned both their theoretical coherence and practical implications.

A leading early critic was Edmund Burke (1729–1797), whose *Reflections on the revolution in France* (2009 [1790]) condemned the French Revolution’s appeal to universal rights. He argued that such “dangerous abstractions” ignored the importance of tradition, inherited institutions, and social order. For Burke, genuine rights were not universal but grounded in the practicalities of history and culture. He believed that claims to universal liberty and equality destabilized society by ignoring the complex web of customs and institutions that enable human flourishing.

Mary Wollstonecraft (1759–1797) responded to Burke’s critique in *A vindication of the rights of woman* (2004 [1792]), defending reason as the basis of human dignity. While supporting Enlightenment ideals, she also criticized their male-centered application, arguing that both women and men possess reason and are thus entitled to equal rights. Wollstonecraft’s argument extended natural rights beyond the narrow scope of earlier theorists, laying a foundation for the feminist and abolitionist movements that sought to realize the universal claims of human dignity in practice.

Jeremy Bentham (1748–1832) launched a more radical attack on natural rights from a utilitarian standpoint. Rejecting social contract theory and natural law as fictional constructs, Bentham argued that only legal rights, grounded in actual laws and justified by their utility, held real meaning. In his 1796 manuscript *Anarchical fallacies* (1843), he famously declared natural rights as “nonsense” and *imprescriptible* natural rights as “nonsense upon stilts,” asserting that rights must be created by governments to serve the public good. Like Burke, he believed that appeals to natural rights posed dangers to social order, but his critique was rooted in a secular, consequence-based ethic rather than tradition.

John Stuart Mill (1806–1873), influenced by Bentham’s utilitarianism but attentive to liberal concerns about individual freedom, attempted to reconcile utilitarian concerns with rights-based thinking. In *On liberty* (1998 [1859]), he defended personal autonomy through the harm principle: individuals should be free to act unless they harm others. In *Utilitarianism* (1998 [1861]), Mill refined this view, suggesting that rights are moral rules essential to human well-being and maintained that protecting individual liberty from the tyranny of the majority served the long-term interests of society. By linking rights to utility, Mill created a bridge between utilitarian ethics and liberal principles, emphasizing the enduring importance of reason, conscience, and moral agency.

Karl Marx (1818–1883) offered a different kind of critique from a socialist perspective. In *On the Jewish question* (1978 [1844]), Marx argued that natural rights reflect bourgeois individualism, prioritizing private interests over collective well-being. He criticized liberal rights as focused on “negative liberty” – freedom from interference – rather than positive human emancipation.⁸ Marx’s critique exposes tensions within Article 1’s normative injunction that humans should “act toward one another in a spirit of brotherhood,” as he argued that liberal rights discourse actually reinforces individualistic and antisocial attitudes. Marx believed that these rights obscured economic exploitation and formal equality under liberal rights regimes masked material inequalities that undermined real human freedom and dignity.

Together, these critiques challenged the Enlightenment’s natural rights tradition from multiple angles. Burke warned against the dangers of abstract theorizing detached from tradition; Bentham and Mill refocused moral judgment on consequences and social welfare; Wollstonecraft and abolitionists pushed for the consistent application of rights to all people; and Marx exposed the limits of liberal individualism in addressing systemic inequality. These nineteenth-century debates significantly reshaped modern understandings of rights, laying the groundwork for ongoing tensions between liberty, equality, order, and justice.

⁸ See the section “The problem of ‘negative’ versus ‘positive’ rights and duties” above.

This brief historical outline shows how by working backward from Article 1 of the UDHR, we are able to identify foundational ideas about human dignity, equality, and moral agency across diverse philosophical and religious traditions. The exploration begins with ancient foundations in natural law theory, where Greek philosophers like Plato and Aristotle developed concepts of rational human nature and natural justice, and Stoics developed ideas of universal human community. Religious traditions, particularly Judeo-Christian thought, established notions of inherent human dignity through the concept of humans being made in God's image, and Islamic, Confucian, Hindu, and Buddhist philosophies similarly developed concepts of human dignity, moral obligation, and universal compassion. The Enlightenment secularized these ideas through social contract theorists like Hobbes, Locke, and Rousseau, who grounded rights in human reason and nature, while Kant argued that humans must be treated as ends in themselves due to their rational moral capacity. While the nineteenth century brought significant challenges from conservative, utilitarian, and socialist thinkers who questioned both the theoretical coherence and practical implications of natural rights discourse, the period saw the maturation of human rights ideas as they became embedded in modern democratic thought, ultimately contributing to the global consensus reflected in the UDHR.

EXERCISE 4 TRACING HUMAN RIGHTS THROUGH HISTORICAL TEXTS

Using Ishay's *Human rights reader* (either the 2019 or 2023 editions) and Hayden's *Philosophy of human rights* (see Box 7.1), explore how human rights ideas emerged across different historical periods and cultural contexts through primary source analysis.

Materials

1. Select and examine a selection of primary texts from three key periods listed in Ishay's volume:
 - Part 1: The origins: Secular, Asian, and Monotheistic.
 - Part 2: The legacy of liberalism and the Enlightenment.
 - Part 3: The socialist contribution and the Industrial Age.
2. For each period, students must also engage with the "... for whom?" section that presents:
 - Counter-examples to human rights thinking.
 - Exclusions and limitations in historical texts.
 - Contradictory ideas within the same tradition.

Learning Activities

1. Primary source investigation
 - Read assigned excerpts and identify elements that resemble modern human rights concepts.
2. Contextual analysis
 - Research the historical circumstances surrounding each text.
3. Comparative discussion
 - Compare how different cultures and time periods approached similar questions about human dignity and rights.
4. Critical synthesis
 - Examine tensions and contradictions within and between different approaches.

Discussion Questions

- Can we truly understand ideas from short textual excerpts? What are the risks of extracting historical ideas from their original context?
- Can belief systems genuinely support human rights if they only do so selectively or incompletely?
- Are contradictions in human rights thinking necessarily problematic, or can they be generative and lead to deeper understanding?
- To what extent can historical critiques of human rights be accommodated to contemporary human rights frameworks?

NORMATIVE/CONCEPTUAL DIMENSIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND POLITICS

The normative foundations of international human rights law and politics are rooted in diverse sources: UN General Assembly resolutions; outcome documents adopted by international conferences that express the consensus of the international community; and “general comments” articulated by human rights monitoring bodies outlining the nature and scope of specific enumerated rights and treaty obligations. Scholars and practitioners have also offered conceptual frameworks for understanding human rights. Central among these are the universality and indivisibility of human rights, as articulated in Article 5 of the 1993 Vienna Declaration and Programme of Action:

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

Universality

While debates about the universality and relativity of human rights were evident during the drafting of the UDHR, they gained particular traction in the 1980s and 1990s and came to dominate the conceptual space of human rights. Jack Donnelly (2007) countered that nearly all human rights are both universal and relative, and that this complementary (as opposed to contradictory) feature of human rights made them attractive as a framework for justice in the contemporary world.

Donnelly considered three ways in which human rights are considered universal. First is *international legal universality*: no country in the world rejects the catalog of human rights in its entirety. No country has ever denounced the UDHR, and there is no country in the world that has not become party to at least one treaty (more than 75 percent are party to ten or more human rights treaties). But this does not mean that human rights are universally enjoyed – in fact, they are only *relatively* enjoyed.

Second is *overlapping consensus* universality. While there is no single philosophical, religious, or moral tradition that serves as “the” origin of human rights, many such foundations are found throughout the world. However *relative* these philosophical, religious, or moral sources are, all traditions hold them.

A third dimension is *functional*: contemporary human rights has become the way to address the “standard threats” on human dignity that all human beings today face – from states, from markets, and from other actors in civil society. Because these threats are found everywhere in the world, human rights serve a potentially universal function of acting to protect against those threats, but the depth and extent of those threats is *relative*.

The argument that human rights are *culturally* relative arose in the 1980s, fueled by the “Asian values” debate. The claim was that non-Western cultures and societies are less organized around individual rights than around communitarian norms, emphasizing duties to communities, groups, and families. These duties “override” the dictates of individual rights claims.

Donnelly’s answer to this was to think more critically about how universality and relativity are always in conversation with one another. As an example, he cites Article 18 of the UDHR, on freedom of religion:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Islam is ordinarily interpreted to prohibit Muslims from renouncing their faith; many Muslims would therefore reject the right to change one's religion or belief. But that does not eviscerate the freedom of thought, conscience, and religion as a whole, but only one part.

Instead, Donnelly suggested that human rights (in general, or any particular right) are relatively universal at three levels: they may be more universal at the level of a *concept* (such as “the right to life”), whereas digging into more specifics might yield more relative *conceptions* (more detailed specifications of the overarching concept), and that any particular conception might become even more relative at the level of *implementation*. For example, there are many defensible ways for a state to ensure “just and favorable conditions of work,” so long as the outcome is “just and favorable” (however those terms are defined at the level of the conception).

While less pressing, the notion of cultural relativity continues to animate debates about the scope and reach of human rights, and these disagreements are not trivial. The challenge for students is to determine to what extent certain culturally based disagreements about the implementation of human rights are genuinely based on cultural concerns and when they might be deployed for purely political reasons (see the Vienna Declaration quote above).

EXERCISE 5 CULTURAL RELATIVISM AND HUMAN RIGHTS

In 1947, while the Commission on Human Rights was in the midst of drafting the UDHR, the American Anthropological Association published a statement that essentially established the “cultural relativist” position on human rights. The Association issued a revised statement in 1999.

This could be an in-class assignment or a short writing assignment, wherein they look closely at both documents and compare them on any number of levels as you decide.

Source: Both statements can be found at <https://humanrights.americananthro.org/1947-statement-on-human-rights/>.

EXERCISE 6 CONTROVERSIES AROUND “SEXUAL ORIENTATION AND GENDER IDENTITY” AT THE UN

This is a simulation of a debate in the UN General Assembly’s Third Committee (Social, Humanitarian, and Cultural Affairs), where resolutions and decisions about human rights originate. The positions of each delegation come from verbatim records. It provides a way for your students to explore a real-world example of the relativism question.

The year is 2017. The UN Human Rights Council has narrowly approved the appointment of an Independent Expert on the problem of violence and discrimination based on sexual orientation and gender identity for a three-year term. The Expert’s mandate was to conduct research and inquiries to assess this situation, raise awareness about these challenges, and engage in dialog with governments to respond.

The UN General Assembly is the Human Rights Council’s parent body. Thus, it reviews the Council’s annual reports and typically adopts them as they are. However, many General Assembly delegations were opposed to this appointment and sought to delay it.

The simulation can accommodate 18 representatives (or more, if some students work with a partner). All the materials you will need for this simulation are available online here (https://drive.google.com/drive/folders/1epjzWPmoWD4xmDxMrP7_1WQ8pq2ac45n?usp=sharing). Start with the first file in the folder, “Instructor’s guide.”

Indivisibility (or Unity)

Besides being universal, all human rights are also indivisible, interdependent, and interrelated. The UN has never specifically defined these terms as separate terms. Like universality, these terms carry normative weight, insofar as they purport to describe the nature of human rights as a thing.

Interdependency suggests that the effective enjoyment of one right is dependent on the enjoyment of other rights – and vice versa. Furthermore, this interdependence crosses categories. The civil right to freedom of movement is necessary for the full enjoyment of some other civil rights (such as freedom of assembly), some political rights (such as the right to vote), and many economic and social rights (such as the right to work).

Interdependency emphasizes that particular human rights are parts of a larger whole, and that whole is more than the sum of its parts. Denial of one right impedes enjoyment of other rights. Conversely, enjoying one right

can improve the enjoyment of others. The language of interdependency also thwarts the idea that states can pick and choose from the catalog of internationally recognized human rights.

Interrelatedness emphasizes the connectedness between various human rights regimes (early UN resolutions used the term *interconnected* rather than *interrelated*). This suggests a certain permeability of rights and categories of rights (Scott 1989). Relatedness also suggests that different regimes share common characteristics. The two Covenants, for example, have identical preambles, nondiscrimination provisions, and include the right to self-determination. Furthermore, all human rights treaties have monitoring committees of experts that have similar functions and procedures.

Indivisibility is more normatively laden. The UDHR represents an “organic unity” between all core human rights – civil, political, economic, social, and cultural. With respect to the subsequent Draft Covenant on Human Rights, many delegations from the Global South objected to the absence of economic and social rights in the draft; that the UN would be “dividing the indivisible” if those rights were not included.

They were included in a later draft, but differences in the general obligations and monitoring procedures for the two sets of right (see Exercise 2) compelled the UN to draft separate Covenants. The rhetoric of indivisibility has since served to ameliorate this division: despite the differences between the two treaties, they constitute an indivisible whole.

As Paragraph 5 of the 1993 Vienna Declaration on Human Rights clearly states, no category of rights takes priority. And while states face different historical, cultural, and economic circumstances, this may not be used as an excuse to ignore (or elevate) some categories or rights over others. There is no hierarchy of rights.

This is a strong normative claim. And it flies in the face of political realities about human rights. In practice, states have argued that there are priorities. During the 1970s, many states in the Global South insisted that civil and political rights had to yield to development imperatives – the realization of economic, social, and cultural rights and the right to self-determination. These positions led to the idea of a “right to development.” Some countries in the Global North – most notably the United States – have historically argued that economic, social, and cultural rights are “aspirations,” not rights.

You and your students can explore some of these questions and debates in Exercise 7.

EXERCISE 7 HUMAN RIGHTS – INDIVISIBLE OR HIERARCHICAL?

This is a group discussion exercise that asks students to engage with both theory (of the unity of human rights) and practice.

Ask your students to imagine that someone is speaking about human rights violations in some country but does not specify which rights are being violated. What pops into their minds?

Likely they will tend to think first of violations of “personal integrity rights” – torture, arbitrary arrest and detention, police brutality, enforced disappearances, arbitrary executions – instead of the lack of educational opportunities for girls, chronic unemployment, high maternal mortality rates, or moderate food insecurity. These are certainly human rights *problems* or *concerns* but probably don’t merit the term “violations.” If human rights are indivisible, why is this the case?

Here are some discussion questions your students can further explore, engaging theory with practice:

- Even if you accept that economic and social rights are just as important as civil and political rights, is there still a difference between them? If so, what makes them different?
- What do you think is the basis of the differences between these two categories of rights? Is it about the nature of the rights themselves (what they try to protect with respect to individuals) or differences in obligations with respect to their protection? If it is about their nature as rights, can you say what that nature is? If it is about the obligations, what are the differences? Are those differences qualitatively important? Or is it all basically a matter of politics?
- The principle of indivisibility argues that both categories of human rights are fundamentally equal, no matter the details about how any specific right or rights must be respected or guaranteed. Yet some have also argued that one set of rights was more fundamental and therefore needed to be secured before the other. Do you think there is any logic to either prioritization (i.e., that civil/political rights need to come first or that economic/social rights need to come first)? What is the reasoning behind each argument? How convincing is each?

Individual and Group Rights

Human rights are generally considered to be rights held by individuals based on their humanity alone without any other distinction (such as belonging to a group). What about group rights? What are group rights? Are they also human rights?

International human rights law includes treaties that address specific groups: racial minorities; women; children; and persons with disabilities, for example. These treaties do not carve out “special privileges” for women, children, or the disabled. Rather, they seek to recognize the *special circumstances* of sometimes marginalized or vulnerable groups to ensure additional measures are taken to protect and promote their human rights, including the elimination all forms of *discrimination* that impede the realization of their human rights. Thus, these are not group rights – they aim to protect individuals and promote the human rights of those belonging to the group (women, children, the disabled) and not the group itself.

Group rights are held by a group, not individuals who belong to the group: the Cherokee Nation; the Kurdish people; the Palestinian people. Group rights seek to protect *the integrity and existence* of the group as a whole. If what makes the Cherokee Nation a group is its ability to live its way of life in a particular way – enjoying full, unfettered access to ancient burial grounds, for example – then to impede the group’s access to something fundamental that makes the Cherokee Nation a group is to threaten the integrity of the group.

A violation of a group’s rights is also likely to violate the individual human rights of those who belong to the group. Human rights are generally understood – philosophically as well as legally – as rights held by individual human beings. However, the right to self-determination, enumerated identically in both Covenants, is held by *peoples*, not individuals. When the UN General Assembly insisted on the inclusion of this right in the Covenants, there was pushback from several Western countries to the inclusion of a collective right in a treaty protecting individual rights. And while they had a point, many observers felt that their opposition on philosophical or theoretical grounds was merely a cloak for thwarting the objective of people’s right to self-determination, bringing an end to Western colonialism.

Today the validity of the collective right to self-determination as a human right is well accepted. Other legal instruments such as the African Charter on Human and Peoples’ Rights, ILO Convention No. 169 on Indigenous and Tribal Peoples, and the UN Declaration on the Rights of Indigenous Peoples recognize collective rights as human rights. And one right – the right to development – is held both individually and collectively. You and your students can explore the normative meanings and significance of this in Exercise 8.

Another conundrum with respect to collective rights and individual human rights is whether it is morally or ethically acceptable for the rights of a group to trump or override the rights of individuals who belong to the group: if there is a “trade-off.” It is not always clear if one or the other should have priority if there is a conflict between them. Philosopher Martha Nussbaum explored this conundrum through her “capabilities approach” to human rights (that societies are obligated to improve people’s capabilities – such as access to resources and

education – to live a flourishing life; 2013). With respect to women’s rights, for example, Nussbaum considered religious or cultural practices that could be considered harmful or coercive to women. A capabilities approach requires that women in such circumstances must have a “right to exit” if they feel their capabilities will be diminished as a result of the practice or tradition in question. It offers a compelling “compromise” between group “rights” (in this case, the right of a group to engage in some practice or tradition) and the rights of individuals.

EXERCISE 8 THE RIGHT TO DEVELOPMENT

This exercise can be used to explore the ideas of indivisibility and individual/collective human rights. It looks at the right to development as defined in both the 1986 Declaration on the Right to Development and the Draft International Covenant on the Right to Development (2023), which the UN Human Rights Council has transmitted to the UN General Assembly for consideration.

The right to development is defined in Article 1 of the Declaration and Article 4 of the Draft Covenant. But the formulations are slightly different:

Declaration:

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

Draft Covenant:

Every individual and all peoples have the inalienable right to development, by virtue of which they are entitled to participate in, contribute to and enjoy civil, cultural, economic, environmental, political and social development that is indivisible from and interdependent and interrelated with all other human rights and fundamental freedoms.

Provide your students with these two texts and ask them to identify the similarities and differences between them. In particular, you might want them to compare the final phrases of each article, especially “in which” versus “indivisible from and interdependent and interrelated with.” See if they can spot that the Draft Covenant’s formulation clearly establishes the right to development as a *stand-alone* right, rather than an “umbrella” right, a “linking” right, or a “meta-right.”

You might then share and distribute an excerpt from the commentary to Article 4 of the Draft Covenant, composed by the Expert Drafting Group. It provides a rich discussion of the theories and approaches behind the right to development as a human right, including a discussion of the individual and collective dimensions, a defense of the right to development as a “stand-alone” right, and a discussion of how it is indivisible and interdependent with all other human rights. The full commentary is at <https://digitallibrary.un.org/record/4020048?ln=en>. The relevant text is on pp. 37–40.

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8. Gender

K. Anne Watson, Spencer B. Hayes, and Laura Parisi

LEARNING OBJECTIVES

After reading this chapter, instructors will be able to:

- Identify key topics and activities relevant for a gender-based human rights course.
- Constructively discuss issues related to gender, feminism, gender equality, intersectionality, and cultural relativism in a human rights classroom.
- Support students and instructors experiencing hopelessness, burnout, and retraumatization when engaging with gender-based human rights content.

INTRODUCTION

Gender is a key identity that affects lived experiences in every area of life—public, private, political, economic, social, and cultural. This includes governments' (and other actors') actions to respect, protect, and fulfill human rights and individuals' ability to enjoy them. Because of these systematic experiences with gender, it serves as a key lens through which human rights can be understood.

In this chapter, we offer pedagogical suggestions for teaching gender-based human rights in a political science context in order to create a rewarding educational environment for instructors and students alike. Creating a course or unit on gender-related rights requires not only careful considerations of content inclusion but also thoughtful attention to the praxis an instructor takes to deliver the materials. Thus, we discuss concepts and strategies related to teaching human rights through the lens of gender; challenges related to teaching about deeply held, frequently marginalized identities, both for our students and for ourselves; and tools and strategies for addressing these challenges.

PRAXIS

When teaching about human rights, it is impossible to ignore that education itself is a right to which our students are entitled. This becomes particularly apparent when teaching about human rights through the lens of gender, because historic and current inequalities have so frequently kept girls, women, and transgender and nonbinary individuals from equally accessing quality education (Lee & McCabe, 2021; Pryor, 2015). These inequalities mean that *all* instructors must consider how their students' gender identities may affect their engagement with a course. And it is particularly important that instructors engaging with course content related to gender do so, since students' lived experiences of gender will be intrinsically tied to discussions of feminism, gender roles, gender-based violence, and related content.

KEY TOPICS

BOX 8.1 KEY TOPICS IN A GENDER-BASED HUMAN RIGHTS COURSE

Concepts

- Gender
- Gender-based human rights
- Gender mainstreaming
- Gender essentialism
- Gender equity and equality
- Feminism
- Public and private spheres
- Privilege
- Intersectionality
- Cultural relativism

Policy Areas

- Political participation and representation
- Poverty
- Education, training, and advancement
- The economy
- Healthcare
- Gender-based violence
- Armed conflict and peace building
- The media
- The environment
- Family and the home

Because gender interacts with so many areas of life, there are numerous issue areas relevant in political science that instructors may want to consider when building a gender-based human rights course, such as political participation and representation, engagement with the formal and informal economies, and healthcare (to name a few).¹ However, there are also important concepts that instructors will want to define for or discuss with their students in order to establish a framework for policy discussions. In Box 8.1, we have identified some of the topics that would fall into each of these categories.²

While we offer this approach as a framework for gathering and organizing topics in a gender-based human rights course, we also acknowledge that no single chapter could do justice to the sheer breadth of topics listed there. Instead, for the remainder of the chapter, we narrow our focus to several of the challenging concepts that frequently appear in these courses—gender, feminism, gender equality, intersectionality, and cultural relativism, as well as the potential for retraumatization and hopelessness for instructors and students alike. For each challenge, we define key terms and literature, examine the pedagogical hurdles inherent to these issues, and present potential strategies and tools for addressing them.

