

Gender and Human Rights Problems in Asia and the Pacific

MAIDS 2013-14.

Coordinator: Dr. Mike Hayes

Email: mhayesbkk@gmail.com
frmgh@mahidol.ac.th

Times: Wednesday 9-12.

Course Description:

This course provides an opportunity to pursue studies in the application of theories of gender and human rights to contemporary ethical and social issues arising from “development”. Students will explore specific and controversial topics in areas such as poverty, social justice, individual and group rights, administration of justice, living standards, work, bio-ethics and genetics, environment, sexual and racial equality, child labour, mental health, illness, human and social security, energy, corruption, Asian values and cultural diversity. This course encourages students to link these specific and practical areas into gender and human rights questions relevant to the experiences of East and Southeast Asia.

Teaching Objectives.

At the completion of the course the student will be able to:

- Describe the historical formation and philosophical rationale of Human Rights
- Detail the contents of the major Human Rights instruments
- Explain the gender dimensions and major contemporary debates on human rights, particularly in areas of discrimination, economy, health, and migration.
- Outline how of variety of institutions at the international, regional, and national level protect human rights through activities such as advocacy, documentation, and monitoring
- Outline Human Rights and gender issues of current importance in South East and East Asia
- Detail the major theories on gender and development
- Be able to undertake a basic gender analysis in development
- Describe how a Rights Based Approach works within development projects

Assessment (see page 7-8 for more details)

1. Opinion Piece on human rights issue	20%
2. Take home paper on Human Rights Theory and violations	40%
2. Term Paper	40%

Summary Schedule

	Date	Topic	Notes
1	2 Oct.	Introduction: Human rights theories	
2	9 Oct.	Universal Human Rights.	
3	16 Oct.	Human rights 1: ICCPR: law, FOE, politics	
4	30 Oct	Human rights 2: Children and Disabled	
5	6 Nov.	Human rights 3: Torture and International Crime	Take home 1
6	13 Nov.	Gender and human rights: CEDAW	
7	20 Nov.	Human Rights: protection 1: UN, Regional,	
8	27 Nov.	Human Rights: protection 2: National Level	TH 1 Due
9	30 Nov.	ESCR: Women, poverty, and livelihood rights	
10	4 Dec	Reproductive and sexual rights	
11	11 Dec	Right to Development	Term Paper-brief
12	13 Dec	Rights Based Approaches to Development	
13	18 Dec	Rights of Non citizens: Refugees, Stateless	
14	8 Jan	Rights of Non citizens: Trafficking, Migrant workers	
15	15 Jan	Conflict and human rights.	

Class Details

1. Introduction to Human rights theories

Reading: None

Seminar Topics:

- Outline major concepts in human rights, gender, and development
- Detail major developments in the field
- Discuss relationships between gender, human rights, and development
- Introduce current issues and debates

2. Universal Human Rights

Reading:

- Manfred Novak. *Introduction to the International Human Rights Regime*. Boston: Martinus, 2004. 73-95
- ASEAN University Network. "Chapter 1: The Fundamentals of Human Rights." Draft Version of the *Human Rights in ASEAN University Textbook*.

Seminar Topics:

- Moral, political, and legal foundations of human rights
- Human rights in International Law
- The Universal Declaration of Human Rights (UDHR)
- Implementing human rights

3. Human rights standards 1: ICCPR (Religion, Expression, Rule of Law)

Reading:

Rhona *Smith*. “The International Bill of Human Rights.” Chapter 4 of Textbook on *International Human Rights*. Oxford: Oxford UP, 2009.

Sepúlveda et al. 2004 “The rights to freedom of expression and religion” PART THREE: Chapter 2. *Human Rights Reference Book*. Costa Rica: University for Peace.

Treaties: UDHR: Universal Declaration of Human Rights
ICCPR: International Covenant of Civil and Political Rights
ICESCR: International Covenant of Economic, Social and Cultural Rights

Seminar Topics:

Details of the key Human Rights instruments

History of the drafting of the instruments

Civil rights: Rights to vote, move, marry, privacy, information, fair trial.

4. Human rights standards 2: Children’s Rights and People with Disability

Reading:

UNICEF. 2012. “Frequently Asked Question on the Convention of the Rights of the Child.”

Sepúlveda et al. 2004 PART FOUR: Chapter 2: “Children” *Human Rights Reference Book*. Costa Rica: University for Peace.

OHCHR. *From Exclusion to Equality: Realizing the rights of persons with disabilities. Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol*. Geneva: United Nations, 2007.

Treaties: Convention on the Rights of the Child
Convention on the Rights of Persons with Disabilities

Seminar Topics:

Fundamentals of the rights of the child (best interests, participation)

People with disabilities: reasonable accommodation, universal design, inclusion in society, equality.

5. Human rights standards 3: Torture and International Crimes

Reading:

Malcolm Evans. ‘Getting to Grips with Torture.’ *International and Comparative Law Quarterly*, 51 (2002): 365 – 383.

John Conroy. “Chapter 1: Belfast: The Five Techniques.” *Unspeakable Acts, Unspeakable Acts, Ordinary People The Dynamics of Torture*. Irvington: U of California P, 2001.

