

HUMAN RIGHTS IN AFRICA

Responsible Faculty Instructor: Natasha Chiswa

natasha.chiswa@jgu.edu.in

Designation: Assistant Professor

Credits: 4

Credits Type:

Cross-registration: N/A

Pre-requisites: N/A

COURSE DESCRIPTION (COURSE VISION):

This elective offers a critical exploration of human rights theory and practice in Africa, positioning the continent as a site of theorisation, resistance, and innovation. It places human rights discussions within the context of Africa's legal systems, customary practices, and socio-political realities. The course highlights how the struggles for equality and justice are influenced by both historical legacies and contemporary changes. Students will engage in a close reading of the African Charter on Human and Peoples' Rights, the African Commission and the African Court on Human and Peoples' Rights, alongside the role of sub-regional mechanisms. Through the study of landmark cases and institutional developments, students will critically examine how African human rights law functions in practice and interrogate the extent to which it delivers accountability, protection, and justice

TEACHING METHODOLOGY:

The course is designed to be interdisciplinary, experiential, and comparative.

1. **Case Studies:** The course will utilise case studies from across Africa as a central teaching method. By engaging with landmark judgments, constitutional provisions, and grassroots struggles, students will examine how human rights principles are contested, negotiated, and implemented in practice.
2. **Visual and Lived Realities:** To bridge the gap between theory and practice, the course will include documentaries, interviews, and short video clips that showcase the lived experiences of people in Africa. These audiovisual materials will help students connect abstract legal and theoretical discussions with the everyday realities of inequality, resilience, and resistance in human rights discourse.

3. Interdisciplinary Approach: The course will draw on law, history, anthropology, gender studies, and technology studies to show the multidimensional nature of human rights debates.
4. Interactive Learning: In-class debates and dialogues will be integrated to encourage active participation. Students will also be tasked with comparative group projects where they explore a specific human rights issue and provide their insights.

INTENDED LEARNING OUTCOMES:**By the end of the course, students will be able to:**

- Critically analyse the historical, political, socio-economic, and cultural contexts that shape human rights discourse and practice in Africa.
- Assess the effectiveness of African human rights instruments and institutions, such as the African Charter on Human and Peoples' Rights, the African Commission, and the African Court, in promoting accountability and justice.
- Analyse landmark legal cases and country-specific experiences through a comparative and contextual lens, identifying both achievements and structural limitations in the protection of human rights.
- Examine the interplay between universal human rights norms and African legal, cultural, and political traditions, highlighting the roles of customary law, communitarian values, and collective rights.
- Reflect on the future of human rights advocacy in Africa, considering innovative strategies, digital activism, and transformative approaches to social justice.

READING LIST (up to 10 select readings):

1. African Union "African charter on human and peoples' rights." Banjul: African Union (1981).
2. Chimni, Bhupinder S. "The past, present and future of international law: A critical third world approach." *Melbourne journal of international law* 8.2 (2007): 499-515.
3. Gathii, James TWAIL: A Brief History of its Origins, its Decentralized Network, and a Tentative Bibliography (2011) *Trade Law and Development*, Vol. 3 (1).
4. Jalloh, Charles C., Kamari M. Clarke, and Vincent O. Nmehielle, eds. *The African Court of Justice and human and peoples' rights in context: development and challenges*. Cambridge University Press, 2019.
5. Metz, Thaddeus. "African values and human rights as two sides of the same coin: A reply to Oyowe." *African Human Rights Law Journal* (2014)
6. Motala, Ziyad. "Human rights in Africa: A cultural, ideological, and legal examination." *Hastings Int'l & Comp. L. Rev.* 12 (1988)
7. Mutua, Makau. "Savages, victims, and saviors: The metaphor of human rights." *Harv. Int'l LJ* 42 (2001).
8. Murithi, Tim. "A local response to the global human rights standard: The ubuntu perspective on human dignity." *Globalisation, Societies and Education* 5.3 (2007): 277-286.
9. Mutua, Makau. "The complexity of universalism in human rights." *Human rights with modesty: The problem of universalism*. Dordrecht: Springer Netherlands, 2004.
10. Odinkalu, Chidi Anselm. "Back to the future: the imperative of prioritizing for the protection of human rights in Africa." *Journal of African law* 47.1 (2003): 1-37