GENDER

The Concept

One of the first steps in teaching human rights through the lens of gender is defining “gender” itself. One common approach is to compare it to sex, where “*Gender* is ... a social category imposed on a *sexed* body” (Scott, 1986, p. 1056, emphasis added)—sex is used to refer to biological traits, while gender

¹ Notably, not all research on or discussion of relevant topics will be pitched as focused on human rights—in academia, for example, some researchers identify as gender scholars, instead, or as scholars of their specific issue area (political participation, economic policy, healthcare policy, etc.). These divisions can be based on philosophical divides between those who think that research should be value-neutral and those who think that research should be founded in activist principles, choices to ground research in international human rights law versus other principles or practicalities, differences in training, and more (Skarstad, 2024). This means that there is a wealth of research and other materials available for each of the relevant issue areas, all constructed from different perspectives. It is an important task of a gendered human rights instructor to bring these materials back into a human rights framework.

² For other overviews of key concepts and policy areas, see Otto (2015) and UN OHCHR (2014).

refers to differences in societal expectations and treatment. This approach is meant to avoid essentializing individuals based on biology³ and focus instead on how identities are constructed, lived, and enforced (Hawkesworth, 2013; Scott, 2010).

Over time, this approach has extended to consider both sex and gender as spectrums, rather than binaries. Approaching sex as a spectrum includes not just individuals who identify as female or male but also intersex individuals, who are born with a mixture of sex characteristics that are traditionally categorized as male or female.⁴ And conceptualizing gender as a spectrum acknowledges not only individuals who identify as women and men but also those who identify as nonbinary, including those who are genderqueer, genderfluid, bigender, and agender. This approach is also more frequently inclusive of individuals who are transgender, who identify with a gender other than the one they were assigned at birth (McNabb, 2018).

Pedagogical Challenges

Despite the increased acknowledgment of these separate and complex concepts—some cultures recognize up to five genders (National Academies of Sciences, Engineering, and Medicine, 2022, p. 23)—misunderstandings, stigma, and prejudice remain. There remains a distinct gap between critical theorizing about sex and gender and data collection regarding sex and gender, especially at the global level, where the best we can typically hope for is data disaggregated for men and women (and we cannot always find those). However, qualitative reports identify widespread abuse of and discrimination against individuals who are transgender, nonbinary, and intersex. In many countries, including countries in which some of us are or will be teaching, nonbinary and transgender identities are still excluded from legal recognition or even explicitly criminalized (UN OHCHR, 2019; see also Otto, 2015).

This issue is directly experienced by our students. Transgender and genderqueer college students report many experiences of marginalization on college campuses—intentional misgendering, tokenization, and outing; institutional

³ *Gender essentialism* asserts that individuals with different biological sexes are inherently different regarding characteristics and preferences. In political science research, gender essentialism has sometimes appeared in the incorrect assumption that all women will (or should) share similar, feminist policy preferences, such as favoring protections for abortion or public subsidies for daycare (Campbell et al., 2010).

⁴ There is some controversy around the use of the term “intersex”—it is sometimes perceived as holding up male and female as the “true” categories, further marginalizing individuals with a variety of sex characteristics (Monro et al., 2021).

systems that make it difficult or impossible to change their names; and reinforcement of gender binaries in “residence halls, recreational facilities, campus restrooms, and policies that exclude gender identity protections” (Pryor, 2015, p. 441). This means that failing to address the complexity of gender identities, expression, and experiences will not only leave our students with incorrect assumptions about gender but also directly enact further marginalization of students who are likely already experiencing it, impeding their right to enjoy equal access to education.

Teaching Tools and Strategies

Conceptually, this suggests the inclusion of course content acknowledging the many different experiences of gender, from elaborating on different gender identities to exploring human rights abuses of individuals with these identities. We should explicitly highlight data exclusions and other limitations where they exist, acknowledging the blind spots in the research that we share. And we should lift up work done by those with marginalized identities wherever possible, conducting audits and edits of our syllabi to make them representative of a wide variety of voices, especially the voices of the groups we are discussing for any given topic (D’Ignazio & Klein, 2020; Pryor, 2015).

But it isn’t enough to acknowledge the complexities of gender with assigned readings and lecture material—this knowledge should also inform the way we interact with our students. One small step is to include campus and off-campus resources (like national helplines, campus LGBTQ+ centers, crisis centers, and mental health services) related to gender on our syllabi. Another is to allow students to introduce themselves and identify the pronouns they use on the first day of class (and then using and reinforcing those names and pronouns throughout the semester), rather than reading from a roll (which may include transgender students’ deadnames) or making assumptions about their identities. These kinds of strategies can begin to establish our classroom as a safer place for students with marginalized identities.

A more intensive approach is to consider ways to ask or allow our students to engage with our classes that won’t rely on (or reinforce) gender stereotypes. For example, participation is a graded part of many courses. However, if male-identifying students are more likely to speak up in class (Lee & McCabe, 2021), then participation grades that rely on our students opting to speak (and quickly) will be biased against other students. There are numerous strategies for achieving a more even distribution of participation in our classes, including allowing students time to write out their thoughts or discuss them with a partner before volunteering an answer in front of the group or offering alternative pathways to participation, such as contributing in live chats, discussion boards, or live-time polls (see Tanner, 2013 for more suggestions).

BOX 8.2 SUGGESTED ASSIGNMENT: POLICY BRIEF

In overview courses that cover many topics, it can be difficult to go into detail on any specific topic or context. A policy brief assignment, where students concisely engage with the strengths and weaknesses of a given policy and offer suggestions for its improvement, can help students follow their own curiosity to gather those details about a specific situation. This is also a means of addressing hopelessness or feeling overwhelmed in the face of widespread inequality—students narrow their focus to something manageable and make actionable, research-backed recommendations for policy improvements.

In this assignment, students will provide an overview of a gender-related human rights issue in a specific country, perform a strengths, weaknesses, opportunities, and threats analysis of the existing domestic approach to addressing that issue, and analyze at least two research-based, actionable steps for improving the existing approach. Students will submit the various sections of the assignment throughout the semester, incorporating feedback after each submission, and the final product should be five to six pages long (for more details, see Bhasin & Butcher, 2022).

FEMINISM: A LOADED TERM

The Concept

Feminism is a second complex concept that arises when teaching about gender. It is difficult to define because its meaning has varied, sometimes dramatically, by location and time period:

[It] is simultaneously (1) a research paradigm that examines the form and character of gendered life (ontology), investigates what can be known (epistemology), and develops and deploys gender-centered tools of analysis (methods); (2) an ideology that contains a system of general beliefs and values that explains how and why gender oppression occurs, and that prescribes a vision of society and government based on liberation and change in gender roles ... and (3) a set of social movements that seek to address unequal relations of power, which has in some instances included men. (Dhamoon, 2013, p. 89)

Ultimately, this means that there is no single feminism. There are many—liberal feminism, socialist feminism, ecofeminism, post-colonial feminism,

Black feminism, Chicana feminism, Indigenous feminism, critical feminist disability studies, and more (Dhamoon, 2013).

Pedagogical Challenges

Feelings about feminism are often mixed. Although we don't have access to global data on perceptions of the word "feminism," results from a 2020 survey in the United States are telling: while 61 percent of women reported that the word "feminist" described them at least somewhat well, only 19 percent said it described them very well. The numbers drop even further for male respondents, where only 40 percent say that "feminist" describes them at least somewhat well (Barroso, 2020). (Results for nonbinary individuals were not reported.) It must be noted, though, that the numbers of people identifying as feminist do appear to be increasing over time and among younger generations (Hopkins-Doyle et al., 2024, p. 9).

Underlying these concerns is frequently the perception that feminism is anti-male: "This trope has been used to delegitimize and discredit the movement, has deterred women from joining it and motivated men to oppose it, sometimes with violence" (Hopkins-Doyle et al., 2024, p. 9). Other negative perceptions include the idea that feminists are necessarily lesbians (with homophobic overtones), that feminism is a Western ideology, and that feminism is an exclusively white and middle-class ideology (Savaş et al., 2024). There are also numerous, long-running examples of women of color, lesbians, trans women, and members of other marginalized groups being excluded, either implicitly or explicitly, from feminist groups. Such exclusions have further fostered a reticence to identify with a general feminist movement or ideology (Dhamoon, 2013). In the classroom, this reticence may come across as an unwillingness to seriously engage (or engage at all) with works labeled as feminist.

Teaching Tools and Strategies

As with gender, incorporating feminism in the classroom can and should take the form of both content and praxis. With regards to content, there are multiple activist-identified approaches to addressing negative perceptions of feminism that can also be applied in classroom settings. One strategy is to take a myth-busting approach to feminism, directly addressing the negative perceptions and stereotypes discussed above.

Additionally, shifting to a focus on transnational feminism can reorient students to think about feminism in a more international human rights-based context. *Transnational feminism*, or mobilization for gender equality, crosses country borders and "includes a sophisticated understanding of how power operates and what the pressure and release points are within and between

geographies of privilege and marginalization” (Savaş et al., 2024, p. 928; see also Mohanty, 2005). This approach to feminism engages with how globalization has fostered invaluable pathways for international coordination and communication for feminist human rights activists, including multiple international conferences and the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Savaş et al., 2024). At the same time, globalization has also driven the spread of “multinational corporations that needed flexible labor pools, free markets and free trade to function,” fostering an environment that could and would abuse vulnerable workers, including women (Savaş et al., 2024, p. 927), as well as other negative pressures on gendered human rights (Sassen, 2000).

Another approach is to avoid essentializing identity groups and instead focus on the analysis or critique of systems of inequality. Rather than focusing curricula on members of different identity groups, the focus shifts instead to addressing abuses of human rights—lack of secure housing, climate change, barriers to political access, etc.—allowing students to examine who benefits and who is harmed by existing institutions. This shift “has the added benefit of implying solutions consistent with the causal explanation, that is, structural problems have structural solutions” (Savaş et al., 2024, p. 949).

On the praxis side, there is no single approach to a feminist or inclusive pedagogy, although common elements include the encouragement of “reflection, student engagement, and the importance of connecting theory and individual human experiences” (Budrytė, 2021, p. 52). There is a particular focus on decentering authority in the classroom and recognizing students as sources of knowledge, as well as disrupting patriarchal systems of knowledge production and transmission (Budrytė, 2021; Parisi et al., 2013). In these pursuits, instructors might consider:

- Allowing students to identify issues or topics that they would like to prioritize during the class.
- Incorporating activities assignments based on “alternative” or creative forms of knowledge transmission, such as art walks, creative performances, role-playing games, blog writing, social media posts, poetry writing, etc.
- Incorporating non-traditional texts and resources, including personal or even fictional accounts of gender-based experiences alongside textbooks or journal articles (Parisi et al., 2013).

GENDER EQUALITY

The Concept

When discussing human rights through the lens of gender, two major questions that arise are how much progress the world has made toward gender equality and how much inequality remains. This conversation can be complicated by misunderstanding or misuse of key terms, such as gender parity, gender equity, and gender equality. *Gender parity* looks only for similar numeric outcomes for girls or women and boys or men, such as with enrollment rates or proportions of seats in legislatures. *Gender equity* “refers to differential treatment that is fair and positively addresses a bias or disadvantage that is due to gender roles or norms” and is a key step towards achieving *gender equality*, which requires “equal conditions, treatment, and opportunities for realizing their full potential, human rights, and dignity” for all genders (UNICEF Regional Office for South Asia, 2017, p. 3; see also Grogan, 1999; Harder, 2023 for more detailed discussions of these concepts).

When it comes to measuring progress towards the fulfillment of any set of rights, most research focuses on how close countries have come to fulfilling their obligations under relevant international human rights treaties (IHRTs). For gender equality, the primary IHRT related to gender is CEDAW, although there are provisions for gender equality in other core IHRTs housed at the United Nations, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. There are also several regional instruments related to gender,⁵ as well as a variety of General Recommendations from the CEDAW Committee⁶ that interpret and expand the text of CEDAW.

CEDAW identifies that women and girls have equal rights to men and boys in all spheres of life. In the civil and political sphere, these include equal rights to vote and run for political office and to acquire and change their nationality.

⁵ Examples include the Inter-American Convention on the Prevention, Punishment and Eradication Violence against Women (Organization of American States, 1994), Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (African Union, 2003), Declaration on the Elimination of Violence against Women in the ASEAN Region (Association of Southeast Asian Nations, 2004), and Convention on Preventing and Combating Violence against Women and Domestic Violence (Council of Europe, 2011).

⁶ Treaty bodies, such as the CEDAW Committee, can release general recommendations (sometimes “general comments”) which reflect their interpretation of their treaties’ provisions. These recommendations are not legally binding, in the strictest sense, but they are seen as authoritative (UN OHCHR, 2025).

In the economic sphere, they have equal rights to pursue employment opportunities, be paid, and receive social security. And in the social and cultural sphere, there are equal rights to access healthcare, use bank accounts, participate in cultural life, choose their spouses, and make decisions about their children (including how many to have and when to have them) (UN General Assembly, 1979). The CEDAW Committee's General Recommendations 19 (1992) and 35 (2017) also explicitly incorporate violence against women and girls into the definition of gender-based discrimination. Under CEDAW, states not only have the obligation to refrain from discriminating against women but also to abolish existing laws and customs that are discriminatory and to pass new legislation advancing women's rights (UN General Assembly, 1979).

Importantly, there has been significant progress when considering the rights of women and girls under CEDAW. From 1998 to 2018, the number of girls out of school around the world decreased by 79 million, and the female youth literacy rate increased from 80 percent to 90 percent. Between 1995 and 2018, the proportion of women who were married as children decreased from one in four to less than one in five, and the adolescent birth rate decreased from 60 births per 1,000 girls to 44 births (UNICEF, 2020). From 1995 to 2016, women's share of parliamentary seats increased from 11.3 percent to 22.8 percent (UN Women, n.d.).

However, as the statistics above also demonstrate, there remain many abuses and inequalities. For example, at the current rates of improvement, child marriage will not end until 2092, and gender parity in legislatures will not be reached until 2063 (UN Women and UN Department of Economic and Social Affairs, 2024). Additionally, 47.8 million more women than men experience moderate or severe food insecurity. Girls still account for nearly three out of every four new HIV infections among adolescents (UNICEF, 2020). And around the world, "54% of countries do not have laws that base the legal definition of rape on the lack of freely given consent," and "1 in every 8 women and girls aged 15–49 was subjected to sexual and/or physical violence by an intimate partner in the previous year" (UN Women and UN Department of Economic and Social Affairs, 2024, p. 2).

Pedagogical Challenges

There are two big challenges involved in conceptualizing and tracking gender-based human rights. The first is that gender equality is a difficult concept to quantify in its entirety—even focusing on women's rights under CEDAW requires detailed indicators for every area of life, and many such indicators do not have global coverage for comparison and are proxies (at best) of women's enjoyment of their rights (Hill & Watson, 2019). Many feminist scholars would also push back against quantifying lived experiences this way in any form

(Parisi, 2009). Students may feel dissatisfied by data gaps that limit our ability to holistically summarize progress towards gender equality or overwhelmed by the sheer complexity of the issue.

A second challenge is that “gender equality,” at least in terms of international human rights law, is often focused on the rights of women and girls—nonbinary and transgender individuals are frequently left out of the discussion. This is at least partly reflective of the lack of a global human rights treaty dedicated to these groups. Although the CEDAW Committee has mentioned transgender women and intersex individuals in several General Recommendations since 2014, they have yet to address nonbinary individuals. There has also not been a General Recommendation formally extending the definition of “women” in CEDAW to be inclusive of these groups (Jorge et al., 2021). CEDAW has been criticized as potentially reinforcing a binary conceptualization of gender (Hernández-Truyol, 2011; Otto, 2015).

The most relevant international instruments for the rights of transgender and intersex individuals are the Yogyakarta Principles and the Yogyakarta Principles plus 10, which are focused on the rights of LGBTQIA+ individuals. While powerful, these principles do not have the legally binding power of an IHRT and, thus, have largely been left out of global human rights measurement efforts (as well as facing criticisms of their own around their definition of gender) (Duffy, 2021). This is, of course, in addition to the stigma, persecution, and marginalization of these groups in society and in data collection discussed above.⁷

Teaching Tools and Strategies

There are three primary strategies for addressing these challenges. First, instructors can review data collection and measurement projects that do produce summary measures of gender equality, offering these as tools for students to get a high-level view of the state of gender equality in countries around the world. Some examples of projects that are commonly used in political science-based human rights research include:

- CEDAW Compliance Codes (Hill & Watson, 2017, 2019)
- CIRIGHTS (Mark et al., 2023)
- F&M Global Barometer of Gay Rights (Dicklitch-Nelson et al., 2019)

⁷ Despite the lack of a formal IHRT dedicated to these issues, the United Nations’ Human Rights Council established an Independent Expert on Sexual Orientation and Gender Identity in 2016, which indicates their increasing prioritization of these issues.

- F&M Global Barometer of Transgender Rights (F&M Global Barometers, 2025)
- Gender Development Index (UNDP, 2025a)
- Gender Inequality Index (UNDP, 2025b)
- Gender Social Norms Index (UNDP, 2023)
- Global Gender Gap Report (Pal et al., 2024)
- International Lesbian, Gay, Bisexual, Trans and Intersex Association World Database (n.d.)
- Social Institutions and Gender Index (OECD, 2023)
- WomanStats Project (Caprioli et al., 2009; WomanStats, 2022)
- Women, Business, and the Law (World Bank, 2023)

These projects can be paired with a discussion of the limitations of summary or composite measures, including the general focus on national-level statistics (which obscure variation at the sub-national level), a frequent lack of intersectional data (obscuring variation in experiences for individuals with overlapping marginalized identities), the ability for composite measures to obscure important variations in their component parts, and concerns about the most mathematically appropriate way to combine different indicators into a single index.⁸

Second, instructors can use the limitations of summary measures to introduce a discussion of feminist, queer, decolonial, and otherwise inclusive data collection principles and methodologies (D'Ignazio & Klein, 2020; Guyan, 2022; Smith, 2021; Tacheva, 2022). This is a chance for students to critically engage with data collection practices, to learn more about the constraints that data collection procedures place on conclusions that can be drawn and applications that can be made, and perhaps to even engage in data collection efforts of their own to address the shortcomings of existing data or measures.

Third, instructors can highlight qualitative research, personal accounts, and grassroots data collection projects to complement, contextualize, and problematize global data collection and measurement efforts. While high-level measurement projects give students the ability to compare across country contexts and draw conclusions about international trends, work that is deeply embedded in local contexts provides a personal, human element that large-scale quantitative data cannot (see, for example, D'Ignazio et al., n.d.; GROOTS Kenya, n.d.).

⁸ See Watson and Kaletski (2024) for a more complete discussion of gender and data and Landman and Carvalho (2010), UN OHCHR (2012), Watson et al. (2024), and Chapters 10 and 11 in this volume for further discussions of strengths and weaknesses of different approaches to measuring human rights, including composite measures.

INTERSECTIONALITY

The Concept

Another challenge to teaching gender and human rights arises because gender identities are not experienced in a vacuum. Identities converge on multiple levels, each a unique experience. For example, in a review of United States maternal mortality rates in 2022, there were 49.5 pregnancy-related deaths per 100,000 live births among Black mothers, compared to 19 pregnancy-related deaths per 100,000 live births among white women. When reviewing 2023 education data, 24.8 and 19.5 percent of Hispanic women and American Indian and Alaskan women, respectively, reported less than a high school education, while only 5 percent of white women reported less than a high school education (Economic Policy Institute, 2024). Recognizing the intricacies of identities is necessary in gender and human rights education.

In 1989, Kimberlé Crenshaw introduced the term *intersectionality* to describe individuals' unique experiences based on overlapping social identities, which can lead to concurrent oppression and discrimination (Crenshaw, 1989; The Editors, 2020; United Nations Network on Racial Discrimination and Protection of Minorities, 2023). Initially, intersectionality drew attention to discrimination experienced by Black women, but it now serves as an expansive framework within political science and other social sciences, incorporating overlapping marginalization based on ethnicity, sexuality, disability, and more (Al-Faham et al., 2019; Brown et al., 2021).

Approaches informed by intersectionality evaluate the “interconnectedness of sociopolitical categories that overlap with systems of discrimination or disadvantage” (Brown et al., 2021, para. 1). In political science, the experiences of populations with a history of systematic oppression are frequently evaluated within the frameworks of institutions and culture. For example, analyses of gender-focused policies and legislation must consider how background, race, and class can influence outcomes (Crenshaw, 1989), as well as social norms and domestic institutions (Weldon, 2006). Recognizing the complexity of inequalities across multiple identities and contexts is the only method of identifying effective policy and human rights strategies (UN Women, 2021; Weldon, 2006).

Pedagogical Challenges

Despite intersectionality's widespread use, there are some challenges to teaching the concept. One challenge is the complexity of applying an intersectional methodology, which must incorporate “multiple dimensions of social

life and categories of analysis” (McCall, 2005, 1772). There are also varying approaches to studying intersectionality, because different research fields have individualized methodological practices (McCall, 2005). This can all be daunting to apply, which is sometimes used to infer that a situation is too complicated for actionable change (Columbia Law School, 2017).