Human Rights Correspondence School: “The International Criminal Court.”

Treaties: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Rome Statue of the International Criminal Court

Seminar Topics:

Defining torture, excuses for torture, responding to torture.

Defining International Crimes

6. Women's human rights: CEDAW

Reading:

Partners for Law in Development. "Foundational Framework of CEDAW." *CEDAW: Restoring Rights to Women*. New Delhi: PLD, 2004.

Hilary Charlesworth. "Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations." *Harvard Human Rights Journal* 18 (2006): 1-18.

Treaty: Convention on the Elimination of All forms of Discrimination Against Women

Seminar Topics:

History of Women's Rights

Women's rights standards

Key areas: Violence against women, Culture, gender and rights, non discrimination, equality.

7. Human Rights Protection 1: Human Rights at the UN and Regional Systems

Reading:

Sarah Joseph and Joanna Kyriakakis. 2010. "The United Nations and human rights" *Research Handbook on International Human Rights Law* Eds Sarah Joseph and Adam McBeth. UK: Edward Elgar, 2010. 1-35.

Yuyun Wahyuningrum. 2012. "Briefing Note: ASEAN human rights systems." Jakarta: Human Rights Working Groups.

Seminar Topics:

- Key Human Rights activities at the UN
- Treaty based mechanisms: State reports, Individual Complaints, and General Comments
- Charter based activities: role of the HR Council, the Universal Periodic Review, and Special Rapporteurs
- Brief Overview of regional mechanisms
- Process of building an ASEAN human rights Mechanism

8. Human Rights Protection 2: National Level: National Human Rights Commissions, NGOs, and domestication in law.

Reading:

Peter J Spiro. 2010. "NGOs and human rights: channels of power." *Research Handbook on International Human Rights Law* Eds Sarah Joseph and Adam McBeth. UK: Edward Elgar, 97-114.

The Asian NGO Network on National Human Rights Institutions (ANNI). 2012. "Regional Summary: Independence and Effectiveness of NHRIs in Asia." 2012 ANNI *Report on the Performance and Establishment of National Human Rights Institutions in Asia*. Bangkok: ANNI & FORUM-ASIA.

Henry Steiner, Philip Alston and Ryan Goodman. "Impact of the Treaties." *International Human Rights in Context: Law, Politics, Morals*. 3rd Ed. Oxford, Clarendon Press. 1089-1095.

Seminar Topics

- Role of advocacy
- Use of reports: thematic and country reports

- Case studies in ASEAN
- Input to policy formulation
- Policy pressure groups
- The accountability of NGOs
- Programming for gender in development

9. Economic, Social and Cultural Rights: Women, poverty, and livelihood rights

Reading:

OHCHR. 2005. "Chapter One: The Nature of Economic, Social and Cultural Rights."

Economic, Social and Cultural Rights: Handbook for National Human Rights Institutions. Professional Training Series 12. United Nations: Geneva

International Commission of Jurists. *Courts and the Legal Enforcement of Economic, Social and Cultural Rights Comparative experiences of justiciability*. Geneva:

International Commission of Jurists, 2008. Read: Chapter 1 – ESC rights before courts: Introduction; Chapter 2 – Defining the content of ESC rights

Valentine M. Moghadam. "The 'Feminization of Poverty' And Women's Human Rights."

Gender Equality and Development Section, UNESCO July 2005.

Treaties: ICESCR: International Covenant of Economic, Social and Cultural Rights

Seminar Topics: Economic and Social rights of women

Women and poverty, Poverty as human rights violation

Theories and standards of livelihood rights

Government obligations and duties for livelihood rights

MDGs and livelihood rights.

10. Reproductive and sexual rights

Reading:

Douglas Sanders. "Sexual orientation, gender identity, gender expression, intersexuality."

Routledge Encyclopedia of Human Rights. [2008]

Alice M Miller, Mindy J Roseman. 2011. "Sexual and reproductive rights at the United

Nations: Frustration or Fulfilment?" *Reproductive Health Matters*

2011;19(38):119–128

Seminar Topics: Gender and sexuality in South East Asia

Rights to sexuality

Women's health issues

Issues in women's reproductive rights

11. The Right to Development

Reading:

Bonny Ibhawoh. 2011. "The Right to Development: The Politics and Polemics of Power and

Resistance." *Human Rights Quarterly* 33 (2011) 76–104

OHCHR. n.d. "Right to Development at a Glance." Geneva: OHCHR

Treaty: Declaration on the Right to Development

Seminar Topics:

History of a right to Development

Violations through development

Political context to development rights
International obligations towards a right to develop.

12. Rights Based Approach to development

Reading:

Brigitte Hamm. "A Human Rights Approach to Development." *Human Rights Quarterly* 23 (2001) 1005-1031.

Office of the High Commissioner for Human Rights. Frequently Asked Questions On a Human Rights-Based Approach to Development Cooperation. OHCHR, Geneva, 2006

Treaty: Declaration on the Right to Development

Seminar Topics:

Defining a Rights-based approach to development
Rights Based programming: the main elements: participation, accountability, rights as goals, addressing the marginalized, accountability.