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
MODULE 1: Introduction to Human Rights <ul style="list-style-type: none"> - This week introduces the concept of human rights, covering their historical development, philosophical foundations, and contemporary applications. 	1
MODULE 2 : Foundation of Human Rights <ul style="list-style-type: none"> - This module provides a comprehensive introduction to the foundations of international human rights law, tracing its historical evolution, philosophical underpinnings, and institutional frameworks. Students will look at the major international treaties and conventions, and the development of regional human rights instruments 	2
MODULE 3: Critique of the Foundation of Human Rights from Third World Scholars <ul style="list-style-type: none"> - This module critiques the theoretical, historical, and philosophical foundations of human rights, questioning their universality and neutrality. 	3
MODULE 4: Activism, Social Movements, and Advocacy for Human Rights in Africa <ul style="list-style-type: none"> - The module examines the dynamic role of grassroots movements, civil society, and advocacy networks in advancing human rights across the African continent. 	4
MODULE 5: Pan-African Perspectives on Human Rights <ul style="list-style-type: none"> - This module explores human rights in Africa through a Pan-African lens, highlighting the significance of community and social 	5

<p>interdependence within African contexts. It delves into influential African philosophies, particularly Ubuntu, which promotes interconnectedness and mutual respect among individuals.</p>	
<p>MODULE 6: AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS (ACHPR)</p> <ul style="list-style-type: none"> - This course provides an in-depth examination of the African Charter on Human and Peoples' Rights its principles, unique features and its role in shaping human rights protection across the continent. 	6
<p>MODULE 7 AFRICAN COMMISSION AND AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS</p> <ul style="list-style-type: none"> - This module provides an in-depth analysis of the African Commission and African Court on Human and Peoples' Rights, the primary institutions responsible for promoting and protecting human rights under the African Charter. Students will explore their establishment, mandates, jurisdiction, and procedural frameworks. 	7
<p>MODULE 8: CIVIL & POLITICAL RIGHTS IN AFRICA</p> <ul style="list-style-type: none"> - This module critically examines civil and political rights within the African context, focusing on their conceptual foundations, legal protections, and practical enforcement. Through case studies and interdisciplinary perspectives, the module emphasizes the interaction between law, politics, culture, and social movements. 	8
<p>MODULE 9: ECONOMIC , SOCIAL AND CULTURAL RIGHTS IN AFRICA</p> <ul style="list-style-type: none"> - This module explores the theory, legal frameworks, and practice of economic, social, and cultural rights. The module examines how the African courts have interpreted rights such as the right to education, health, housing, work, an adequate standard of living. 	9
<p>MODULE 10: GENDER AND SEXUALITY RIGHTS IN AFRICA</p> <ul style="list-style-type: none"> - This module critically examines issues of gender, sexuality, and 	10

<p>human rights in the African context, focusing on the experiences and struggles of women and LGBTQ+ communities. Students will explore how legal systems, cultural norms, and socio-political dynamics shape the recognition, protection, and violation of rights.</p>	
<p>MODULE 11: CONFLICT & HUMANITARIAN CRISES IN AFRICA</p> <ul style="list-style-type: none"> - This module examines the impact of armed conflicts, political instability, and humanitarian crises on human rights in Africa. Students will explore the legal, social, and political dimensions of conflict, including the protection of civilians, refugees, and internally displaced persons under African Charter. 	11
<p>MODULE 12: TECHNOLOGY, DIGITAL LABOUR, AND HUMAN RIGHTS IN AFRICA</p> <ul style="list-style-type: none"> - This module explores the impact of digital technologies and labour platforms on human rights in Africa, focusing on the legal, ethical, and social implications of algorithmic bias, digital governance, and platform work. 	12
<p>MODULE 13: COMPARATIVE PERSPECTIVES ON HUMAN RIGHTS: INDIA AND AFRICA</p> <ul style="list-style-type: none"> - This module offers a comparative study of human rights frameworks, practices, and challenges in India and Africa, highlighting similarities, differences, and cross-regional insights. 	13
REVISION WEEK	Week 14