A second challenge is educating students on power and privilege. Power is “the ability to influence and make decisions that impact others” and privilege is made up of “advantages and benefits that individuals receive because of social groups they are perceived to be a part of” (Dartmouth Office of Pluralism and Leadership, n.d.a). Speaking about power and privilege can be difficult, and students may restrict their questions or participation in class discussions for fear of saying something offensive. Additionally, students may worry that their peers will discredit their social identities and experiences or compare them negatively (Dartmouth Office of Pluralism and Leadership, n.d.b). Ultimately, there are cultural norms that can uphold power and privilege in the classroom, which adds to the pedagogical challenges of discussing intersectionality (Proctor et al., 2017).

Teaching Tools and Strategies

We suggest two broad approaches to addressing these challenges. First, instructors and students should promote self-awareness (Proctor et al., 2017). Classroom participants should acknowledge their personal values, recognize others’ multiple identities, and consider socially embedded privilege, and instructors, specifically, should understand their potential impact on students (Carroll, 2009; Proctor et al., 2017). Building awareness of one’s own social identities can support educators in teaching intersectionality with more confidence (Hooks, 1994). And utilizing classroom activities that identify social identities can support critical thinking about individuals’ intersecting identities and the potential privileges of students who are not of marginalized identities (Kwak, 2021).

The second approach involves creating a curriculum that emphasizes multiple identities and analyzes structures of power—while recognizing that it is impossible to summarize all human experiences in one course. Instructors can choose a few core policy areas to focus on, providing examples of systematic oppression and highlighting how individuals of different identities can experience these issues differently (Rasmussen, 2014). The goal should be to provide frameworks that students can apply to other topics or identities on their own, rather than trying to squeeze in how every policy might affect individuals of every identity.

BOX 8.3 SUGGESTED ASSIGNMENT: INTERSECTIONALITY IN FEMINIST SOCIAL MOVEMENTS

This assignment aims to draw students' attention to how social movements,⁹ both domestic and international, incorporate intersectionality into their overarching goals and messages. Through this activity, students will learn how activism is deeply impacted by individuals' intersecting social identities.

In groups, students will select a feminist social movement of their choice. Some examples include #Me Too, equal pay movements, and the transgender rights movement. Students are encouraged to evaluate feminist social movements from various geographical regions and are not restricted to those originating in the United States.¹⁰

After selecting a feminist social movement, students will answer the following questions in their groups:

- When and where did the feminist social movement originate?
- What was the “spark” or “catalyst” that launched the movement?
- What are (or were) the central goals and message of the movement?
- What identities, in addition to gender, are (or were) foundational components of the movement's leadership and participants?
- How is intersectionality present in the movement's goals and strategies?

Finally, as an entire class, discuss the following question:

- Why is intersectionality important in political activism and feminist social movements?

CULTURAL RELATIVISM

The Concept

Cultural relativism posits that “all cultures, practices, and the tradition should be respected (even if they might collide with other sets of rights) and that development programs should not interfere with the cultural representation

⁹ Social movements are “(a) mostly informal networks of interaction, based on (b) shared beliefs and solidarity, mobilized around (c) contentious themes through (d) frequent use of various forms of protest” (della Porta & Mattoni, 2016, para. 1).

¹⁰ See the Council of Europe's (n.d.) article “Feminism and women's rights movements” for suggested social movements and additional background.

and social norms prevailing in a society” (International Training Centre of the ILO, n.d., p. 2). More simply, cultural relativism holds that international law should respect all cultures, and no singular culture should dictate universal human rights positions (Msuya, 2019). This perspective is frequently at odds with that of universality, which assumes, in its most radical form, that moral rights have universal adherence and that culture should not influence human rights standards (Donnelly, 1984).

The tension between universality and cultural relativism means that attempts to create or enforce universal human rights standards can create conflict in different communities and cultures. Some argue that universal human rights practices are a Western concept that can go against the traditions of non-Western communities (Agyeman & Momodu, 2019). In gender-specific conversations, a focus on cultural relativism can encourage repression through upholding patriarchal systems and traditional practices that restrict the agency of girls, women, and nonbinary individuals (Office of the United Nations High Commissioner for Human Rights, n.d.). This can make it difficult to make advances toward gender equality.

However, support for cultural relativism does not necessitate the end of progress for gender equality. The United Nations Special Rapporteur in the field of cultural rights has proposed to “shift the paradigm from one that views culture merely as an obstacle to women’s rights to one that seeks to ensure equal employment of cultural rights; such an approach also constitutes a critical tool for the realization of all their human rights” (United Nations, 2012, p. 5). Ultimately, it is necessary to both respect cultural diversity and also ensure that cultural relativism is not the reasoning behind gender inequalities.

Pedagogical Challenges

Similarly to the challenges international bodies face when creating universal human rights standards, instruction on gender may diverge from students’ cultural experiences. Discussions on human rights policy may disrupt traditional or conservative norms from the countries, communities, or families in which students were raised (Goodhart, 2018), potentially leading to difficult discussions. Instructors may worry that addressing issues related to deeply embedded cultural norms may be too likely to lead to arguments or unmanageable emotions in the classroom (UConn Center for Excellence in Teaching and Learning, n.d.) or be overwhelmed by the thought of trying to address the full array of cultural perspectives on each relevant human rights issue.

Teaching Tools and Strategies

We suggest that the potential for challenging discussions should not result in human rights instructors avoiding the topics of cultural relativism and gender; instead, we can use them as opportunities to highlight diverse perspectives and lead our students to engage deeply and personally with course content. As with the strategies for addressing other challenges in this chapter, instructors can educate themselves on diverse cultures, have an inclusive curriculum, and encourage multiple-perspective discussions (Lynch, 2014; Will & Najarro, 2022).

As with intersectionality, no one can cover every cultural approach to every gendered human rights issue in a single course—instead, instructors can pick relevant case studies from different cultures that correspond with topics on the syllabus and highlight brief examples where interpretations or experiences of gendered human rights norms may differ. For example, when defining gender, instructors may consider addressing colonization and the repression of domestic and Indigenous populations’ cultures around gender. Around the world, there are communities who celebrate and honor those identifying with multiple genders: Native American, West African, South Asian, and Southern Mexican cultures all have pre-colonial histories of third-gender and two-spirit identities (HRC Staff, 2020). In fact, research has found over 150 Native American tribes that have third-gender and two-spirit identities among their gender norms (Point of Pride, 2024). Western colonialism forced “conversion to the colonizer’s religious institutions, the imposition of a rigid gender binary on colonized persons, and the criminalization of gender and sexual nonconformity” (UN Human Rights Office of the High Commissioner, n.d., para. 5).

Instructors should also consider how Western terminology and “universal” terms, in general, are non-inclusive to many culturally based identities. Traditional Western teachings often lack representation of culturally diverse gender identities and sexual orientations (Baudh, 2021). Incorporating the traditions of various cultures into the curriculum will help educate students on this diversity and encourage conversations on how human rights advocacy can promote both cultural inclusivity and progress towards gender equality.

Finally, instructors should also encourage students to evaluate human rights practices with the “social reality of human dignity” in mind (Goodhart, 2018, p. 404). Goodhart posits that social reality is the recognition that human dignity is neither universal nor concrete across time and place. Therefore, human rights practices challenge the existing social structures of a country and change the perceptions of human dignity.

BOX 8.4 SUGGESTED ASSIGNMENT: GENDER SOCIAL NORMS INDEX

In this assignment, students will learn how to interpret reports, engage with human rights data, and deduce trends in real-world gender norms. Recognizing gender norms at a country level is foundational in instituting practical international human rights standards. Students will discover through this assignment the challenges in identifying universal human rights and cultural relativism's role in refuting evidence of gender violations (Msuya, 2019).

First, have students review the most recent publication of the United Nations Development Programme's Gender Social Norms Index (GSNI) (UNDP, 2023) and CEDAW (UN General Assembly, 1979). Then provide them with the following tasks:

- In your own words, summarize the GSNI and how it is calculated, referencing its dimensions and indicators. (Dimensions, in simple terms, are the categories that make up an index, while indicators are the means of quantifying aspects of each dimension. In the case of the GSNI, there are four dimensions—political, educational, economic, and physical integrity—which are each measured with the responses to one or two survey questions.)
- Select two countries and state their total GSNI score and dimension-level scores.
- Research the cultural norms and traditions of both countries and compare them to CEDAW's articles. Where do the selected country's cultural norms converge and diverge with the standards set in CEDAW?

HOPELESSNESS, RETRAUMATIZATION, AND BURNOUT

A final pedagogical challenge for teaching human rights through the lens of gender is the possibility of encountering hopelessness, retraumatization, and burnout—in our students and in ourselves. Understanding the breadth and depth of gender inequalities can also be emotionally devastating, feeding feelings of ineffectiveness or nihilism. This kind of overwhelm can make it difficult for students to emotionally invest in not only course content but taking concrete steps that could potentially help—it's just too hard to know where to begin, and the knowledge that there will only be more problems to address may make it seem like there is no real path to gender equality.

Approaches to addressing these feelings will differ, but one important strategy is to systematically highlight examples of successful interventions and progress alongside critiques of unequal systems or abuses. Another is to provide assignments or activities that allow students to take specific actions on issues

that matter to them—writing letters to public officials, creating infographics that they can share to inform people about their chosen issue, interviewing local non-profits working on their chosen issue, or even raising money for a cause together (Parisi et al., 2013). Highlighting success stories can keep students from getting bogged down in overwhelming negativity, and offering scaffolded opportunities for students to take action themselves can combat feelings of helplessness.

Many of our students will also be asked to engage with content that touches on their traumatic lived experiences and with classmates who may (unintentionally or otherwise) invalidate those experiences. For example, harassment and gender-based violence are common topics that arise when discussing gender and human rights. Globally, 36.9 percent of college students report experiencing sexual harassment (43.7 percent of female, 16.8 percent of male, and 33.4 percent of nonbinary students) (Telfils et al., 2024). And in the United States, 26.4 percent of female students and 6.8 percent of male students report experiencing rape or sexual assault (RAINN, n.d.). For too many of our students, these are not purely scholarly topics, and encountering them in the classroom may bring up difficult memories and emotions.

Retraumatization is a particularly difficult challenge to address, because we cannot avoid difficult topics solely because they are difficult—these are frequently some of the most important topics to cover! Instead, we must work to create classroom “brave spaces,” where our students are enabled “to listen, take risks, face fears and sometimes, to be vulnerable,” within the broader context of clear ground rules that govern students’ interactions with each other and an environment in which students know that they will be supported in navigating pain and other complex emotions (McLean, 2023, p. 478). Beyond moderating discussions and directly responding empathetically to students’ comments about their experiences, support can be offered through encouraging students to check in with each other before or after class, leave the room to take a break as necessary, access campus support services or local or national hotlines, and engage with self-care activities (McLean, 2023).

It is also important to keep an eye out for behaviors that may be related to trauma responses: “tardiness and poor attendance; failure to submit assignments; quiet and withdrawn from class discussions; easily angered or agitated; [or] unable to collaborate productively” (Rahimi & Liston, 2023, p. 3). Although it is important not to try to diagnose our students, such signs can be indicators that it is time for a gentle check-in—and potentially a referral to campus mental health resources.

Managing all of these emotions as an instructor—building a community that can discuss difficult topics, helping students navigate the emotions that arise when discussing difficult topics, mediating among conflicting perspectives, addressing marginalizing behavior—is very intense, especially for the duration of an entire academic term (or academic year, if someone regularly teaches

these courses). It is a demanding form of care labor, and it is all too easy for that emotional burden to lead to burnout, especially on top of other academic responsibilities. And burnt-out instructors cannot effectively lead these efforts in the classroom.

One approach to avoiding burnout is to space particularly emotionally demanding courses across terms and academic years in a way that allows for recuperation between them, although this is dependent on resources and a supportive department. On a more daily basis, though, it can help to focus on (and even keep a record of) the high points of teaching—the warm student emails, the “aha” moments, the classroom success stories—just as it is important to highlight success stories in the real world to stave off hopelessness. It is also vital to incorporate structured debriefing from intense emotional moments with students and to refill our emotional cups with plenty of sleep, connecting with our support networks, engaging in physical activity or mindfulness exercises, or other personalized strategies (Barthwal-Datta et al., 2024; Parisi et al., 2013).

BOX 8.5 SUGGESTED ASSIGNMENT: ADVOCACY PROJECT

In this assignment, students will choose a local gender-based human rights issue to focus on. Throughout the term, they will produce four pieces of content advocating for specific, actionable changes in the public response to their chosen issue: a flyer or infographic, a blog post, a letter to a public official, and a podcast. Each element focuses on a different aspect of their chosen issue. The infographic shares key statistics related to their issue. The blog post highlights a relevant individual story or case. The letter to the public official advocates for specific, research-backed policy changes. And the podcast, geared toward a general audience, acts as a summary of all of the above.

Resources permitting, students should be encouraged to engage with a local non-profit organization working on their chosen issue, both to engage with community-led approaches to addressing the issue and to help students see the importance of identifying and working on human rights issues in their own communities.¹¹ (If there are no organizations working on this issue in the same town, students could reach out to organizations working at the provincial or national level, instead.) These organizations can help provide statistics, success stories, and strategies for action based on their actual experiences.

¹¹ Examples of these projects can be found at <https://www.kannewatson.com/advocacy-projects>.

CONCLUSION

As a key identity held by individuals around the world, it is vital that gender be considered in any discussion of the realization of human rights. However, unlike many human rights and other political science topics, gender is something with which all of our students have lived experience. That can make it both particularly rewarding and particularly challenging to teach. It directly impacts our students' lives in ways that some topics never will, but it also comes with closely held preconceptions, prejudices, cultural considerations, and traumas that other topics don't necessarily exhibit. Addressing these concerns requires concentrated efforts by instructors at every level of course execution—from constructing the syllabus and assignments to engaging with students in the classroom to properly supporting students' well-being (and their own). In this chapter, we have provided strategies for navigating these issues.

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9. Political economy

Susan Kang and Stephen Bagwell

LEARNING OBJECTIVES

By the end of this chapter, instructors will be able to:

- Guide students to connect political economic events to shifting opportunities and challenges integral to the demands and protections of human rights.
- Demonstrate to students the relationship between economic constraints on political decisions to respect, protect, and fulfill rights.
- Create learning materials for their students which enable them to also understand political economy approaches to rights.

INTRODUCTION

Political economy is a wide area of study, encompassing a range of subjects and approaches that exist at the intersection of politics and economics. While there is no authoritative definition, we can understand political economy as “the expression of increasing awareness that the linkage of the economy and the polity are fundamental to the understanding of contemporary societies” (Cardinale & Scazzieri 2018, 1). As an approach, political economy considers how economic conditions influence and affect political outcomes, as well as how political conditions and contexts affect economic outcomes. While some, such as Weingast and Wittman, understand political economy in a more narrow way, “the methodology of economics applied to political behavior and institutions,” we take the broader, more interdisciplinary and methodologically diverse approach in this chapter (Weingast & Wittman 2008, 3). The political economy approach gives space to a variety of methodologies and understandings and, in fact, some interpretations focus mostly on applying quantitative methods to the study of rights issues. This can include measuring state compliance with rights obligations (Murdie & Watson 2021; Watson et al. 2024) and

using inferential statistics and machine learning to predict where, when, and how often rights would be respected or violated.¹

When applied to human rights, this approach allows us to show students how to analyze political economy as both a dependent and independent variable in relation to human rights. We can analyze how shifting material economic conditions lead to demands for new rights, how changing economic conditions may challenge existing rights, and how respect (or a lack of protection) for certain human rights can influence economic outcomes. A political economic approach to the study of human rights can also include empirical research on human rights, with a focus on economic and economic-related factors. If we understand that much political conflict is a result of the interplay of greed, grievance (Collier 2004), repression, and dissent (Davenport 2007), then we can easily see how economic factors might motivate political conflict, including human rights abuses. These political economic factors can in turn lead to incentives for repression.

In this chapter, we will discuss human rights and political economy in a topical way, linking together human rights developments to the demands and challenges of major political economic developments: colonization; development; industrialization; globalization; global financial crisis; Covid-19; and global development goals. In each section, we also discuss major empirical approaches to human rights and political economy. Additionally, we present pedagogical suggestions on how to incorporate political economy in teaching human rights, as they relate to the major topics.

In many ways, this chapter takes a Polanyi-based approach to understanding the political economy of human rights. Karl Polanyi argued that despite the attempts to separate economics and markets outside of social and political contexts, “economic systems, as a rule, are embedded in social relations; distribution of material goods is ensured by noneconomic motives” (Polanyi 2001, 279). Our approach allows instructors to use different political economic topics to show students how economics has always existed within political and social contexts and, as a result, the externalities of capitalist production (aka “the social question”) opened conditions that led to the creation, practice, and knowledge production of human rights. We do not wish to argue that political economic conditions alone led to the creation of these rights, but rather that new political economic developments challenged existing social and political orders. This disruption, or contradiction, creates space for new political debates, new actors, new distribution of resources, and eventually a demand for new rights. In no way are the examples of this chapter comprehensive,

¹ See also Chapter 11 in this volume for additional discussion of the quantitative approach and Chapter 10 for qualitative and mixed-methods approaches.

exhaustive, or all-inclusive, but the chapter is designed to give you as an instructor a starting point to using or explaining to students how to use political economic approaches.

COLONIZATION

We understand colonization as a broad historical period beginning in 1492, when European colonization of the “New World” began, until the mid-nineteenth century, around the Congress of Berlin in 1878, when European powers divided up the African continent for their colonial aims. While this is a huge expanse of time, it was important as both a pivotal but somewhat slow stage for major revolutionary changes in the political and economic foundations of the “first global economy.” European “discovery” of lands led to the establishment of European outposts through Asia and the Americas. This “Age of Exploration” led to new economic developments, such as credit and insurance (for ships) and, notably, possibilities for the accumulation of unseen levels of private wealth, now available to those without heritable titles. This wealth accumulation also required labor to extract precious metals or work the land for lucrative labor-intensive cash crops like sugar, tobacco, and cotton. A key point to emphasize for students is that the *changing material and ideational conditions* among social groups had political implications, as new actors began to make claims against the state (itself a relatively new actor) and profit-seekers.

Students may not be familiar with how this period of time created new incentives for states to raise taxes. During the time of European expansion, European countries, which were often more fractured and indirect in their rule than their modern counterparts, needed new ways to raise revenue, to fund and fight wars (especially the major continental wars such as the Thirty Years War). The older models of revenue raising (through taxation of local elites, who in turn taxed their subjects, usually taking a share of agricultural output) had become less effective. Successful colonial powers like Spain found new revenue sources through mining silver and gold in the New World. Students should learn about how competing European countries—who lacked access to precious metals in their colonies—had to compete by modernizing their military and security forces, creating standing armies, police forces, and consolidating political power within their borders to effectively defend against threats, both internal and external. But to effectively justify the state’s direct taxation of their subjects, states needed to bargain with their subjects, who made demands to become citizens. As Charles Tilly writes, “popular resistance to war making and state making made a difference. When ordinary people resisted vigorously, authorities made concessions: guarantees of rights, representative institutions, courts of appeal” (Tilly 1985, 183).

Students would benefit from learning about how these new forms of economic production led to serious philosophical debates that became the foundations of liberal political theory. Under the economies created in the early colonial period, philosophers and political leaders debated two related controversies: the right of the king to claim rights to the property of his subjects (through taxation) and the treatment of these non-European populations, who were largely regarded as lacking rights because they lacked “reason.” Natural rights scholars led in these debates, making significant contributions to the creation of liberal political philosophy. Questions over property led to the proliferation of social contract rights theorists, such as John Locke, who argued the men had a right to “life, liberty and property” and justified colonialism because of the value that Europeans added to land—which indigenous people did not (Locke 1967). New forms of property rights, such as shifting collective property (the commons) to private (through the Enclosure Acts) led to the creation of radical movements during the English Civil War, where emerging movements such as Diggers and Levellers, as well as “masterless” men, made new claims about egalitarianism, religious freedoms, and democratic political rights (Hill 2020).

Intellectuals and clergy also dealt with questions about the treatment of indigenous people, such as Vitoria and Grotius, natural law philosophers who made arguments about the rights and claims to rationality of indigenous people under Spanish colonial rule (Shrinkhal 2019). With the widespread decimation of indigenous people, European colonies relied on the emerging transatlantic slave trade. Bartolomé de Las Casas, a Franciscan cleric, argued most forcefully against the enslavement of American indigenous people and the African slave trade. While indigenous and enslaved people did not often participate in these debates, these changing materials and ideational conditions laid the foundations for future movements for such rights. (Shrinkhal 2019).

This in turn led to the political conditions of the early “bourgeois” revolutions—the English Civil War, American, French, and Haitian revolutions—unique for their anti-colonial and national struggles, and their main player challenged the taxation power of the crown. These revolutionary wars were made possible by the creation of an independent bourgeoisie that had political and economic claims outside of conventional bureaucracy. In addition, the French revolution rejected the opulence of the aristocracy (and their wartime spending) during times of poverty for working people. The Haitian revolution was substantively different from the American and French revolutions because it was a slave revolt, with much more revolutionary social and economic outcomes, but it also inspired the values of these previous revolutions. The Haitian revolution was noteworthy for its claims of racial equality and challenging the exploitative plantation system of political economy. However, France charged Haiti 150 million francs in reparations, leading to the first instance of Global

South indebtedness (Gamio 2022), which continues to hurt human rights outcomes (Bantekas & Lumina 2018).

EXERCISES 1 AND 2

Teaching exercise 1: Find a natural rights theory text (Hobbes, Locke, or Rousseau; full texts are available online). Have students evaluate a passage from a key text and describe what kind of economic conditions are important to the relevant political debates and discussions.

Teaching exercise 2: Assign students to read Bartolomé de las Casas' *A Short Account of the Destruction of the Indies*. Have students look up information on the economic benefits that the Spanish crown gained from its colonial conquests and write a short response.