13. Women, migration, and human rights: Refugees and Stateless

Reading:

Office of the United Nations High Commissioner for Refugees. 2005. "Chapter 2: Eligibility Criteria – Inclusion under the 1951 Convention." Self-study module 2. *Refugee Status Determination: Identifying who is a refugee*. Geneva: UNHCR.

The Equal Rights Trust. 2010. "Chapter 2: Critiquing the Categorization of the Stateless." *Unravelling Anomaly Detention, Discrimination and the Protection Needs of Stateless Persons*. London: The Equal Rights Trust. 52-84.

Seminar Topics:

Current trends in global migration and forced migration
Terminology and legal categories in migration
Human rights of non -citizens
Definition and status of refugees
Refugee protection
Trends in Asian refugee movements
Causes of Statelessness
Legal protection of Stateless people

14. Women, migration, and human rights: Migrant Workers and Trafficking

Reading:

Nicola Piper. "Rights of Foreign Workers and the Politics of Migration in South-East and East Asia." *International Migration* Vol. 42 (5) 2004: 71-97.

OHCHR. "UN Fact Sheet: The Rights of Migrant Workers." Fact Sheet 24.rev 1. Geneva: United Nations.

UN Office on Drugs and Crime. *Toolkit to Combat Trafficking in Persons*. Global Programme Against Trafficking in Human Beings. New York 2006.

Seminar Topics:

Current trends in global migration
Definition and rights of Migrant Workers and Trafficked persons

Legal protection to migrant workers
Status of the Convention on Migrant Workers and reasons for lack of ratifications
Violations faced by migrant workers in the region
Legal standards on human trafficking: Palermo Protocol and the TVPA
Current causes and trends in trafficking
Debates about commercial sex work/prostitution

15. Conflict, human rights, and women.

Reading:

ICRC. *Exploring Humanitarian Law: The IHL Guide.* "Frequently Asked Questions on International Humanitarian, Human Rights and Refugee Law in the context of armed conflict." ICRC, 2010.

Kelly Dawn Askin. "Gender Crimes Jurisprudence in the ICTR: Positive Developments." *Journal of International Criminal Justice* 3 (2005), 1007-1018

Seminar Topics:

Protection of vulnerable populations during conflict
Threats and Violations in times of conflict
Programming and humanitarian responses in states of emergencies.
Status of human rights during conflict.
State responsibilities in emergency situations

Assessment

1. Opinion Piece on Human Rights Issue 20%

Students will write a piece of no more than 1,000 words which will be an opinion piece on a human rights issue. The opinion piece will inform and influence opinion on the issue. Write the piece for a general audience of a newspaper or a widely read blog. Opinion pieces are not research papers, but short articles which give a strong argument in non formal language in order to persuade an audience.

Students will give an argument about an important human rights and/or gender issue. It will be written not using formal references or other academic styles.

2. Take Home Paper 40%

Students will complete a take home paper which will comprise of about 5 questions, and each answer is about 1-2 pages per question). The questions will be based on the reading and discussion of theories in the class. Instructions will be on the paper itself. The test will be based on the readings for the course, and a practical application of the theory gained during the course.

2. Term Paper 40%

Students will complete a term paper on a topic of their choice within the area of gender and human rights. The term paper will be 3,000 words (or about 15 pages). Students must first submit a brief outline (about 6-10 lines) on their proposed topic. This must be approved by the lecturer first. Students will submit the short statement in week 10

- Please submit your topic or question in week 10. This will be a very brief (6-10 lines) statement of what the topic for your final paper.
- The paper will be in 11 or 12 point times new roman spaced at 1.5.
- The paper will have a title, proper referencing system (Harvard or APA), and a bibliography.

Term papers.

The papers will be marked on (in order):

- Originality and strength of argument. The paper must contain an argument or critical point of view. Papers which are well researched but descriptive may pass, but they will not get to the B+ or A level. The argument will be your ideas and criticisms of the topic, it will be your voice. Thus the paper must have expressions of your ideas and opinions, backed up with your research and reading.
- Original research. The student is expected to research broadly, and read the material thoroughly. Using Google alone is not enough. The student is expected to consult academic articles, books, journals or magazines, and other research resources. A major part of the original research is to engage with the reading and research on a critical level. You cannot only read and describe, but must give the context to the work you read, and also engage critically (that is evaluate) this work. Finally you must clearly demonstrate your research. This means the research must be presented properly by being accurately referenced so that the paper clearly displays the research you have undertaken.
- Logical essay structure. The term paper is in the category of an academic paper. It must conform to the standards of this genre. This means, it must have an introduction; it must give the theoretical, social, political context; it must have a conclusion. Further, the argument must be logical in its structure, and convincing in what it claims. You may need to develop counter arguments or explain contentious points of view depending on the argument you take.
- Technical proficiency (essay format, bibliography, and referencing). While this is not a major concern, it is expected that students are professional in the presentation of their work, and that they check the spelling, grammar, referencing and page layout. At this level, students should be presenting work of a near publishable standard.