DEVELOPMENT

Post-Second World War Prosperity

Economic development has long been understood as a method to improve human rights conditions. However, one interesting puzzle is that the process of development sometimes creates incentives for repression—and dissent. Students will benefit from exposure to key empirical studies that investigate how relationships between development and state capacity impact human rights outcomes. Research shows a strong consensus that states with less capacity generally repress more (Abouharb & Cingranelli 2006; Davenport 2007; Englehart 2009), though with some puzzling exceptions (Kleinfeld & Barham 2018).

The ways in which states develop capacity, such as relying on resource, rent, or tax revenues, also shape incentives to repress, with more resources and fewer taxes related to more repression (DeMeritt & Young 2013). This is related to research on the resource curse. As natural resource wealth (or other forms of “unearned income”) increases so too do bad political outcomes. Oil and gas wealth increase the duration of authoritarian regimes, which are on average more repressive than their democratic counterparts, increase corruption, and increase the probability of experiencing civil conflict (Ross 2015). More specific to human rights, unearned revenues decrease the reliance of the state on its population, making repression a less costly strategy. Further severing the responsiveness of the state to its populace by increasing authoritarianism also leads to decreasing costs of repression (Conrad & DeMeritt 2012).

Related to economic development, a body of literature separately investigates the provision of things like healthcare, education, labor, and social safety nets. Przeworski (2004) argues that democracies produce better economic outcomes outside of growth, also impacting rights-adjacent outcomes like life expectancy (right to health), women's economic participation and wages (women's economic rights), and maternal mortality (right to health). Increased economic development is also associated with better gender parity, insofar as development decreases poverty and creates conditions for women to demand compensation for previously unpaid labor either in the home or in agriculture (Duflo 2012). An adjacent literature in the peacebuilding and conflict recovery fields highlights changes to demands and fulfillment of rights after conflict. Hughes and Tripp (2015), for example, find that after 2000, as norms related to women's political representation spread, women were able to make greater progress towards political equality after civil conflicts.

In addition to fighting for a general right to development, individual post-colonial and Global South countries began to implement new forms of developmental strategies. These Global South-based theories of development, and related industrial development policies, challenged Global North hegemony, tying colonialism and exploitation into their analysis. Economists from South America observed that many developing countries stayed poor while rich countries got richer. These dependency theory economists, led by Raul Prebisch, Andre Gunder Frank, and Theo Dos Santos, argued that countries like Argentina suffered from dependent development, and their relative poverty was the result of their position within the global economy (Angotti 1981). Dependent countries mostly sold agricultural and other commodities (i.e., raw materials like metals and minerals) and imported expensive manufactured products from rich countries. Thus, these countries would always be in a subservient position to the capital interests of powerful countries like the United Kingdom and United States (US), rather than failures within the country itself. While liberal Western countries urged that developing countries engage in trade liberalization (reducing trade barriers), dependency theorists argued for protection. These radical economists proposed a new form of development policy, subsidizing domestic industries from foreign competition through "import substitution industrialization"—protecting their infant industries from competition through subsidies and tariffs. These policies were implemented in a diversity of countries and led to periods of high growth, such as the Mexican and Brazilian miracles (Irwin 2021). Growth in import-substituting countries, however, did not guarantee subsequent improvements in fulfillment of rights (Donnelly 1984; Hewlett 1979).

Whereas Latin American countries experimented with import substitution industrialization, East Asian countries engaged in their own developmental experiments. The "Asian Tigers," including South Korea, Taiwan, Singapore,

and Hong Kong (all newly independent countries), adopted a trade-related form of development. However, since they lacked the natural resources and conditions for agricultural production of Latin American countries, their trade advantage came from exporting low-cost manufactured goods, mostly textiles, shoes, clothing, and small electronics. These countries limited their citizens' purchases of imported goods through luxury taxes and protected their developing heavy industries. This led to decades of high economic growth and the creation of high-quality, cost-efficient goods in competitive global industries, including shipping, automobiles, computers, telecommunications, and large consumer electronics (Chang 1993). As a result of this development strategy, the Asian Tigers experienced double-digit economic growth and rapid industrialization.

The post-Second World War period was also a time of new social movements, reflecting social and economic mobility for historically marginalized groups (such as women, racial minorities, and sexual minorities). These movements championed changing social norms, new family structures, and political demands for a range of rights (e.g., women's educational and employment attainment, civil rights in the US, Black power and the age of Africa). The civil rights movements led to the spread of a global anti-apartheid movement, a rejection and challenge to economic structures based on racial inequality. The movement mounted successful challenges through political protests like boycotts, divestment, and shareholder activism, often led by Black leaders (Stewart 2011).

EXERCISE 3

Small-group activity: Review the text of the Establishment of the New International Economic Order (<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/2775/download>). Identify the main economic and social problems discussed in the document and how they relate to human rights violations. Have any of these issues been addressed since 1974? Explain how they have or have not. What would the establishment of a New International Economic Order written today look like?

Later Cold War Period: The End of the Economic Miracle and Political Shifts

The end of the post-Second World War period of unprecedented economic growth led to new struggles, new political movements, and new demands for rights. We demarcate this period as beginning in 1971, with US President

Nixon announcing the end of the full convertibility of the US dollar to gold, thus throwing the stability of the global economy, often called the Liberal Economic Order, into uncertainty. Countries in the Global North and Global South both faced challenges, such as the Organization of the Petroleum Exporting Countries (OPEC) oil crisis, stagflation, and economic uncertainty and instability. The OPEC model of limiting production to increase prices for commodities, often used in the Global North, led to new political organizing in the Global South, called the New International Economic Order. This sought to change the terms of global trade, including better prices for primary goods and more developmental assistance for developing countries. Global South countries, many of which had enjoyed economic growth in the post-war period, found themselves in crisis during the 1970s. The US dollar, no longer a stable currency backed up by gold, continued to enjoy global dominance, and the new market-based currency regime led to financial and currency instability. When large banks began lending directly to countries in the Global South, capital was available to those countries but came with the risks of growing interconnectedness. When stagflation hit the US, and the US Federal Reserve raised interest rates to unprecedented levels to lessen inflationary pressures, countries from the Global South could no longer afford to pay back the loans from those banks, and this led to financial crisis contagion and to the conditions that fueled the Third World Debt Crisis of the 1980s (Painter 2014).

Second-wave feminism (and increased educational and career attainment for women, especially in the Global North) led to greater demands for both political/civil rights and economic and social rights for women. In many countries, suffrage was expanded to include women and countries began to implement policies to support women's educational and employment attainment, as well as protections of reproductive rights. In 1979, declared by the United Nations as "Year of the Woman," the Convention on the Elimination of Discrimination against Women was adopted (United Nations 1979).

The 1970s were a time in which state-led development experiments (often funded by import substitution that had been propped up by authoritarian regimes) began to falter. Economic reforms were a destabilizing force that sometimes led to democracy. While these failures led to difficult economic consequences, they also led to conditions for transitions to democracy (often called the Third Wave), which expanded political and civil rights to countries in Latin America and East Asia/Pacific, Eastern Europe, and Sub-Saharan Africa in the 1980s. Many authoritarian regimes were toppled as a result of popular uprisings or negotiated transitions (Huntington 1991). Observers suggested that liberal democracy and market economies had won the ideological battle of the twentieth century (Fukuyama 1992). However, some state-led development experiments, such as the export-oriented industrialization of the Asian Tigers (South Korea, Taiwan, Hong Kong, and Singapore), were very

economically successful, and these changing conditions led to democracy for some countries but continued autocracy in others.

Finally, the 1970s was a significant time for the environmental movement. The first Earth Day was established in the US in 1970 and the nuclear disarmament movement, which began in the 1940s, found a newfound resurgence in the late 1970s and early 1980s, as activists around the world protested the development and testing of nuclear weapons, as testing often had disastrous health consequences, especially for communities in the Global South (Wittner 2003).

The 1980s was a time of economic crisis in many Soviet Bloc countries and, as a result, the Soviet Union (USSR) and other countries experimented with economic reforms. In 1978, China under Deng Xiaoping participated in market reforms with the creation of special economy zones. These reforms led to some political and economic liberalization, and weak enjoyment of some civil and political rights in authoritarian regimes. In turn, the changes created conditions that enabled reform movements (such as Solidarity in Poland) and eventual transition to democracy, or the “victory of liberal democracy.”

EXERCISES 4 AND 5

Teaching exercise 4: Have students consider the new social movements (or their equivalent) in your country. How have these movements affected human rights development in your country?

Teaching exercise 5: Assign students a country that either went through a major industrial development strategy in the post-war period (or if you are located in such a country, have students research your own country’s developmental period). What were the human rights consequences of this period of time? What were the human rights benefits?

Industrialization and Human Rights

Industrialization caused further shifts in values, prompting struggles over rights related to workers, racial equality, and gender equality. In the pre-industrial era, the economy was organized around guilds, which effectively served two purposes: to train new artisans and to provide barriers to new entrants into the marketplace. Industrialization, though, limited the role of artisan guilds and agrarian economics, and with the rise of mass production, incentivized urbanization and introduced factory conditions. This had a profound impact on labor, gender roles in society, and the distribution of wealth. Early capitalists

were able to generate vast sums of wealth by controlling the means of production and, in more contemporary terms, following a “race to the bottom” by cutting labor costs through exploiting workers with low wages, inhumane conditions, and a lack of regulation.

Influential writers on political economy began to analyze the conditions around them, creating the foundations of future political movements. Karl Marx, a German philosopher, wrote *The Communist Manifesto* in 1848 explaining the revolutionary but socially alienating nature of capitalism, which became the basis of international socialist and communist movements worldwide, which in turn played a major role in advocating for workers organizing and other material rights (Marx 1848). Early socialist and communist movements organized workers to demonstrate their collective strength by unionizing and demanding better pay and safer workplace conditions.

Additionally, unions played an important role in demanding fulfillment of economic and social rights. For example, unions supported legislation designed to fulfill rights of social insurance, health insurance, and housing (Brown 1997; Meyer 1944). Conservatives in power at the time, like German Chancellor Otto Von Bismarck, attempted to thwart some of that growing political power by instituting popular reforms like old person’s pensions, what we now think of as retirement and social security. This would lead to future demands for social and economic rights.

The Industrial Revolution also led to abolitionist movements designed to end slavery. By the early 1800s the transatlantic slave trade was banned in all of Britain (and British colonies), as well as all of the northern US. The mid-1800s saw the abolition not only of the slave trade but also the practice of slavery in most of those same places. Slavery and the slave trade were formally abolished everywhere by 1890, however, forced labor remained an issue as those looking to exploit cheap labor found other marginalized populations that fell outside of formal protections. Debt slavery, a practice which has existed for most of history, continued around the world throughout this time period. The Indian indenture system, for instance, led to roughly 2 million Indians being moved to colonies of European powers between 1833 and 1920 (Lal 1998). Prison labor also expanded (Terrell 2021), largely in response to the organization of labor and increased protections in the formal economy. The end of slavery led to debates about racial equality and discrimination and also further privileged industrial over agricultural production.

Industrialization likewise shifted gender roles. The textile industry in particular was predisposed towards hiring women and children due to their smaller fingers and the ability to pay them less than men. While this expanded opportunities for economic advancement and equality, it also led to increased exploitation. The early industrial era saw unequal access to rights related to health and nutrition in England and Ireland (Thompson 1825), where rural

women fared significantly worse than rural men and urban women (Nicholas and Oxley 1993). This is a fairly typical consequence of industrialization, repeated in the Americas as well as Africa and Asia during their respective industrial eras. Marginalized rural groups, particularly women and girls, are viewed as less capable of heavy agricultural work, leading household resources to be unequally invested in men and boys, which in turn led to a lack of nutrition (like lower protein consumption), health issues (including stunting), and lower educational attainment.

The political economic consequences of the First World War and its conclusion led to significant developments in human rights. Economically, the First World War was an expensive war, during which the US (which stayed out of the war for some time) was able to benefit financially by supplying both sides. This also led to the end of the British economic hegemony, but set up a world without clear rules or a leader, leading to many problems with economic cooperation (that would worsen, not help, future cooperation). Global trade declined by 30 percent, which had disastrous consequences for the economic well-being of citizens (Madsen 2001). In addition, the conditions of the Treaty of Versailles were so punishing for Germany that it was unable to make reparation payments and experienced hyperinflation in the 1920s, which led to significant feelings of anger and political grievances that eventually gave rise to the National Socialist movement, contributing to the conditions that led to the Second World War. This in turn violated the fundamental civil and political rights of many people, especially Jewish communities throughout Europe. These economic conditions in turn led to resistance and eventual demands for new kinds of human rights, especially cultural rights.

The Treaty of Versailles created new rights, including labor rights, under the newly formed International Labour Organization. This created a narrative around war and peace, in which the conditions of social justice and decent work were directly linked to other countries' welfare, and ultimately world peace (ILO 2024). The Treaty of Versailles also established the right of self-determination for peoples, but in practice only European people with the break-up of large empires. Yet these ideas permeated throughout Asian and African colonies and had an impact later on. For example, Ho Chi Minh, a young man during the Versailles Peace Conference, sent letters to key dignitaries and even held placards outside the negotiations, urging self-determination for Vietnam (Singh 2009). While self-determination was limited to only *some* European people, this process helped to embolden colonial nationalist movements.

Another important source of human rights in the interwar period was the Russian revolution and the establishment of the USSR. Politically, the presence of the USSR as the leader of a global socialist/communist movement would promote economic and social rights in various international fora and provide a focal point for communists and socialists around the world. These

movements advocated for greater protections for workers and for greater social rights and protections under capitalism (Ishay 2005). Earlier movements for welfare states, originating in Bismark's Germany (politically motivated as an attempt to undercut socialist movements) began to spread and gain support during this time (Garland 2016).

The Great Depression, started by a Wall Street crash in 1929, was a time of economic contraction, with mass unemployment, poverty, lack of economic opportunities, and many states reverting to autarky. Many countries, in an attempt to promote their domestic industries, engaged in greater tariffs and protectionism, which had the opposite effect but did lead to further political support for nationalism. There were many proximate causes to the rise of fascism in Europe during this time, including the economic and political turmoil of the Great Depression, reaction to the USSR, and political grievances from the settlement of the First World War (Corrin 2017). From a rights perspective, many countries with fledgling democracies (Germany and Italy) found the legitimacy of their political system under attack by right-wing threats, which hurt the realization of civil and political rights. In addition, the 1930s was a time of trade union and left-wing social mobilization, as people began to organize to better their conditions. During this time, social movements and trade unions fought for social and economic rights for all, as early welfare state rights were established in places like the US (Whelan & Donnelly 2007).

Following the atrocities and horrors of the Second World War, the world attempted to come together to recognize the importance of the rights of individuals. While the mistreatment of prisoners of war and battlefield horrors like nerve agents led to "humanitarian" laws of war, the rights of non-soldiers were also solidified in documents like the Universal Declaration of Human Rights, the development of treaties like the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights. Alongside these developments was an era of decolonization, spurred in part by developing norms of the right to self-determination. Ultimately, these new international norms and institutions led to greater demands for political rights, the ending of discrimination, and stronger welfare protections, including the development of the modern welfare state.

In addition, the US spent millions on development assistance to promote alliances, through policies such as the Marshall Plan (European recovery), Alliance for Progress (anticommunist assistance for Latin America), and through funding of the Bretton Wood institutions—World Bank, International Monetary Fund, and General Agreement on Tariffs and Trade. While these institutions were not explicitly human rights organizations, their role in funding economic recovery and promoting stability helped many people enjoy a range of human rights in the fragile immediate post-war period, and helped usher in a period of unprecedented economic growth (Vonyó 2008).

While former empires did not break apart as a result of the Paris Peace Treaty, many newly independent post-colonial states gained their independence in the period between 1945 and 1971. In 1960, dubbed “The Year of Africa,” 17 new countries in Africa declared independence. These newly independent countries now had control over their own sovereign economic development. While some countries allied with the US and the West and others with the USSR, many countries joined the Non-Aligned Movement, or Third World movement, seeking a separate path from the hegemony of the global powers and to stand in solidarity against colonialism (Prashad 2007). From these efforts came the eventual passing of the 1986 Declaration of the Right to Development in 1986.

EXERCISES 6–8

Teaching exercise 6: Review the Universal Declaration of Human Rights: Think, pair, share: Which of the articles seem impossible because of the dominant economic ideas in your country? What would need to happen (politically, economically, and socially) for these articles to become a reality? If you were going to design a compact that provided economic incentives for promoting human rights, what would it look like?

Teaching exercise 7: Divide students into groups of countries present at the drafting of the Universal Declaration of Human Rights: (Australia, Chile, China, France, Lebanon, the United Kingdom, US, and USSR). Have students briefly research the development position of each country and explain how it influenced their human rights goals.

Teaching exercise 8: Think, pair, share: What treaties have an explicit political economy component, and which could be improved by incorporating one?

Globalization and Human Rights

The fall of the USSR led to the triumph of the neoliberal order—low regulation, minimal tariffs, and free markets supported by the evolution of the General Agreement on Tariffs and Trade to the World Trade Organization (WTO) and dozens of regional free trade agreements. The two most obvious connections to rights are (1) the previously protected workers in the Global North seeing their jobs offshored in the Global South; and (2) the promise of civil and political rights in formerly totalitarian regimes experiencing democratization, many

of whom were previously ruled under the USSR. Regarding the first, downward political economic pressures caused by international trade on labor rights came from both the supply and demand side. In terms of supply, more economically developed countries with higher respect for the core labor standards of freedom of association, collective bargaining, prohibitions against forced labor, banning child labor, and workplace nondiscrimination began outsourcing jobs to other countries with lower levels of respect for those worker rights. On the demand side, states seeking to benefit from that outsourcing hoped to keep their own worker protections low to attract investment (World Trade Organization 1996). India historically has represented the voice of these countries at the WTO, hoping to prevent the organization from reaching a binding and enforceable agreement of these rights (Meyer 2015). While the WTO has allowed for trade restrictions based on *product* standards (i.e., vehicle emission limits), they have yet to allow for restrictions based on *process* standards (i.e., labor rights) (Greenhill et al. 2009).

Economic shock therapy in the former USSR led to democratic backsliding in Hungary and Poland and state capture of Russia by economic and military oligarchs. Aid from the US, designed to promote respect for civil and political rights, failed or had limited impact (Marangos 2004), as individuals saw increased repression of protests and speech rights. Attempting the twin reforms of market liberalization and democratization led to partial reforms, as existing elites were able to capture lucrative industries and convert that wealth into political influence, to continue to prevent further democratic reforms (Acemoglu & Robinson 2006; Hellman 1998).

Less obvious, though, are the myriad ways in which this era of globalization led to diffusions of rights and backlashes caused by the erosion of social, political, and cultural norms. For instance, international economic factors—what some might call economic globalization—also impact respect for rights, and states interacted with these factors at an exploding rate in the 1990s and early 2000s. Phenomena like foreign direct investment, trade and exports, International Monetary Fund loans, sovereign debt, credit, and default, portfolio investment, and foreign aid and official development assistance all have significant and unique streams of scholarship devoted to them. While there are many articles and books which address these issues, one of the most comprehensive is “Money with a mean streak?” by Richards and colleagues (2001). Here, the authors identify multiple forms of global financial flows—including foreign direct investment, portfolio investment, sovereign debt, and official development assistance—and test competing insights from dependency theory and neoliberal economic theory on whether what they call foreign economic penetration impacts physical integrity and civil and political rights. They find that only portfolio investment—a form of investment understudied in the literature—impacts physical integrity rights, and does so positively. Foreign direct

investment positively impacts political and civil rights, while levels of debt are significant and negative. Richards and colleagues posit that portfolio investors desire baseline levels of stability in order to maximize their profits, while foreign direct investment is more long term and leads to workers eventually demanding more political and civil rights.

One tool of economic statecraft which proliferated after the fall of the USSR was the use of economic sanctions. Economic sanctions are often used as a “stick” alongside the promise of “carrots,” like preferential trade agreements. Sanctions, even ones designed to improve respect for human rights, often have the opposite effect, worsening repression (Peksen 2009). Preferential trade agreements, especially those with human rights or labor conditions specifically included, also increase respect for some rights (Hafner Burton 2005, 2011). Cheaper access to sovereign debt reduces repression (Clay & DiGiuseppe 2017), and so does defaulting on debts when debt burdens are high (Bagwell 2023). Blanton and Blanton (2016) highlight the ways in which different aspects of globalization limit respect for labor rights practices, even if legislation related to labor rights remains unchanged.

EXERCISES 9–11

Teaching exercise 9: Failures to protect human rights have all kinds of political economic consequences. Consider a major human rights problem in your country or community. Working in small groups, brainstorm the ways that this human rights violation has real economic consequences. How might policy address this problem? (i.e., if racial or religious discrimination is a significant problem in your country/community, how does this affect jobs, housing, the creation of small businesses, access to credit, education, etc. for the marginalized group?)

Teaching exercise 10: There are many reports about recent workers’ rights disasters (for example, type workers into a search query at a major human rights organization, such as Amnesty or Human Rights Watch). Ask students to analyze one short report and discuss why these workers’ rights violations occurred. Who were the actors involved and why did they decide to repress?

Teaching exercise 11: Data and information literacy are essential to modern understanding, advocacy, and analysis of human rights issues. One way to promote such literacy is to incorporate quantitative human rights research into your assigned readings and teach students how to pull out the most relevant information. Assign a reading—like “Money with a

mean streak?" discussed above—and have students identify the research question, theory and hypotheses, source of data, results, and conclusions. More advanced students may also be interested in the method of analysis. You can ask students to compare the type of information presented to qualitative work, to develop a holistic picture of research methods and human rights knowledge.

Global Financial Crisis(es)

The global financial crisis of 2008, caused by reckless housing and insurance policies in the US, demonstrated the risks of neoliberalism and consequent social backlash: the Eurozone crisis beginning in Greece, Portugal, Italy, Ireland, and Spain led to protests and repression in Greece, especially when the European Central Bank attempted to impose austerity measures. Cuts to pensions and other reductions in the social safety net prompted by austerity led to large-scale protests (Fominaya 2019; Karyotis & Rüdig 2018) and increased repression. Outside of the European Union, austerity measures proposed by the International Monetary Fund and agreed to by states likewise led to reductions in fulfillment of economic and social rights and increased protest (Mark 2018). This highlights the interconnectedness of rights: when fulfillment of economic and social rights declines, civil and political rights often follow suit.

Despite neoliberalism's claims that globalization would improve the lives of everyone, workers' rights see a gap between respect in law and practice, and trends point to an overall decline in respect since the 1990s (Bagwell et al. 2023). This includes problems with workplace safety, fair pay, and workers' rights to form and join unions. In addition, globalization and free trade regimes have decimated many industries, especially manufacturing in Global North countries. Many citizens blame globalization and migrants for these problems, leading to support for anti-democratic and right-wing populist candidates, supported by the electoral victories of Brexit, Trump, Orbán, Berlusconi, Bolsonaro, Fidez, and Erdoğan (Rodrik 2021).

In addition, many basic social and economic rights, such as healthcare and housing, are traditionally provided by a variety of public and private actors. In the private sector, there has been a financialization of such services, leading to their inaccessibility as return to shareholders is prioritized as a corporate goal above the provision of goods and services (Farha & Schwan 2021). In lesser developed countries, the International Monetary Fund plays a significant role in privatizing previously public services. These policies have significant negative rights implications, often causing the degradation of economic and social rights which, in turn, leads to more dissent and repression by state security forces.

EXERCISE 12

National budget trends: Students will look up public budget information about their own country or another country (assigned or chosen) and examine budgetary allocations (and changes over time) in the following categories: police (including allocations for salaries); education (K-12 and higher education); healthcare; housing; and food subsidies (especially direct payments for nutrition). These budgets can be national level or sub-national, depending on the availability of data. What can explain these allocations and changes in budgetary allotments? How do they affect human rights?

COVID-19 AND TWENTY-FIRST CENTURY CHALLENGES

The Covid-19 pandemic further exacerbated political economy issues, directly causing regressions in respect to almost all kinds of rights almost everywhere in the world. While there was great potential to make significant progress, gains appeared to be primarily short term. As one example, children's right to nutrition improved during the pandemic through government subsidies for lunches, and laws that prevented evictions reduced unfulfillment of the right to housing. But those policies were limited in scope and many were not renewed once the pandemic was no longer at its peak. Scholarship found that democracies were increasingly derogating from their responsibilities at rates similar to autocracies, but were on average no less efficient at stifling the pandemic (Maerz et al. 2020). Similarly, states did not formally claim their derogations, as required by international law.

In addition to the Covid-19 pandemic, the world faced several other crises. Police killings of unarmed Black men and women in the US led to global protest movements, while governments were already restricting rights to assembly in order to deal with the pandemic. Protests related to climate and global warming added a third opportunity for governments to crack down (Bethke & Wolff 2023).

Recent political economic developments have led to new debates about how such developments might affect existing human rights. The widespread use and spread of language learning models (LLM), commonly known as generative artificial intelligence and common brands such as ChatGPT, has renewed both hope and fears about its human rights impact. On one hand, LLM can address social and economic inequalities in terms of access to knowledge and science (İlhan et al. 2024). On the other hand, LLM are very energy intensive

in their consumption, requiring fresh water and energy during a time when both resources are scarce (Berreby 2024). Cryptocurrency, another political economic development, is a decentralized currency based on blockchain technology, which is “time-stamped and immutable blocks of data” that can be used for different purposes (Tripathi et al. 2023). As these are emerging technologies, their implications for human rights remain unclear, but different advocates argue for new rights and protections as a result of these political economic developments (Nolan et al. 2024).

EXERCISES 13–15

Teaching exercise 13: Design your own treaty for unmet human rights that has a political economy component (i.e., to solve the problem might require public spending, the problem can be based on a resource allocation/distribution inequality, the human rights problem can be based on the dominant economic ideology). Be sure to include guides on how to interpret the treaty (i.e., clarify the scope of state obligations).

Teaching exercise 14: Cryptocurrency is a major political economic development. Divide the classroom into two groups, one pro-crypto and one critical of crypto. The pro-crypto group can make arguments about economic development, freedoms, and property and the critical group could make arguments about environmental protection and the speculative and unstable nature of crypto.

Teaching exercise 15: Imagine if there was another global pandemic of Covid-19 proportions in the near future (ten years). What are some of the human rights that would be most vulnerable? Which populations would be most vulnerable? What is something your country or local authority could do today to ensure better protection of those rights?

POLITICAL ECONOMIC BENEFITS OF RESPECTING RIGHTS

On the flip side, there is also literature examining the political economic impacts of respecting rights. Blanton and Blanton (2007), for example, find that respecting human rights leads to an increase in foreign direct investment. Likewise, Blanton and Blanton (2007) and Rodrik (2001) find that trade and human rights can operate in a virtuous circle, where liberalizing trade leads to greater demands for rights, which in turn leads to more respect from the state

and continued trade and investment from abroad. Improving women's rights, particularly progressing towards land ownership equality, leads to better economic growth (Rabenhorst & Bean 2011).

EXERCISE 16

Assign students an article from the open-source academic journal *International Journal of the Commons* (<https://thecommonsjournal.org/>). Have students discuss the different claims about rights, obligations, property, and collective claims presented in the article.

Development Goals and Global Governance

There are large literatures on human rights issues that do not use human rights framings. For example, racial discrimination leads to adverse economic outcomes—something that could be mitigated by complying with the Convention on the Elimination of All Forms of Racial Discrimination. Likewise, the United Nations Millennium Development Goals and later Sustainable Development Goals (SDGs) are a fundamental restating of existing human rights treaties, though they lack the legal obligation of previous international covenants. For example, SDG 2, which calls for the elimination of hunger, is also found in the International Covenant on Economic, Social, and Cultural Rights, which obligates states to provide adequate nutrition, as are SDG 4 (education), 6 (clean water and sanitation), and 8 (decent work). Additional SDGs appear based on other existing international laws, including SDG 5 (gender equality, Convention on the Elimination of All Forms of Discrimination against Women), and SDG 16 (peaceful and just societies, International Covenant on Civil and Political Rights).

There is also a rich literature on the role of macroeconomic and other factors on human rights. This includes research on the role of labor rights and development, as early research on the development state argued that economic growth often relied on labor repression, including repression of trade unions and wages, especially in East Asian export-oriented countries (Deyo et al 1987; Haggard 1986). However, this finding has been questioned as only relating to a limited pool of countries (Geddes 1990). A rich literature on the role of multinational corporations and human rights has emerged in recent decades, given the transnational reach of many large corporations (Hertel 2009; Ruggie 2013). Following the social movements from Global North university activism, many companies have adopted voluntary codes of conduct, although following the tragic incident of over 1100 worker deaths in the Rana Plaza building collapse in Bangladesh in 2013, more activists have fought for stronger, harder

law obligations for corporations that profit from the violations of workers' rights (Prentice 2021).

EXERCISE 17

Have students examine the United Nations' SDGs (<https://www.undp.org/sustainable-development-goals>). Students brainstorm on how might policies to make progress on two of these goals help improve human rights in your country.

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10. Qualitative research

Michael Broache and Kristen Monroe

LEARNING OBJECTIVES

- Motivate student interest in human rights and qualitative and mixed methods.
- Identify qualitative data sources conducive for use in human rights courses.
- Employ active learning strategies for teaching human rights using qualitative and mixed methods.

INTRODUCTION

A student cites a report published by an international human rights non-governmental organization (NGO) in a term paper. The instructor uses a quote from a victim to frame class discussion about human rights abuses. An undergraduate seminar reads and analyzes victim testimonies and/or media coverage of human rights violations. Students participate in a field trip to a local civil rights museum or livestream a session of the United Nations Human Rights Council. A senior writing their honors thesis interviews human rights activists or visits an archive to collect data on human rights practices.

These examples illustrate various ways that qualitative and mixed methods can be used as a tool for teaching human rights. Human rights can also provide a substantive lens for teaching qualitative and mixed methods, enabling students to gain practical experience in employing these methodologies. Indeed, due to the wide range and ready availability of qualitative human rights data, human rights may be particularly conducive to teaching these methods.

This chapter introduces resources and strategies for using qualitative and mixed methods to teach human rights, as well as for teaching these methods through the substantive lens of human rights. The first section defines qualitative and mixed methods, introducing a general approach emphasizing methods in course design and opportunities for active learning. The second section describes various sources of qualitative human rights data that can be used when implementing this approach. The third section discusses how

two widely employed qualitative tools – process tracing and content analysis – and mixed methods can be integrated into human rights courses. Consistent with our focus on active learning, these sections introduce in-class exercises relevant to each topic; these activities, which require minimal resources, are intended to be accessible to students at all levels of the undergraduate curriculum and adaptable to specific course conditions and circumstances. Building upon these exercises, the fourth section presents a case study of a summer human rights course taught by co-author Kristen Monroe to further illustrate strategies for integrating qualitative and mixed methods. This structure corresponds to this chapter’s learning objectives.

DEFINING QUALITATIVE AND MIXED METHODS

How do human rights norms emerge and diffuse (Finnemore & Sikkink, 1998)? What is the role of transnational networks in mobilizing support for – or backlash against – human rights (Ayoub & Stoeckl, 2024; Hertel, 2006)? Why do governments and other organizations engage in large-scale human rights violations, and why do individuals participate in these abuses (Fujii, 2008)? How do actors pursue – or avoid – accountability for human rights violations (Cronin-Furman, 2020)?

Studies addressing these questions illustrate how qualitative and mixed methods have contributed to scholarly understandings of human rights, as well as the diversity of qualitative methods and data sources used to study human rights. These methods and data also provide tools that instructors can leverage in human rights courses to introduce substantive content and provide research experiences for students at all levels of the curriculum. This section identifies key characteristics of qualitative methods, as distinct from – and in relation to – quantitative methods. It also outlines a general approach to integrating these methods into human rights courses, emphasizing intentionality around methods and active learning opportunities.

Definitions

Qualitative research encompasses multiple techniques with varying epistemological underpinnings. Certain techniques, such as process tracing (Collier, 2011b) and qualitative comparative analysis (Ragin, 2014), are firmly rooted in positivist epistemology. However, other techniques, such as discourse analysis and ethnography, are more closely associated with interpretivist approaches (Merry, 2024; Wedeen, 2010). Both positivist and interpretivist qualitative methods draw upon a broad array of sources, including – but not limited to – documents and other “texts,” interviews, and personal observations, which are, in contrast to quantitative data, “non-numerical” in nature. Indeed, qualitative

methods are often explicitly juxtaposed to quantitative methods, or as representing a fundamentally distinct “culture” of inquiry (Goertz & Mahoney, 2013).

Because of the diversity of qualitative methods and data sources, it is difficult to pinpoint a single “textbook” definition of “qualitative” research; indeed, Seawright and Collier’s (2010, p. 344) glossary of methods terms includes an entry for the “qualitative–quantitative distinction,” but no distinct entry for qualitative (or quantitative) methods. Relatedly, the glossary entry for “qualitative” in Gerring (2012b, p. 432) proposes four distinct definitions:

1. An analysis with a small number of observations (small-N).
2. In causal analysis, an analysis based on causal-process observations.
3. A narrative-based analysis rather than one based on math (i.e. quantitative, statistical, formal modeling), for example, archival, ethnographic, field research, historical, and open-ended interviewing.
4. Thick, case-based analysis.

These definitions point to some of the key characteristics – and potential advantages – of qualitative methods for research and teaching. First, qualitative methods typically focus on a single case, or a small number of cases (Bennett & Elman, 2006). Second, because it examines a small number of cases, qualitative research tends to focus on describing and explaining within-case variation and processes, rather than comparing outcomes across cases (Ricks & Liu, 2018). This allows for more in-depth understanding of specific cases and incorporation of the perspectives of various interlocutors, including – in the case of human rights – practitioners, activists, and victims (or perpetrators). Finally, qualitative research relies principally on non-numerical data and presents inferences (mostly) in “natural language” (Gerring, 2017, p. 8).

These characteristics offer several potential advantages for teaching human rights, and qualitative case studies are frequently incorporated in human rights textbooks and courses (Goodhart, 2022). Substantively, qualitative methods provide opportunities for students in all types of courses with a human rights component to develop deep, contextual knowledge of specific cases. Furthermore, using qualitative case studies to teach human rights may increase student engagement and interest by providing students with a more relatable, human connection to victims, practitioners, and other relevant actors (Krain, 2016). Using qualitative and mixed methods can also make methods themselves less intimidating, particularly for students with “math anxiety” (Ramirez et al., 2018) or other forms of “methods anxiety” (Bernstein & Allen, 2013). As such, qualitative methods may be particularly useful in introductory or general education courses. Emphasizing qualitative methods and sources for human rights may also help demystify the process of scientific research

and make research opportunities more accessible for students with varying backgrounds and interests.

While potentially more accessible for some students, using qualitative methods requires specific skills and knowledge, including the information literacy skills necessary to identify and evaluate potential data sources, sufficient knowledge of specific techniques, and/or more technical skills relating to the use of software and other tools for qualitative analysis (Gibbs, 2018). Like mathematical knowledge, the skills required to understand, evaluate, and employ qualitative methods effectively must be intentionally taught and developed. While incorporating qualitative methods in the human rights classroom provides an opportunity for students to cultivate these skills, certain qualitative methods may be more (or less) accessible and, therefore, suitable for use in teaching human rights, depending on the level and scope of the course or project.

Integrating Qualitative and Mixed Methods

For professional scholars teaching human rights, it may seem self-evident that methods matter, or to extend Geddes's (1990) formulation, that the "cases" – and, more broadly, the *methods* – "you choose affect the answers you get." However, for undergraduates who are primarily motivated by substantive interests in human rights, taking a general education course with a human rights component, or enrolled in a methods course that incorporates human rights content to fulfill a graduation requirement, the importance of methods may not be readily apparent. Furthermore, as noted above, many students experience "methods anxiety" and may be intimidated by discussions of methods. This poses challenges for integrating methods into human rights courses (or using human rights to teach methods), as instructors often must demonstrate how and why methods are important and to overcome students' apprehensions about methods more broadly.

To address these challenges, we propose an *intentional* approach to integrating qualitative and mixed methods into human rights courses, which emphasizes *why* methods are important, frames substantive topics using the "language" of methods, and provides active learning opportunities for students to develop and practice methodological skills. In doing so, we draw on pedagogical research emphasizing student motivation – in particular understanding *why* content and/or skills introduced in the classroom are important, intrinsically and/or extrinsically (Lin et al., 2003), and illustrating the value of active learning, especially in methods-oriented courses, for promoting student engagement and learning (Elman et al., 2015).

Students are likely to enter the human rights classroom with various – and, even for the same individual, mixed – motives. These motives may be intrinsic,

relating to substantive interests in human rights topics, perhaps rooted in personal experiences or previous coursework, and/or extrinsic, focusing more on external “incentives,” such as fulfilling academic requirements or building skills for a future career. In this context, the challenge for instructors seeking to integrate qualitative and mixed methods (or any methods, for that matter) is to demonstrate how and why methods matter for students’ intrinsic and extrinsic motivations for studying human rights.

To begin, instructors can intentionally – and directly – explain and reiterate the rationale for integrating methods from the start of the course. In doing so, instructors may appeal to intrinsic interests of students by incorporating examples of human rights research on similar topics using different methods, to demonstrate how methodological choices can affect research findings and potentially produce different policy implications. When introducing qualitative and mixed methods, it may be particularly useful to compare small-n case study research and large-n quantitative analyses of a specific human rights topic, both to illustrate the potentially unique contributions of qualitative and mixed methods and to demonstrate how different methodologies may yield different and/or complementary results.

Instructors can further leverage students’ intrinsic interests – and appeal to extrinsic motivations – by signaling the importance of methods (and scientific thinking more broadly) through the structure of the course itself. To start, instructors may consider incorporating an introductory “methods for human rights” module near the beginning of the course, to introduce (or review) key methodological terminology and concepts, such as research questions, variables, hypotheses, and the distinction between qualitative and quantitative methods, *inter alia*. This module may also incorporate guidance and examples of “how to read” empirical human rights research, including identifying and summarizing key theoretical arguments, elements of the research design, and main findings, and developing substantive critiques of empirical research. Introducing and/or reviewing methods and “how to read” empirical research at the beginning of the term enables instructors to subsequently employ the “language” of methods throughout the course, such as by organizing modules on substantive human rights topics around research questions, variables, and hypotheses. Exercise 1 in the Appendix describes this approach in greater detail. The importance of methods can also be reinforced through assignments and/or activities in which students identify key methodological elements in published human rights research (including, where applicable, course readings), or identify these elements for a hypothetical research study relating to their own substantive interests.

The best strategies for integrating qualitative and mixed methods in the human rights classroom will necessarily depend on the level, size, and overall learning objectives of each course. To the extent possible, however, students

are likely to benefit most from opportunities for active learning, or “learning by doing,” that enables them to develop and practice methodological skills (Knoll, 2016); such opportunities can appeal to both students’ intrinsic interests and extrinsic motives, such as for developing marketable research skills. At higher levels, “learning by doing” might involve supervised independent research or, as described in the case study presented later in this chapter, participating in a broader, collaborative project. However, students can develop skills for conducting qualitative and mixed-methods research through less intensive, time-consuming activities in courses of all sizes, at all levels of the curriculum, such as by incorporating the exercises for process tracing, content analysis, and mixed methods introduced later in this chapter.

QUALITATIVE DATA SOURCES

One advantage (but also possible disadvantage) of qualitative methods is the wealth of potential data sources. Indeed, nearly *everything* – from officially produced documents and public speeches to films, music, and other forms of art, and conversations or other interactions from “everyday” life – can constitute data for qualitative analysis (Schatz, 2009). A key challenge for researchers and teachers using qualitative and mixed methods is therefore to select appropriate data sources. This section describes qualitative data sources that are likely to be particularly useful for teaching human rights; many are available online or otherwise accessible for students and, therefore, easily integrated into human rights courses. Exercise 2 in the Appendix introduces a classroom exercise involving comparison of various qualitative data sources with respect to specific cases.

Governmental and Intergovernmental Organization Publications

This category includes documents and statements issued by a government or intergovernmental organization (IGO) and/or individual(s) acting in an official capacity associated with these bodies. This encompasses a wide range of text-based documents, including written reports, press releases, websites, and social media posts; legislation; resolutions, executive acts and/or judicial decisions or dissents; speeches and other verbal statements by relevant officials; and/or videos and other forms of visual imagery.

The easy availability of official government and IGO publications make these sources particularly useful for teaching human rights. There are, however, important limitations to these sources. Most notably, many less developed and/or authoritarian countries do not regularly compile or publicize human rights reports. Furthermore, even annual reports published by the same entity may not be comparable over time due to changes in governmental policies.

Relatedly, officially produced documents are likely to reflect the biases of the relevant government and/or IGO. This, in turn, illustrates the importance of carefully discussing the potential biases and limitations of “official” publications – and all qualitative sources – used for teaching human rights.

NGO Publications

Reports, statements, and other publications by NGOs provide an invaluable resource for teaching (and researching) human rights. Particularly noteworthy are the annual reports published by Human Rights Watch (HRW) and Amnesty International, which provide analysis of human rights conditions in every country. HRW, Amnesty, and other international NGOs also publish special reports on specific issues and countries and regularly issue public statements in response to specific human rights concerns. HRW and Amnesty’s annual reports are particularly valuable, not only for their worldwide coverage and detail, but also for the relative consistency in their data collection protocols over time. In part due to this consistency, the HRW and Amnesty reports have been widely used in qualitative research on human rights and as sources for major quantitative datasets; for example, CIRIGHTS employs Amnesty’s annual reports (in conjunction with the United States Department of State reports) to generate its physical integrity rights score (Mark et al., 2023a, 2023b). This, in turn, provides an opportunity to link qualitative and quantitative methods in the human rights classroom.

Notwithstanding their contributions to human rights research and potential uses in the classroom, international NGO reports – particularly those, like HRW and Amnesty, based in the Global North – have been criticized for biases relating to their underlying data sources, organizational politics, and/or coverage (Nieman & Ring, 2015). As an alternative, or supplement, to international NGO reports, researchers and teachers may use reporting by domestic NGOs (Cronin-Furman, 2020). While these reports have their own biases, and methodological differences limit their cross-case comparability, local NGO reports can provide more in-depth insight into conditions in specific countries from the perspective of the individuals most directly impacted. This can help stimulate engagement and interest among students when used, with appropriate caveats about their limitations, in the human rights classroom.

Fieldwork

Students may also be directly involved in collecting “data” on human rights for courses and/or research projects through “fieldwork,” defined as “a methodological approach where researchers physically immerse themselves in a specific location to conduct research activities” (Truong, 2025, p. 1). While

“fieldwork” in more distant locations might be less feasible for students, particularly in one-term human rights courses, the “field” may include the surrounding college campus or local community, as well as various digital spaces, all of which are likely to be more accessible (Kapiszewski et al., 2024).

Fieldwork may involve various data collection practices, including (but not limited to) interviews and “immersive” ethnography. Potential subjects for interviews in student-based human rights coursework or research may include both elites (Li, 2021), such as local government officials and activists, or through “digital fieldwork” (Truong, 2025) – national- or international-level actors. Students may also participate in immersive ethnographic practices in their communities, or in digital spaces, such as by attending campus events relevant to human rights, local government meetings, and/or visiting memorials and/or museums, or simply observing “everyday” practices of community members (Schatz, 2009; Wedeen, 2010).

Fieldwork offers numerous advantages for teaching human rights (and methods). First, interviews, ethnography, and other forms of “fieldwork” can generate uniquely “thick” insights about human rights, including factors driving the decision-making processes of key actors from their perspectives, that other data collection practices do not offer. Furthermore, as a necessarily “experiential” learning activity, fieldwork promotes active engagement with course material and can provide insights for students on how human rights theories and concepts relate to their everyday lives and communities. Relatedly, fieldwork provides opportunities for students to develop and practice qualitative research skills, ranging from research design to taking effective interviews or field notes and analyzing their content.

Notwithstanding its many potential advantages, fieldwork is often time-consuming, costly, and logistically complicated (Kapiszewski et al., 2015), and may require additional approval from university authorities, such as the campus Institutional Review Board (IRB) if involving research with human subjects. However, fieldwork raises ethical concerns beyond simply obtaining IRB approval (Fujii, 2012), particularly if involving vulnerable populations. Relatedly, fieldwork requires careful planning and preparation to ensure the security and health (both physical and mental) of researchers (Cronin-Furman & Lake, 2018; El Kurd & Hummel, 2024). Given these challenges, fieldwork may not always be practical in undergraduate courses, although it may be more feasible for extended student research projects. Even so, instructors may still leverage some of the benefits of fieldwork by bringing the field to the classroom through strategies such as guest speakers, and/or by incorporating film, music, and other forms of human rights media into the course design (Nash, 2018). Exercise 3 in the Appendix outlines various options for conducting “fieldwork” in human rights courses.

INTEGRATING QUALITATIVE AND MIXED METHODS IN THE HUMAN RIGHTS CLASSROOM

The data sources introduced in the previous section can be employed in a wide range of qualitative and mixed methods. This section will introduce two qualitative methods – process tracing and content analysis – particularly amenable for use in human rights courses at all levels of the curriculum – as well as mixed-methods strategies combining qualitative and quantitative approaches.

Process Tracing

Process tracing is widely employed in qualitative human rights research, and as a component of mixed-methods research (e.g. Risse et al., 1999). This technique involves analyzing sequences of events, decisions, or other phenomena linking proposed causes and outcomes. As such, process tracing requires researchers to systematically examine evidence for the occurrence (or non-occurrence) of specific steps or chains of events in a proposed causal process, in proper sequence. For example, to process trace the impact of international human rights norms on state practices, researchers would identify – and test for evidence of – mechanisms linking the development and diffusion of these norms and state human rights practices. Such evidence may be adduced from primary and secondary texts, interviews, and various other data sources, and subjected to various formal (or informal) process-tracing tests that evaluate the probative value of the relevant evidence in terms of its necessity and/or sufficiency for establishing the operation of the specific mechanism, or broader process, under study (Collier, 2011b; Van Evera, 1997).

The intuitive nature of process tracing, which involves constructing and analyzing temporal sequences in a manner resembling storytelling, makes it a potentially useful teaching tool, particularly for students without extensive methodological training. Furthermore, introducing and employing process-tracing tests that require students to assess the probative value of evidence provides an opportunity for developing and practicing information literacy skills relating to the selection and evaluation of sources. Because process tracing involves analyzing evidence with respect to hypothesized priors, it can be useful for illustrating the importance of clear theory as a foundation for empirical research. Exercise 4 in the Appendix presents a framework for integrating process tracing in human rights courses, which draws upon the teaching exercises proposed by Collier (2011a).

Content Analysis

This method involves “systematic examination and interpretation to identify patterns, themes, and meanings in visual and textual material” (Reyes Nunez, 2022, p. 538). The potential “material” for content analysis is virtually limitless; as Hermann (2008, p. 152) notes, it can include “books, films, pamphlets, party manifestos, television programs, speeches, interviews, children’s readers, newspapers, election commercials, blogs, diaries, letters, open-ended interviews, survey responses, cartoons,” or more broadly, “anything that is intended to communicate a message.” The scope of content analysis may also vary, from a single document to thousands of “texts” or more – although the latter may require the use of specialized software (Grimmer & Stewart, 2013).

In positivist approaches, content analysis may be employed to generate or inform descriptive or causal inferences, including in conjunction with other methods such as process tracing. This typically involves “coding” texts based on the frequency of specific words and/or phrases, the contingent relationships between words or phrases within or across texts, and tone (Hermann, 2008, pp. 156–157). For example, a human rights researcher employing process tracing might “code” the frequency of references to specific human rights violations in a government or NGO report to establish the existence of a necessary or sufficient condition for the operation of a relevant causal mechanism. Interpretivists also employ content analysis, or related approaches such as discourse analysis (Neumann, 2008), to discern the meaning of texts in context. For example, an interpretivist researcher might examine the content of speech by human rights activists to study how different actors understand the conceptual scope of human rights.

Because the material for content analysis is essentially limitless, it is particularly amenable for use in teaching human rights; indeed, any primary or secondary source reading assigned in a human rights course can be subjected to content analysis. More broadly, many potential sources for content analysis, such as NGO or IGO human rights reports, are easily accessible online, at no or minimal cost. Furthermore, while content analysis involving large numbers of “texts” may require specific technical skills and/or software, this method may be applied to single “texts” or portions thereof, without extensive technical training (beyond a discussion of “coding” rules for the text, which students may also be involved in developing) and/or specialized software. Content analysis, therefore, provides a powerful – but accessible – tool for teaching human rights. Exercise 5 in the Appendix presents a simple, easily adaptable content analysis exercise in which students code rights enumerated in the Universal Declaration of Human Rights.

Mixed Methods

Mixed or multi-method approaches, defined as “combin[ing] two or more research tools” in the same research design (Seawright & Collier, 2010, p. 339), have been increasingly employed in human rights research in the past decade (Langford, 2024, p. 292). These approaches can take various forms, such as “nesting” qualitative case studies within a large-n quantitative analysis (Lieberman, 2005) or integrating a natural experiment and qualitative analysis (Seawright & Collier, 2010, p. 339), *inter alia*; similarly, qualitative components of mixed-methods research may employ various tools, including – but not limited to – the techniques of process tracing and content analysis introduced above.

Mixed methods aim to leverage the unique advantages of quantitative and qualitative methods (Langford, 2024). For example, in human rights research using mixed methods, large-n quantitative analysis is frequently used to identify the average effects of some independent variable across countries or other “cases,” while qualitative analysis is used to test for proposed causal mechanisms in specific cases. This can increase confidence in inferences drawn from each component of the design in studies where the quantitative and qualitative results align or suggest refinements to the underlying theory where they do not.

In human rights courses, integrating mixed methods can provide opportunities for students with different skills, interests, and learning styles to engage with course content. For example, using both quantitative data and qualitative case studies to introduce complex phenomena relating to human rights can make the material more understandable for more students in the classroom. Beyond specific content, integrating mixed methods can illustrate the diversity of research methods and increase the perceived accessibility of methods for students, particularly to the extent that many students enter the classroom associating “methods” with quantitative analysis. In doing so, mixed methods can be a potentially useful tool for mitigating “methods anxiety” and encouraging broader student engagement with methods; indeed, it has been proposed that scaffolded approaches using mixed methods, in which qualitative and quantitative methods are introduced in an iterative sequence, may be particularly effective for teaching research methods (Bernstein & Allen, 2013).

Mixed methods can also be used to illustrate similarities – and differences – in logics of inquiry and inference between qualitative and quantitative methods and, in doing so, demonstrate how different methodologies can inform and complement each other; for example, researchers typically employ qualitative data sources, such as government, INGO, and NGO reports, to compile widely employed quantitative human rights datasets (e.g. Mark et al., 2023a, 2023b). This, in turn, provides opportunities for a wide range of active learning exercises involving mixed methods. Exercise 6 in the Appendix describes one such exercise.

CASE STUDY: UCI ETHICS CENTER SUMMER PROGRAM MODULE ON HUMAN RIGHTS

The previous sections introduced various strategies and exercises for integrating qualitative and mixed methods in human rights courses. To further illustrate how qualitative data sources and methods can be used for teaching human rights, this section presents a case study of the University of California, Irvine (UCI) Ethics Center Summer Program Module on Human Rights, as taught by co-author Kristen Monroe in summer 2021. This program demonstrates how instructors can intentionally integrate qualitative and mixed methods into human rights courses and provide active learning opportunities for students to develop and practice methodological skills at all stages of the research process. While the purpose of this case study is to illustrate how instructors can incorporate qualitative and mixed methods into human rights courses, we recognize that this specific course model – an intensive, research-oriented summer program, with a self-selected, enthusiastic group of students – may not be feasible to implement in other contexts. However, instructors may usefully adapt elements of this program to their specific contexts and, in doing so, better leverage the advantages of qualitative and mixed methods and promote active learning opportunities in their human rights courses at all levels of the curriculum.

Program Description

As a COVID-19 summer, 2021 posed special challenges for implementing this program. Our advantage was the students with whom we worked. All were extremely talented high school or college students enrolled in a free, not-for-credit module taught for one month during the summer. The students were there because they wanted to be there; as every teacher knows, this is not always the case. Because their enthusiasm matched their limited prior knowledge about human rights, we began by posing very basic, conceptual questions: What do we mean by human rights in the twenty-first century? What are the best introductions to the field for newcomers? What are the most critical issues/problems that need to be addressed today?

To answer these questions, we interviewed both scholars and human rights activists. We asked the past presidents of the organized section on human rights in the American Political Science Association what human rights means to them as a concept. We also asked them what books they found the most useful and what major issues needed to be faced in the aftermath of the Trump presidency. We then asked human rights activists and practitioners – lawyers and members of NGOs dedicated to improving human rights – what human

rights meant to them and what they found the most critical human rights to attend to going forward in a world in which democracy is under increasing threat and when pollution may call into question even earthly survival. Using Zoom, we recorded all interviews, transcribed them, and sent the transcripts to the speakers for approval. We briefly summarize our analysis of these findings, as the interest here is in the technique or method by which qualitative data are utilized to teach.

Background

We provided a brief overview for the students, essentially a summary of the history of interest in human rights. In particular, we told them that human rights as a concept first appeared circa 539 BC on what is today known as the Cyrus Cylinder (British Museum, n.d.) and noted that Cyrus the Great, the first king of Ancient Persia, freed the slaves, even granting them freedom of religion, after capturing the city of Babylon. Ultimately, the words entered on the clay-like cylinder comprise what is recognized as the world's first charter of human rights. The concept of human rights, or "natural law," diffused slowly, initially to Greece, India, and Rome, as countries began to adapt and embed similar norms into their own legal documents. The advent of social contract theory and the concept of a state of nature, into which human beings are born with certain rights, gained strength from the sixteenth century and later inspired Thomas Jefferson in his 1776 creation of the United States Declaration of Independence. Jefferson adopted Lockean language and integrated the idea that "all men are created equal," and that they therefore are automatically granted the rights to "life, liberty, and the pursuit of happiness." Although it was not without controversy and opposition, the reference to men in this document would later expand to include women, as the idea of rights and who is granted them evolved as time progressed.

To confirm a solid foundation for international humanitarian law, numerous European countries, along with several American states, gathered at the Geneva Convention in 1864. Its original purpose was to engage in diplomacy that would decide the norm for treating wounded soldiers. Similarly, delegates from 50 countries gathered at the United Nations Conference immediately following the Second World War in 1945 to establish an international foundation for promoting peace and preventing war. This body soon branched into the United Nations Human Rights Commission (1946), which issued the Universal Declaration of Human Rights – a document comprising 30 basic universal human rights, including freedom of expression, religion, and the right to education. The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in Paris on December 10, 1948 during its 183rd plenary meeting (Text: resolution 217 A (III)). We treat it as the benchmark

for human rights in the contemporary period and mark changes from the date it was issued.

This was all the information we provided to the students. We tried to give students just enough information to help them understand that, as the world increasingly becomes complex, the protection of these fundamental universal human rights remains intact. But the idea of what precisely these human rights are has expanded and shifted to include other aspects of life. For instance, with the rise in advanced technology, including artificial intelligence, the realm of human rights has expanded as the government has been forced to assess whether they have a moral obligation to regulate data privacy. Moreover, the notion of human rights has evolved to include environmental concerns. For centuries, one would have thought it unnecessary to include clean drinking water as a universal human right. However, in 2010, the United Nations General Assembly voted to recognize access to clean water and sanitation as a human right because it is “critical for socio-economic development, energy and food production, healthy ecosystems and for human survival itself” (United Nations, 2010). Thus, the realm of human rights has expanded significantly over time compared to the initial concept of natural law. Our aim in structuring this project was to help students gain a current understanding of human rights as they are presented today. What do we mean by human rights in the twenty-first century? What are the best introductions to the field for newcomers? What are the most critical issues/problems that need to be addressed today? To answer these questions, we collaborated with the students to conduct interviews with both scholars and human rights activists. We began by asking many of the past presidents of the organized section on human rights in the American Political Science Association what human rights as a concept means to them. We also asked them which books they found most useful and what major issues they believed needed to be addressed in the aftermath of the Trump presidency. (The interviews were conducted in the time period directly before the re-election of Donald Trump in 2024.) We then asked similar questions of human rights activists and practitioners – lawyers and members of NGOs dedicated to improving human rights – what human rights meant to them and what they found were the most critical human rights to attend to going forward. Using Zoom, we recorded all interviews, transcribed them, and sent the transcripts to the speakers for approval.

Open-Ended Narrative Interviews

Since these were young students, we tried to keep things simple. We asked two questions: What does the field of human rights look like in the twenty-first century? What is the role of learned societies in terms of human rights? By drawing on interviews with the top scholars in the field and some of the

critical activists working in a wide range of major approaches to human rights, we hoped to present an updated picture of what the field looks like today. One major finding, for instance, centers on ecocide. “If we kill the earth itself, it doesn’t matter what other human rights are being violated, for no one will be alive anymore.” This was the response of many of our interviewees, which came as a surprise to us. The basic thesis is that human rights is a constantly evolving field and that what is included in the core concept of human rights shifts over time. Our approach owed much to mentoring. We were not teaching a course but rather involving students in our research. We hoped that showing them how to do research would both inform and empower them. In this regard, we were successful. The students worked very hard on the project and even took the initiative to find people for us to interview. We used the NVivo system to show them how to code qualitative data and put it into a systematic format. So, for example, students read a transcript and looked for comments on the extent to which the environment is listed as the most important concern for human rights today. Each time there is a quote to this effect, the student coder can ask the NVivo program to highlight that quote and put it under the heading of environment, a key problem. Once all the transcripts are coded, each student will have a file of all their quotes on particular topics. We discussed differences in the selection of relevant quotes and selected only the quotes on which we had agreement among the three coders. This kind of close mentoring takes time, but greatly benefits the student. It is crucial to convey to students the idea that they are equal partners in research, young apprentices if you will, being introduced to the tools of the trade as well as being socialized to the discipline’s norms and welcomed as cherished members of a group of scholars concerned with a common topic.

Reflections and Limitations

This illustration was a relatively simple one. The interviews touched on human rights but did not involve many of the ethical issues that can be tricky, especially for undergraduate students. Another exercise involved students doing interviews with people who had survived wars. The goal was to move the teaching of international relations out of the “dry dates on a calendar” approach, emphasizing when the war began and ended, the key battles, etc., and toward an understanding of the human costs of wars. Students in a class in southern California were asked to interview someone who had lived through a war. They were encouraged to ask that person to tell them about their war, any moral choices they faced, and whether they felt it was possible to keep your humanity during war. Students were instructed in IRB procedures and were told to tell the person being interviewed to stop at any point when they felt uncomfortable, in any way. We again recorded the interviews – filming

if and only when the speaker was comfortable with that – and promised not to analyze the interview or make public anyone’s name without their express permission. There are lots of ethics questions in this process, including obtaining IRB approval, especially if a student is under 18, protecting the speakers’ privacy, and so on. But what of the more subtle ethical issues here? We know readers find themselves drawn to more dramatic stories. Does this not perhaps distort the reality, privileging the intense, even histrionic and difficult, war-time stories? Human rights scholars have long been familiar with this problem. How do students deal with it? Is it different for them? Similarly, how do we – and should we – protect young people from the ugliness of the world? Stories are often more vivid than statistical data. They can therefore grip us. Is this always good? Qualitative data in the form of stories, including movies or documentaries, have the power to convey subtle messages quite effectively. They can also be so graphic that they disturb. A *Frontline* special shown in a course asking about morality during war showed vivid Hamas footage of taking Israeli hostages. It then showed equally graphic footage of the destruction of Gaza, shown through the eyes of a young photographer and the only surgeon in a Gaza hospital, until he was captured, tortured, and finally fled the area. This kind of qualitative data have the particular power to convey the powerful realities of war. But they also disturb at deep levels. One must use them with extreme care and consultation, both to protect the student and the instructor, who may inadvertently find themselves in an unintended situation in which they are accused of harming students.

CONCLUSION

This chapter has introduced qualitative and mixed methods as tools for teaching human rights, emphasizing the wide range of qualitative data sources and techniques available to instructors and students. Qualitative methods offer many potential advantages in the human rights classroom (or for faculty mentoring students conducting human rights research), including their relative accessibility, opportunities for active learning, and potential to stimulate student engagement and interest by illustrating the *human* aspects of studying human rights. Moreover, the qualitative methods and sources introduced in this chapter may be usefully integrated with the quantitative methods and data discussed in Chapter 9. At the same time, notwithstanding their advantages, instructors may encounter specific challenges when employing qualitative methods to teach human rights, including: a lack of prior methodological knowledge and training; the difficulties of engaging with potentially traumatic content, particularly with respect to human rights violations, and for students who have experienced previous trauma (McBride, 2018); the limitations and biases of specific qualitative techniques and sources; and – perhaps

paradoxically – the sheer volume of potential qualitative data sources, which can pose challenges for identifying the most appropriate sources without overwhelming students with content. That said, these challenges may be mitigated through intentional, careful planning around integrating qualitative methods in human rights courses, as well as consistent attention to the dynamics of the specific classroom environment or student project.

DISCUSSION QUESTIONS

- How are qualitative methods distinct from quantitative methods?
- What are some of the advantages and disadvantages of employing qualitative methods for studying human rights?
- Identify a specific research question or issue relevant to human rights:
 - How might process tracing and/or content analysis be used to study this question or issue? What are the advantages and drawbacks of using these methods to study this question or issue?
 - What are some potential qualitative data sources for studying this question or issue? What are the advantages and drawbacks of using these data sources to study this question or issue?
 - Are there special ethical difficulties that arise from using qualitative data to address this research question?

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APPENDIX

Exercise 1: Using the “Language of Methods” to Organize Substantive Modules

In addition to directly explaining the rationale for integrating methods into human rights courses, instructors can signal the importance of methods by consistently using the “language of methods.” One model for this approach is to organize substantive modules following the basic structure of an empirical study. This structure can be introduced directly by the instructor or, as the course progresses, brainstormed by students. As a starting point, instructors might consider the following format:

- Present data (quantitative or qualitative) illustrating variation across countries, over time, or other dimensions in a concept relevant to the substantive topic (e.g. human rights treaty membership, respect for physical integrity rights, etc.).
- Identify a research question based on the illustrated variation.
- Invite students to propose at least two hypotheses to address the research question; for each hypothesis, identify the independent and dependent variable(s). At this point, it might also be useful to discuss issues relating to the measurement of these variables.
- Brainstorm what evidence would be necessary – and/or ideal – for testing (and/or falsifying) these hypotheses. What sources might students consult to gather this evidence?
- Frame subsequent discussions of the topic around the research question and variables in the proposed hypotheses.

Exercise 2: Comparing Human Rights Reports

Reports published by governments, INGOs, and NGOs are an important source of qualitative data on human rights, but the coverage and conclusions of these reports can sometimes differ substantially, depending on the protocols and biases of the publishing organization. In this group exercise, students will compare human rights reports.

- Assign, or student groups select, a country-year (e.g. Afghanistan-2021, Ukraine-2023, United States-2024), for which at least two of the following entities have published an annual human rights report (or covered the country-year in a global human rights report): Amnesty International, Human Rights Watch, US Department of State, EU External Action Service.

- Groups access (online) and review the annual human rights report for their country-year for at least two different sources and compare their content and conclusions, according to the following criteria:
 - How do the respective reports characterize the overall human rights situation in the country?
 - Identify at least two specific categories of rights (e.g. physical integrity rights, migrant rights, women's rights, etc.) common to each report: how do the reports characterize the status of these rights?
 - To what extent do the reports suggest improvement or deterioration in the overall human rights situation and/or specific categories of rights in the country from previous years?
 - Brainstorm some possible explanations for similarities and/or differences in the respective reports.

Exercise 3: Options for “Fieldwork” in Human Rights Courses

“Fieldwork” in human rights is often associated with traveling abroad to make observations, conduct interviews, and gather data on human rights conditions and practices. While this is often not feasible in undergraduate courses, conceptualizing the “field” to include local and virtual spaces provides many opportunities for students to engage in human rights “fieldwork,” including the following:

- Brainstorm hypothetical interview questions for different categories of human rights actors in a selected case, e.g. domestic and/or international activists, government officials, victims of human rights abuses, or perpetrators.
- Design and (if feasible) conduct an in-person or virtual interview with a professor, friend, roommate, or other interlocutor on an human rights issue affecting the subject.
- Attend a local government (e.g. city council) meeting addressing issues relevant to human rights (or attend a meeting and identify how the issues discussed might be relevant to human rights).
- Visit a local museum (or review the website of a non-local museum) and identify human rights content.
- Livestream a session of an international human rights body, e.g. the United Nations Human Rights Council.
- Compile an ethnographic “journal” of references to human rights in the student’s everyday life and/or current events.

Exercise 4: Process Tracing Human Rights

Collier (2011a, 2011b) describes a series of in-class exercises for teaching process tracing. Each exercise is organized around a published empirical study and a set of discussion questions focusing on process tracing as a methodology. While none of Collier's exercises focus specifically on human rights, this basic framework can be easily adapted to published human rights research and used to discuss process tracing, using the following format (as a group or individual exercise):

- Assign, or have students select, a published empirical study on human rights that uses process tracing. Begin by assigning students to read the introduction and theory sections of the study **ONLY**.
- Based on the introduction and theory sections, students summarize the basic theoretical argument, including identifying the proposed cause and effect and at least three “steps” (or causal mechanisms) in the intermediate process, in temporal sequence. It may be useful for students to diagram these steps.
- Brainstorm what “diagnostic evidence” would be necessary – and/or ideal – to establish the operation (or non-operation) of the causal mechanisms.
- Students should review the remainder of the paper, including the methods and findings sections, and discuss the following: What sources are used for the “diagnostic evidence” relevant to the operation of each proposed causal mechanism? To what extent does the “diagnostic evidence” presented in the study convincingly demonstrate the operation of the proposed causal mechanisms? Did the causal mechanisms occur in the required temporal sequence? How convincing is this evidence? What additional evidence would be helpful to strengthen your confidence in the conclusions presented in the study.

Exercise 5: Human Rights Content Analysis

Content analysis involves coding “texts” (broadly defined) to identify relevant themes, categories, and patterns. While content analysis increasingly employs software (e.g. NVivo), coding may also be done “by hand,” both to teach relevant concepts and to provide practice in the method.

The “Generations of Rights” exercise, as proposed by Barry (n.d.), provides a useful model for introducing content analysis, and substantive human rights concepts, as follows:

- Students should be introduced to the concept of “generations of rights” (civil-political; economic, social, and cultural; collective and community)

through assigned readings, lecture, or discussion. (Note: this exercise can also be implemented with other typologies of rights, e.g. positive versus negative rights).

- Students develop and propose “coding” protocols for classifying rights according to their “generation.”
- Students review the text of the Universal Declaration of Human Rights. Note that this exercise can, in principle, be implemented with any human rights declaration, treaty, etc., with sufficient variation in the relevant conceptual.
- Students code each right enumerated in the Declaration (or some sub-set of rights) as first, second, or third according to their coding protocol, and briefly explain their coding decisions. Identify and discuss any difficult coding decisions.

Exercise 6: Mixing Methods

This exercise is intended to illustrate how qualitative data can be used to construct quantitative measures of human rights, using publicly available quantitative data and qualitative human rights sources.

- Assign, or have student groups select, at least one quantitative measure of human rights in a publicly accessible dataset, e.g. CIRIGHTS (Mark et al., 2023a, 2023b), Varieties of Democracy, etc., and a relevant country-year (e.g. United Kingdom-2023). For the purposes of this exercise, it is likely to be most useful for students or groups to focus on a measure of a specific right, e.g. the “Torture” indicator in CIRIRights, rather than indices that aggregate across multiple rights.
- Students access the codebook for the relevant dataset and describe the coding rules for the selected measure.
- Students access a government, IGO, or NGO annual human rights report for the relevant country-year (as in Exercise 3). Based on this report and the protocol described in the dataset, students assign a quantitative value for the selected human rights measure in the relevant country-year.
- Students access the dataset and compare their coding decisions with the dataset.

11. Quantitative research

Skip Mark and K. Chad Clay

LEARNING OBJECTIVES

By the end of this chapter, the reader should understand:

- The benefits, as well as the challenges, of a quantitative and/or mixed-methods approach to teaching human rights in a political science classroom.
- The general characteristics of different types of quantitative human rights data, along with several different exercises that instructors could engage with covering those characteristics.
- The structure of, and concepts used by, several human rights datasets, as well as a number of exercises that utilize those datasets in the classroom.
- A few theoretical models of respect for and abuse of human rights established by the mixed-methods human rights literature, along with classroom activities aimed at exploring those models.

INTRODUCTION

“Is our government a human rights violator? If so, to what degree? How does it compare to other countries?” These are questions that you might pose to students who are just starting to learn about human rights, and while they will frequently provide their opinions, they will rarely make reference to any sort of rigorous information source. Further, in our experience, the average college classroom rarely starts with any agreement on how to best answer those questions. The field of human rights tends to rely heavily on stories and narratives about individuals whose rights have been violated, as well as those who have fought to improve human rights over time. A focus on specific events, perpetrators, and victims can be incredibly powerful for teaching why human rights are important and necessary. However, it can also lead students to believe that past human rights violations are exceptional cases and that the human rights issues of the past have been resolved. Further, the uneven attention that countries receive publicly can skew individuals’ understandings of their own

country's use of human rights abuse. Likewise, the extensive focus on violent human rights violations, to the exclusion of treating other rights as rights, can lead some to believe that some rights are more important than others or even that some rights simply are not human rights.

The analysis of quantitative human rights data alongside qualitative information can help with all of these issues. Quantitative data and research help us zoom out from the specific and particular to gain a greater focus on the broad and generalizable across cases and time. By teaching students about variation in respect, protection, and fulfillment of a wide range of human rights around the world, students may gain a broader understanding of the topic. It can help outline the scope of the problem of human rights abuse and draw our attention to solutions that have worked to resolve the problem in some locations, as well as which approaches have made things worse. While neither quantitative nor qualitative approaches can tell the whole story, a mixed-methods approach that combines the two can leave students with a powerful understanding of human rights as a whole.

There are other benefits of engaging with quantitative human rights work in the classroom beyond the crucial step of giving students a more thorough understanding of human rights overall. First, for the educator who is concerned about allegations of political bias in the classroom, quantitative data can provide cover for the discussion of politically contentious topics like human rights. Indeed, discussing the potential sources of bias in the data themselves can open students up to understanding better how human rights information is reported and where it comes from. Second, and relatedly, our approach provides opportunities for students to learn how human rights data are produced, how to replicate and critically engage with those data, and, ultimately, how to use data in analysis, all of which are valuable and marketable skills beyond the subject of human rights alone. Third, we believe that incorporating a quantitative approach can help educators show students the limitations of data and why it is necessary to look at case studies and qualitative work to contextualize data. We advocate teaching students to engage with data as critically as they would any theory, breaking it down and analyzing its strengths and weaknesses. If done well, this can reduce student aversion to data science and quantitative methods.

This chapter outlines a framework for adopting quantitative human rights into a lesson plan. We assume that those reading this chapter may be interested in adopting one or more lesson plans about human rights with a focus on data and quantitative methods. One challenge in teaching quantitative approaches is the need to balance the history and intellectual debates surrounding human rights, statistical methods to understand data, and the measurement of human rights. In this chapter, we will assume that educators have covered some of the history and intellectual debates surrounding human rights and that students

can understand basic statistical concepts such as mean, median, and mode. We therefore spend most of our time focusing on human rights measurement and the incorporation of quantitative human rights data into a lesson plan.

Our advice, therefore, is aimed not at those teaching an entire course on human rights through a quantitative lens (though they should find this useful as well) or those hoping to cram quantitative approaches, qualitative approaches, and the history of human rights into a single class. Instead, this chapter is for educators who want to teach their students about human rights data, measurement, and the benefits *and* limitations of quantitative approaches to answering human rights questions but may have limited space or time to do so within their course.

We proceed with a brief discussion of the general characteristics of different kinds of quantitative human rights data. We then outline several human rights data projects, focusing on three in particular – the Human Rights Treaty Dashboard from the United Nations Office of the High Commissioner for Human Rights (OHCHR), the CIRIGHTS dataset, and the Human Rights Measurement Initiative (HRMI) – and provide potential classroom activities and discussion questions for each. We then examine how different project approaches offer insights into various conceptualizations of human rights. Finally, we outline a standard quantitative human rights model that is often used to investigate human rights and share some of the findings in this literature that can be of use to students. Through this chapter, we hope to provide several different avenues for educators to choose from depending on the level of sophistication of their students, the time they have, and the aspect of quantification with which they want their students to engage.

CHARACTERISTICS OF QUANTITATIVE HUMAN RIGHTS DATA

There are several questions that educators should either teach their students or ask their students to investigate when using any quantitative human rights data. Any time a student encounters a human rights data project, they should try to understand the level at which human rights are being measured, the source of information used to produce the measure, the type of human rights measure it is, the transparency of the measurement method, the unit of analysis, the time period covered, and the number of unique units of observation for that dataset. Most of this *should* be found in a methodology or scoring guide that accompanies the dataset. It is also often discussed in academic journal articles that use the data or introduce the data.

There are several *levels* at which one can measure a country's adherence to human rights (Landman & Carvalho 2010; Clay & LaVelle 2025). At the highest level, most removed from the individual experience of human rights, one

might be interested in human rights in *principle*, that is, the degree to which the government has obligated itself to human rights by ratifying or otherwise formally committing to international human rights law. One level down, one may be more interested in whether government *policy* accords with international human rights law. Closer still to individual experience, one might be interested in the degree to which a government's *practice* aligns with its legal obligations to respect, protect, and fulfill human rights. Finally, if one is primarily interested in whether individuals actually enjoy their human rights, they should seek out measures of the *presence* of human rights enjoyment, i.e., human rights conditions (Clay & LaVelle 2025, pp. 3–6). Students should be able to recognize which level(s) a project is trying to measure by evaluating both the questions the project asks and the information source on which the project relies.

Indeed, the *sources* used to produce data are important for understanding any data project. Human rights data are only useful to the extent that they are based on valid and reliable source material. The information needed to generate quantitative human rights measures are usually drawn from one or more of the following sources: non-governmental organization (NGO) reports (like those produced by Amnesty International (2025) and Human Rights Watch (2025)), government reports (like the United States (US) Department of State (2025) Country Reports on Human Rights or Report on Human Rights Violations released by China's State Council Information Office (2024)), international organization reports (like the United Nations Periodic Review), publicly available statistical indicators, newspaper articles, surveys, or interviews.

BOX 11.1 TEACHING TOOLS AND TIPS FOR EXPLORING SOURCES OF INFORMATION

When exploring the source of information, there are a host of questions that educators can ask their students, such as:

- What sources of information are used to create these data?
- What are the potential biases of these sources?
- Are there reasons to be skeptical of the sources used? Why? Which cases are more/less likely to be accurate as a result of this?
- What do you think the governments accused of human rights violations say about this source?
- If sources disagree, is there reason to believe one over the other?
- Are there sources we should not consider?

In general, there are four *types of human rights measures*: events-based measures; standards-based measures; survey-based measures; or statistics-based measures (Landman & Carvalho 2010). Events-based measures answer who (perpetrators) did what (rights violation) to whom (victim) and can be used to produce a count of the number of alleged violations (how many people were killed or disappeared). Standards-based measures apply an ordinal scale to qualitative reports and often give a less granular measure of human rights by telling us whether there were “many,” “few,” or “no violations.” Survey-based measures rely on structured or semi-structured interviews of individuals who may have knowledge of human rights violations. This could be practitioners, perpetrators, victims, activists, NGO employees, government officials, bureaucrats, or the general population. Finally, statistics-based measures use existing publicly available indicators drawn from another dataset in new ways that tell us something about human rights.

BOX 11.2 TEACHING TOOLS AND TIPS FOR UNDERSTANDING TYPES OF HUMAN RIGHTS DATA

When using human rights data, users should be able to answer what type of measure they are discussing. When exploring the type of human rights measure, there are a host of questions that educators can ask:

- What type of measure is this (events-based, standards-based, survey-based, statistics-based)?
- How might these data change if we used a different measurement strategy (e.g., events-based or standards-based) with the same information sources?
- If we wanted to create a survey to measure violations of “the right to X,” who would we want to interview, and what would we ask them?
- If we wanted to create an events-based measure of “the right to X,” where might it be more or less difficult to find events, and what would be a good source of information to collect events?
- If we wanted to create a standards-based measure of “the right to X,” what would the cut points be? How should we determine whether there are “a lot” or “a few” violations?
- If we wanted to use statistics indicators to measure “the right to X,” what are the underlying data used to create this indicator? Would we want additional information to capture the right better?

Transparency of the method used to produce the data is also important. Some projects, like CIRIGHTS and HRMI’s Social and Economic Rights Fulfillment data, have instructions for users about the sources they use and how they create their measures. Others explain their measurement procedure very clearly but

do not release the underlying data. Any events-based or standards-based measure should be transparent in its measurement process. This means users should know how information is identified and gathered, the sources of information considered (as well as any sources that should be excluded), and the scoring rules it employs to convert the raw source material into data.

Some projects are less transparent in this regard. For example, the exact sources Freedom House uses to create its measures are not known. In their methodology note, they say they use “a broad range of sources, including news articles, academic analyses, reports from nongovernmental organizations, individual professional contacts, and on-the-ground research” (Freedom House 2024, p. 2). This leaves users uncertain about which sources are used, whether any sources are not used due to bias, and how they make decisions when different sources conflict. The scoring rules are also not very transparent, as they inform users that analysts generate scores and then discuss them in a panel, ultimately reaching a consensus. What does and does not count as a violation of each of their rights is therefore not transparent to the public. If the search procedure, sources, and scoring guidelines were known, then users could try and replicate that process. This is not to say that the project does not have concrete rules about sources and scoring decisions. Rather, it is to say that these cannot be replicated by outsiders, which makes it difficult to determine where errors and bias might occur.

On the other hand, survey-based methods often require the protection of respondents’ identities because researchers are bound by ethical standards that prevent them from releasing information that may cause harm to respondents. Transparency for these projects means understanding the respondent eligibility requirements of the surveys, the size and structure of the survey samples, when the surveys were conducted, and providing the data from those surveys, which has been stripped of any information that could be used to identify respondents.

HRMI surveys human rights practitioners to generate much of its data (Clay et al. 2020). HRMI does not collect information on exactly who said what about the government, as that could put respondents at risk. However, they explain how they select participants for the survey, how they account for bias in survey responses, and which survey questions they ask. They provide a wealth of summary data from those surveys, including the groups at risk of having their rights violated, as well as anonymized summaries of qualitative responses. They are willing to share fully anonymized replication data with users, and these data have also been made available in their published work (e.g., Clay et al. 2020, 2022). As such, HRMI is as transparent as possible while continuing to respect its ethical obligations to its respondents.

BOX 11.3 TEACHING TOOLS AND TIPS FOR TEACHING TRANSPARENCY AND REPLICATION

Many measurement projects employ methodologies that may be challenging for students to understand at first blush, but educators can still encourage their students to recognize how the project converts the source of information (reports, interviews, news articles) into scores. For example, for a given data project, educators can ask students questions like:

- Could you replicate this process with publicly available data? How?
- Could you replicate this process if you had the funds to conduct your survey?

Data users should be able to explain the dataset's *unit of analysis*, as well as its *coverage* over *time* and its *unique units*. A unit of analysis is the object being studied or captured in the dataset. Since data often come in the form of a spreadsheet (e.g., Excel, number, csv text file, or a dataset format associated with a particular statistical package), the unit of analysis often forms the unique identifier for each observation in the dataset. For human rights data, to identify the unit of analysis, users need to know the unit of observation and the time period for the observation unit.

To identify the unit of analysis, users first have to determine the *unit of observation*, which for human rights data generally falls into one of three groups: individuals; groups; and states. Individuals might be human rights practitioners who have been surveyed, citizens who have filed a human rights complaint, or repressive events. Groups may be rebel groups, civil society organizations, or companies. States refer to geographic units such as countries, regions, or a geographic unit within a state, such as a town or county. Temporal coverage of the observation unit could be days, months, quarters, or years. Each observation may show up more than once in the dataset. For example, if the dataset looks at government respect for rights in a country over time, then there is a data point for each country in each time period. This tells us the period that the data for this observation cover, e.g., a year. For other data, there may not be duplicate units, so the unit of analysis is simply the unit of observation. The unit of analysis then combines the unit of observation and the time this observation covers, as is often written in the format of "unit of observation – time." In international human rights data, country-year is the most common unit of analysis.

We should also be aware of the dataset's temporal range and the number of unique units of observation it contains. *Temporal coverage* tells us the start

and end dates as well as whether there are any gaps in coverage. We should also know how many *unique units* the dataset covers. This might tell us the number of countries or the number of individuals surveyed.

BOX 11.4 TEACHING TOOLS AND TIPS FOR UNDERSTANDING HUMAN RIGHTS DATASETS

Users should be able to answer the following questions about any dataset they use:

- What is the unit of observation (e.g., individuals, groups, states)?
- If the unit of observation is observed at multiple points, how much time does each observation cover (e.g., day, month, year)?
- What is the unit of analysis (e.g., country-year, repressive event-day)?
- What is the temporal coverage of the data (e.g., 2000–2022 or a single year)?
- How many unique units are in the dataset (e.g., 195 countries, 2000 survey respondents, 1100 events)?

SOME USEFUL HUMAN RIGHTS PROJECTS TO EXPLORE

Below, we provide several ways for educators to engage with human rights data. You are free to choose one or more of these tools, and we provide a broad set of datasets and rights to enable educators to tailor the use of data to their specific needs. In particular, we focus on three projects that may be useful in the classroom. We chose projects with which we are most familiar and which have data visualizations, are updated often, and are easy to use. For each of these projects, we provide some assignments that can be given to students and discuss what the projects help explain.

Measuring Human Rights in Principle: The OHCHR Human Rights Treaty Dashboard

To what degree is a state obligated by international human rights law? Which states are very committed to the international human rights regime, and which states have demonstrated less commitment to human rights in that regime? The foundational concepts measured by quantitative human rights data are in international law. As such, data that explore which human rights instruments a country has signed and/or become legal party to provide an excellent place to begin. The degree to which a state has agreed to international human rights law can be viewed as a measure of that government's respect for human rights

in principle (Landman & Carvalho 2010; Clay & LaVelle 2025). The United Nations OHCHR Status of Ratification Interactive Dashboard provides information about the ratification status of 18 major human rights instruments for every country in the world (OHCHR 2024). A good place to start is looking at which countries have ratified or acceded to the most treaties, or examining a specific country or set of countries and exploring which treaties they have ratified. For example, when pulling up the dashboard, we see that the US has only ratified five (Committee on the Elimination of Racial Discrimination, International Covenant on Civil and Political Rights (ICCPR), Convention Against Torture (CAT), and two optional protocols to the Convention on the Rights of the Child) of the 18 human rights instruments. If you pull up the Convention on the Rights of the Child on the dashboard, you can show students that the US is the only country that has not ratified or acceded to this treaty. The Convention on the Elimination of All Forms of Discrimination against Women shows a similar pattern, with the US, Tonga, Sudan, Somalia, Pakistan, Niue, Iran, and the Holy See as the only countries not party to the treaty. The data used to produce these maps can be downloaded and explored in a classroom.

The instruments that a state has ratified or acceded to tell us what that state's legal obligations are under international human rights law. Many of these rights are contentious, and we have found that the rights students find to be more contentious are often those included in instruments their country has not ratified. This is useful for engaging in discussions about the internalization of human rights norms and how the rights we have as citizens are often a subset of the rights many other countries provide their citizens.

By exploring a global overview of which instruments have and have not been ratified, educators can begin to discuss the role of international human rights law in domestic politics. You can pair a discussion of a particular human rights instrument with the political context that the instrument emerged from (International Covenant on Economic, Social and Cultural Rights and ICCPR as emerging during the Cold War, for example), common objections to ratification by governments, issues of sovereignty, and how ratifying a treaty is not enough by itself to ensure respect for and fulfillment of those rights.

BOX 11.5 TEACHING TOOLS AND TIPS: USEFUL OHCHR DASHBOARD ASSIGNMENTS FOR STUDENTS

- Have students pick a country and explore how many of the 18 instruments the country has ratified or acceded to.
- Have students pick an instrument and identify the countries that are or are not party to that instrument.

- Using some of the datasets described in this section, explore whether the countries that have ratified or acceded to an instrument have better practices on the human rights contained in the instrument.
- Why hasn't a country ratified one of the instruments? What are the reasons given by the leaders of the country?
- Which instruments are most accepted, and which instruments are least accepted? Why?

CIRIGHTS Dataset

To what degree do states' human rights practices live up to the principles found in international human rights law? Which states fall short of those principles, and by how much? What do national and international human rights organizations say about state practices? While understanding whether states have agreed to human rights in principle is important, most of the time, we are often more interested in whether state actors actually respect, protect, and fulfill their human rights obligations *in practice* (Landman & Carvalho 2010). Growing out of the long-running CIRI Human Rights Data Project (Cingranelli & Richards 2010; Cingranelli et al. 2014b) and including additional variables from the WorkR labor rights dataset (Barry et al. 2022), the CIRIGHTS dataset is a good example of a project that measures government respect for human rights in practice (Mark et al. 2023, 2024). Unlike the treaty ratification dashboard, this project examines whether governments are respecting or violating human rights as defined in international law. It covers many civil, political, economic, and social rights, making it quite useful for exploring broad trends in respect for rights around the world and over time.

The dataset is free to access, updated annually, and covers more than two dozen rights for every country in the world going back to 1981. The dataset, scoring guide, and source material can all be found online.¹ The CIRIGHTS project uses the US Department of State (2025) Country Reports on Human Rights and, for physical integrity rights, Amnesty International (2025) reports to score each country on an ordinal scale of respect for various human rights: widespread violations (0); some violations (1); and no evidence of violations (2). The data in the project are scored by university students with the oversight of human rights scholars, typically in directed studies, research positions, or human rights classes. The scoring guide contains information on the

¹ The current coding guide can be found at the following link: <https://cirights.com/wp-content/uploads/2023/08/cirights-codebook-v2.8.27.23.pdf>. Future updates to the guide can most easily be accessed by visiting CIRIGHTS.com.

international instruments that each right is based on, a definition of each right being scored, and explains the process of scoring. This makes it quite useful for educators who want to provide an assignment to their class that lets them learn how data are made while providing a low bar for entry.

The rights included in the annual update of CIRIGHTS are:

physical integrity:

- disappearances
- extrajudicial killings
- political imprisonment
- torture
- atrocities

empowerment:

- assembly and association
- foreign movement
- domestic movement
- free speech and press
- self-determination
- religious freedom
- women's economic rights
- women's political rights
- women's social rights

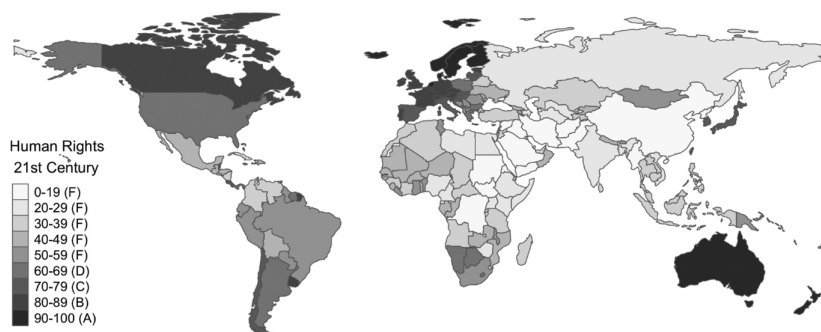
worker rights:

- unionization
- collective bargaining
- working hours
- forced labor
- child labor
- minimum wage
- safe working conditions

justice rights:

- fair trial
- NGO freedom
- independent judiciary

The CIRIGHTS website has a data visualization feature that allows students to explore around two dozen rights, several indices, each country, and a map of overall human rights respect. The project also releases an annual Global Rights Project report (Rundlett et al. 2024), which comes out of the University



Source: Skip Mark.

Figure 11.1 Global average respect for human rights in the twenty-first century.

of Rhode Island and can be found on the CIRIGHTS website. The Global Rights Project report provides insights into the dataset and global trends in rights respect and has spotlights on specific rights. Sections of this report are authored by students of the university and can be a useful reference for educators who may want to give a similar assignment to their students. Of particular interest may be the ranking of all countries on their overall human rights. Figure 11.1, taken from the 2024 report, shows the average respect for 24 different human rights in the twenty-first century (2000–2022). Students can explore the countries that perform best and worst, as well as how they would construct a report card for human rights. What rights would they add? Would they weigh some rights more heavily than others? Should countries get extra credit if they are poor, facing conflict, have a colonial history, or face other barriers? All of these questions can make for interesting classroom discussion.

BOX 11.6 TEACHING TOOLS AND TIPS: USEFUL CIRIGHTS ASSIGNMENTS FOR STUDENTS

- Have students replicate some of the scores in the project. Instructions for doing so can be found in the scoring guide at CIRIGHTS.com. Have them discuss what they think the score is before reading the US Department of State Country Reports on Human Rights and applying the scoring rules.
- Do countries that have ratified more human rights treaties have better human rights practices according to CIRIGHTS?

- Have students guess which countries have the best/worst human rights scores globally and among similar countries. Explore the CIRIGHTS global report card and see how students do.
- Have students explore how the human rights practices in a country have changed over time according to CIRIGHTS.
- What are the potential sources of bias in the US Department of State Country Reports on Human Rights Practices? What are the potential sources of bias in Amnesty International's annual reports? Lead a discussion about these biases, if we have evidence of their existence, and if their potential effect on human rights data could be mitigated.
- Which rights are not included in the dataset but should be?
- Pick a particular country. What score does the project give that country? Which rights does the country do well on? Which do they perform poorly on? Do you agree or disagree with these scores? Explore the report, scoring guide, and have a conversation about how human rights data are produced.

Human Rights Measurement Initiative

HRMI is a global project that relies on co-design and collaboration between human rights practitioners and scholars to produce metrics that are academically rigorous, useful for advocacy, and understandable and accessible to everyone (Brook et al. 2020). Founded in 2015, it has grown in every subsequent year, expanding both the number of rights it covers as well as the number of countries included in its dataset. As of the time of this writing, HRMI's data include annual indicators on governments' fulfillment of their obligations on five different economic and social rights in more than 190 countries from 1990 to the present, as well as government respect and protection of nine civil and political rights in up to 46 countries from 2017 to the present. HRMI also collects data for up to 17 countries in the Pacific region on a set of rights that a group of practitioners in the region noted were of particular interest, including the rights of women, children, people with disabilities, and LGBTQIA+ people to be free from violence. HRMI's data and visualizations can be found on their Rights Tracker platform at rightstracker.org.

For much of their economic and social rights data, HRMI relies on a methodology that accounts for the fact that countries with differing levels of income have different legal obligations to fulfill economic and social rights in international law (Fukuda-Parr et al. 2015). Article 2.1 of the International Covenant on Economic, Social, and Cultural Rights says that a state party to that treaty must fulfill the rights listed in that document "to the maximum of its available resources, with a view to achieving progressively the full realization" of those rights. Of course, this raises a question: How do we know what a

country can achieve with its current level of resources? Using publicly available data from international institutions like the World Bank, United Nations, and Organisation for Economic Co-operation and Development on outcomes related to the economic rights to food, housing, work, health, and education, the HRMI team answers this question by first calculating the very best performance ever observed on each of those indicators at every level of national income. These values are used to establish an “achievement possibilities frontier” (Randolph et al. 2024, pp. 11–13), which lets us know what a country should be able to achieve with its current resources. Then the HRMI Economic and Social Rights team divides the state’s actual performance by its expected possible performance and multiplies that value by 100, giving the percentage of possible outcomes that were actually achieved. These data are a great example of a statistics-based measure of human rights.

However, there aren’t publicly available statistics for most civil and political rights. As a result, HRMI uses a different source of information to produce measures of government respect and protection of those rights – a survey of human rights practitioners in the field who are tasked with monitoring the human rights practices of a particular country (Clay et al. 2020). HRMI’s annual practitioner survey asks respondents to provide scores for their governments’ practices on several different civil and political rights while also asking each respondent to score a set of fictional countries about which every respondent receives the exact same information. Using a measurement model that relies on those fictional country responses to understand how each individual respondent understands the rights, questions, and scoring, HRMI produces cross-nationally comparable measures of respect for civil and political rights, along with associated measures of uncertainty, that rely on the knowledge available from respondents while leaving much of the subjective difference between respondents behind. Further, HRMI provides additional details from the survey, including which identities placed one at risk for violations of each right according to practitioner survey respondents for all of the rights in the dataset, including economic and social rights. As such, HRMI’s civil and political rights and people at risk data serve as an interesting example of a survey-based measure of human rights.

Overall, HRMI’s dataset currently contains measures on the following, with more being added every year (HRMI 2024):

- Safety from the state (i.e., physical integrity rights): the rights to be free from torture, killing, forced disappearance, death penalty, and political and arbitrary arrest and imprisonment.
- Empowerment rights: the rights to assembly and association, opinion and expression, religion and belief, and political participation.

- Economic and social rights: the rights to health, education, work, housing, and food.
- For a subset of Pacific countries only: freedom from societal violence against children, people with disabilities, LGBTQIA+ people, and women and girls; the effect of the climate crisis on human rights conditions; indigenous sovereignty; indigenous land rights; and cultural rights.

BOX 11.7 TEACHING TOOLS AND TIPS: USEFUL HRMI ASSIGNMENTS FOR STUDENTS

- Have students use the data visualizations and information on the HRMI Rights Tracker to write a report on a particular country's human rights practices. How do that country's practices compare to similar countries around the world? Who do human rights practitioners say is most at risk for human rights abuses in that country?
- Using information on the Rights Tracker, discuss how to read the graphs and uncertainty bands in HRMI's civil and political rights data. Have students compare the practices of two countries across several different civil and political rights on the Rights Tracker, taking into account the uncertainty bands around each country's score. On which rights does one country perform better than another? Are there rights where we can't say?
- Ask students: How does the US (or another high-income country) perform on economic and social rights compared to other high-income democracies? Is that better or worse than you expected? Why does it receive the scores it receives?
- Have students learn about the HRMI survey by trying to fill it out themselves, using the preview of the previous year's survey on the methodology section of HRMI's website: <https://humanrightsmasurement.org/methodology/>.
- Ask students what they think of the indicators used to measure one of the economic and social rights for low- and middle-income countries, as well as for high-income countries. What indicators are missing? Why do you think HRMI has not included those indicators? Can you find those indicators for a large sample of countries online?
- What are the potential advantages of relying on expert surveys instead of publicly available reporting? What are the potential disadvantages?

Other Measurement Projects to Incorporate

Beyond the featured three projects, there are a lot of different human rights measurement projects out there. This offers educators the opportunity to pick and choose the data and rights on which they would like to focus. In Table 11.1, we outline CIRIGHTS, HRMI, and a few other projects that are widely used, updated annually, and likely to continue for the foreseeable future. We then provide brief synopses of these other projects.

Table 11.1 Dataset summaries

Dataset	Sources	Type of measure	Unit of analysis	Temporal coverage	Unique units
CIRIGHTS	US Department of State reports, Amnesty International	Standards-based	Country-year	1981–2022 Usually 2–3 years behind current year	208 countries
HRMI Civil and Political	Human rights practitioners	Survey-based	Country-year Group-year	2017–2023 Usually 1–2 years behind current year	46 countries and growing
HRMI Economic and Social Rights	Multiple international organization datasets	Statistics-based	Country-year	1990–2021 Usually 3–4 years behind current year	223 countries
Political Terror Scale	US Department of State reports, Amnesty International, Human Rights Watch	Standards-based	Country-year	1976–2023 Usually 1–2 years behind current year	214 countries
Freedom House	Sources unclear	Standards-based	Country-year	1972–2023	210 countries and territories

Dataset	Sources	Type of measure	Unit of analysis	Temporal coverage	Unique units
Uppsala Conflict Data Program One-Sided Violence	Newsires, BBC reporting, secondary sources (local media, NGO, and intergovernmental organization reports, field reports, social media such as Twitter (X) and Telegram)	Events-based	Conflict group-year	1989–2023	334 groups
Human Rights Scores	Multiple physical integrity rights-measuring datasets	Measurement model-based	Country-year	1946–2021 Updated every few years, with a lag of 2–3 years at time of update	201 countries

Political Terror Scale (PTS) (<https://www.politicalterrorsscale.org/>): The PTS measures violations of physical integrity rights by state agents on a five-point scale, where higher values indicate greater levels of physical integrity violation (Gibney et al. 2024).

Freedom House Freedom in the World (<https://freedomhouse.org/report/freedom-world>): Freedom House provides several standards-based measures on political rights, civil liberties, and internet freedom (Freedom House 2024). It produces an annual “Freedom in the World” report which explores democracy across the globe and has several other resources explaining the scores used. While the project often conceptualizes “democracy” rather than “human rights,” it does take the Universal Declaration of Human Rights as its foundational document, and the project can be useful for exploring a wide variety of rights and discussing how democracy and human rights may or may not differ.

Uppsala Conflict Data Program (UCDP) One-Sided Violence (<https://ucdp.uu.se/>): UCDP produces a large amount of data on conflicts around the world, including events-level data on one-sided (extrajudicial) killings of civilians during civil conflict (Eck & Hultman 2007; Davies et al. 2024). The dataset includes the actor responsible for killings (state and non-state), an estimate of the number of civilians killed (low, medium, and high), as well as information about the conflict and location where the killings occurred. They also have a useful data visualization tool exploring conflicts and the extent of state, non-state, and one-sided killings.

Human Rights Scores (<https://dataverse.harvard.edu/dataverse/HumanRightsScores>): The physical integrity rights data collected by CIRIGHTS, PTS, and HRMI rely on information on abuse that is gathered soon after those abuses were committed. However, understandings of human rights, the global information environment, and the ability of organizations to monitor human rights have likely all changed over time. Thus, it is possible that these measures do not account for a changing standard of accountability in physical integrity rights abuse (Fariss 2014). The data in the Human Rights Scores project are produced using a measurement model that draws on information from multiple physical integrity rights datasets and allows for the possibility that the standards used to measure human rights have changed over time. This model indicates that respect for physical integrity rights may have improved over time in a way that cannot be captured by existing data projects. While this project might be somewhat more difficult for students to intuitively understand, it is useful for raising questions about whether human rights have changed over time and whether our data are as comparable over time as we would like them to be.

USING DATA TO EXPLORE DIFFERENT CONCEPTUALIZATIONS OF HUMAN RIGHTS

One of the most useful aspects of human rights data is that they force researchers to have a very clear definition of what a right is and what counts as a violation of that right. Data projects then must develop a way of sorting cases with little ambiguity. Measures that explore whether domestic laws protecting a right meet international standards, for example, have to be able to definitively say yes, no, or partially. Some cases inevitably fall into a grey area, and these projects must decide which in direction to err and must document those decisions.

For data exploring violations of a right, there must be a clear set of rules to sort cases. A country in the CIRIGHTS project has to clearly say whether a country is engaging in widespread torture, some torture, or there is no evidence of torture. Likewise, when exploring the fulfillment of the right to food in HRMI's economic and social rights data, a country has to be given a score that tells the user the extent to which the state is meeting its legal obligations. The number used has to be meaningful and convey information that allows users to assess human rights performance on the chosen dimension of human rights performance.

As such, the definitions and delineations used by each project serve as useful areas for discussion about our understanding of the rights themselves. For example, the CIRIGHTS project and the PTS project disagree on what role the size of the population should play in determining the degree of abuse in a country (e.g., Cingranelli & Richards 2010; Wood & Gibney 2010). CIRIGHTS does not take the population size of a country into account, preferring to base its determinations on what human rights reports say about the total number of people experiencing abuse at the hands of state agents. PTS, on the other hand, focuses on what proportion of the population is being targeted for abuse. As such, two states with the exact same total number and type of abuses, but very different population sizes, may receive slightly different scores on PTS, but would be expected to receive the exact same scores on the CIRIGHTS measures of physical integrity rights. This means that even though the two projects use the same source material and are measuring the same rights, they may still periodically produce data that seem to disagree about the extent of violations. Differences like this can lead to fruitful debates about how tradeoffs in conceptualizing rights affect the data we have.

Indeed, there are several examples of how these differences in conceptual definitions result in variations in how the same events and rights are scored across projects. Part of these differences has to do with the source material. Students will almost certainly be aware of violations in their country that are not included in human rights reports and so are not captured by the data. Human rights practitioners who are surveyed by the HRMI project, for example, may

point to violations that are not captured in human rights reports because the wider organization may not have thought it strategically wise to spend their limited resources focusing on those violations instead of others. Newspaper coverage can capture violations that are missed in other sources, but that may vary according to market demand and editorial decisions. NGO reporting rarely aims to capture every event but instead may focus on the rights that are likely to generate interest, donations, and new members.

Any scoring decision comes with tradeoffs. Projects try to balance the ability to capture events accurately with the ability to capture as much information as possible. In general, the greater the attempted precision of a human rights measure, the lower its reliability. For example, attempts to measure the exact number of civilian deaths in a war are frequently inaccurate, while it is much easier to assess whether this number is small or large. The less granular the measure, the more consistent (or replicable) the measurement process. However, blunt measures often miss important changes that would be captured by a more precise measure. Since different projects place different emphasis on precision and replicability, they will come to different conclusions and be useful for different purposes.

There are real-world examples to rely on for the way in which differing conceptual definitions lead to different outcomes on quantitative measures. In Clay et al. (2020, p. 725), the HRMI team compares two civil and political rights measures to similar measures in the Varieties of Democracy (V-Dem) dataset. Where HRMI is attempting to match their core concepts to the definition of those concepts in international human rights law, V-Dem is more concerned with measuring the concept of democracy, which overlaps with, but is not fully constitutive of, internationally recognized human rights. As such, it is probably not surprising that their data do not always tell the same stories. The two projects' measures of torture use a conceptual definition very similar to that found in the CAT, though HRMI's definition covers more of the acts deemed torture or ill treatment by the CAT than does the more limited definition used by V-Dem. As a result, the torture data from both projects produce quite similar results, with a Pearson correlation greater than 0.8. However, the conceptual definitions used by the two projects' measures on killing are quite different. HRMI measures "extrajudicial killing" as "any death caused by government actions outside of armed combat, immediate self-defense, or a legally-sanctioned death penalty" (Clay et al. 2020, p. 725), which is broadly in keeping with the right to life in Article 7 of the ICCPR. V-Dem, on the other hand, measures "political killing," which only includes killings by government actors that are intended to get rid of political opponents. As a result, the differences between these two measures are much larger, with a Pearson correlation of just over 0.5. Unsurprisingly, given the different focuses of the two projects, some ostensibly democratic countries like Brazil, Mexico, and the US perform far worse on HRMI's measure than on

V-Dem's measure. As such, an excellent class activity is to ask students to delve into the coding guidelines and supporting materials associated with different datasets and to ask them to predict how differences between projects will cause different outcomes in the data before seeing if those differences actually materialize in the datasets themselves.

THE HUMAN RIGHTS MODEL

BOX 11.8 TEACHING TOOLS AND TIPS: DIFFERENT CONCEPTS AND OPERATIONALIZATIONS OF RIGHTS

- One useful area of classroom discussion is to show students some of these differences across datasets and then ask how they would define and measure a specific human right. Pushing them to write down a clear definition and then presenting them with a set of cases that are difficult often helps students see the difficulty in measuring human rights violations.
- It can also be useful to discuss issues students have with the scoring procedure of different projects. How would they measure the right using a similar process? Are there any scoring rules they would change or sources they would add/subtract?

As mentioned above, one of the strengths of quantitative human rights research is its ability to find general empirical regularities that tell us more about the average attributes of human rights respecting and abusing states. In particular, researchers have used the long-standing measures of physical integrity rights to produce a large, rich literature on the correlates of respect for those rights. While we do not have the space to explore that literature fully, we would like to explore something of the general model of physical integrity that has been developed and explored in a few overarching pieces of research (e.g., Poe & Tate 1994; Poe et al. 1999; Hill & Jones 2014; Richards et al. 2015).

Most of these studies have developed from a generalized theoretical model that treats government leaders as rational actors whose first preference is to preserve their position and power. As such, Poe (2004) argues that these leaders consistently attempt to maximize the ratio of their perceived strength to the perceived level of threat they face. If government leaders perceive that their strength is falling or the threats they face are rising, this model argues that the leader will respond with some action intended to stave off the increasing likelihood of removal from power. Because the state is defined as the only actor that may legitimately engage in violence within its borders (Weber 1946 [1919]), we may presume that violence is always an action under consideration by government

leaders looking to maintain their hold on power. However, if the leader has several alternatives to violence, and if some of those alternatives carry greater benefits than violence or if violence is especially costly, the leader may opt for a strategy other than physical integrity rights abuse. As such, this general theoretical model tells us that government physical integrity rights abuses are more likely in countries where (1) government leaders' hold on power is declining, (2) threats to government leaders' hold on power is increasing, (3) there are few alternatives to physical integrity rights abuse for securing power, and (4) the expected utility of engaging in physical integrity rights violations is higher than that of the alternatives.

While this is an incredibly simple model for understanding the government's choice to violate physical integrity rights, it yields a robust foundation for generating testable hypotheses on physical integrity rights abuse. For instance, leaders of states facing civil conflict or domestic turmoil are likely to perceive the threat to their positions as high or rising and, as such, are more likely to engage in physical integrity rights abuses than states that face little conflict or turmoil. This finding is regularly found in the literature (e.g., Poe et al. 1999; Hill & Jones 2014; Richards et al. 2015). Likewise, governments with higher access to economic resources, often measured by gross domestic product per capita, are likely to have a higher perception of their strength, a lower perception of threat, and a greater number of available policy options than states that lack access to those resources. As such, wealthy states would be expected to engage in less physical integrity rights abuse than others, which is another finding that is found with regularity in the literature (e.g., Poe & Tate 1994; Poe et al. 1999; Richards et al. 2015). Similar arguments can be generated for many of the frequently discussed correlates of respect for physical rights, like democratic institutions and smaller populations. Democracies tend to have better human rights practices as leaders in these systems are more accountable to their citizens, especially where there is popular participation in the political process by citizens, institutional constraints on leader power, and checks and balances (Davenport 2007). Democracy is particularly good at improving human rights in states with high levels of state capacity, however, democratization can counterintuitively undermine some rights when state capacity is low (Cingranelli et al. 2023).²

² This can even be further complicated by asking whether the concepts of democracy and physical integrity rights overlap so much that their relationship is positive by definition (Hill 2016), which can lead to interesting classroom discussion.

BOX 11.9 TEACHING TOOLS AND TIPS: THE HUMAN RIGHTS MODEL

An excellent activity for students in the classroom is to generate potential hypotheses about correlates of human rights using Poe's (2004) or some other theoretical framework. One potential alternative is to focus on principal-agent theory as an explanation for physical integrity rights abuses, and discussing the conditions under which state agents who are tasked with carrying out repression follow orders or refuse to follow orders even when refusal comes with significant costs (Cingranelli et al. 2014a; Pion-Berlin et al. 2014).

CONCLUSION

This chapter has advocated for adopting approaches to teaching human rights that lean heavily on what we can learn using quantitative measures and methods. We have made the case that adopting this approach can be useful to teach students about the strengths and limitations of quantification, how to explore human rights data, and what questions to ask. We have also provided several measurement projects to explore and assignments and discussion questions for each, as well as suggested several additional measurement projects for exploration at the instructors' discretion. Finally, we demonstrated how instructors could use the varying conceptualizations employed by human rights measurement projects to teach students about the difficulty of defining human rights and provided a brief discussion of a common model of human rights used in the quantitative literature.

Of course, we do not want to overstate the value of quantitative work; much of what we can learn from quantitative work loses meaning without being paired with valuable qualitative context. From our perspective, there is no such thing as a purely quantitative class that can actually teach students human rights. As such, any instructor undertaking what we have discussed here should think of their class as one that is embracing mixed methods and pay close attention to the qualitative forms of evidence that these quantitative data should be paired with.

Nevertheless, we believe there is much to be gained by using these approaches. Students who undertake the activities discussed in this chapter will gain valuable skills analyzing text, a greater understanding of the legal definition of a range of human rights, and some experience thinking about the world through the lens of quantitative data. Comparing countries across quantitative datasets will likely lead them to reconsider much of what they thought they knew about countries and, hopefully, will give them some sense of the wider variation in governments and practices worldwide.

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