

**MASTER OF HUMAN RIGHTS AND DEMOCRATIZATION
(ASIA PACIFIC REGIONAL PROGRAM 2010-2011)**

**SEMESTER TWO: HUMAN RIGHTS NORMS AND MECHANISMS PART II
[HRTD6906]**

Compulsory course to be taught at KSL (From Jan-March 2011)

Key Contents:

- Human rights treaties
- Regional Human Rights Framework
- Domestic Implementation

Key Topics	Outline: Issues to be covered
<p>I. Key areas and rights covered in the major international treaties (30 hrs)</p>	<ol style="list-style-type: none"> 1. Nature and scope of right to equality and equal protection under principal treaties (ICCPR and ICESCR, CERD and CEDAW) 2. Gender-based Discrimination and violence against women : State responsibility under CEDAW 3. Protection and promotion of rights of child and underlying principles of CRC 4. Right to adequate standards of living with basic rights (food, housing, health, education, employment etc.) guaranteed by ICESCR 5. Fair trial guarantees in the ICCPR including right against torture and the protection framework under CAT (FV) 6. Derogation and non-derogation of human rights, conditions and compliance measures under ICCPR 7. Rights of minorities and indigenous peoples (ICCPR and ILO 169) 8. Rights of persons with disability and protection under the CRPD 9. Field Visit
<p>II. Regional systems, treaties and processes (Europe, the Americas Africa and Asia) (8 Hrs)</p>	<ol style="list-style-type: none"> 1. European Human Rights Standards and enforcement mechanisms 2. Inter-American Human Rights Standards and enforcement mechanisms 3. African Human Rights Standards and enforcement mechanisms 4. Scope of human rights standards and enforcement mechanism/s in Asia

<p>III. The relationship between international and domestic law and policy making (practical difficulties involved in translation from international commitment to domestic implementation (3 Hrs)</p>	<ol style="list-style-type: none"> 1. Theories of monism and dualism and status of incorporation and transformation of international human rights treaties into domestic legal framework 2. Socio-economic, cultural and political challenges in implementation of international human rights standards
<p>IV. The roles and obligations of non-state actors (3 hrs)</p>	<ol style="list-style-type: none"> 1. Scope of NGOs and academic institutions in protection and promotion of human rights 2. Role and obligation of multi-national corporations: Case studies 3. Field Visit
<p>V. The constitution and operation of national human rights institutions (3 hrs)</p>	<ol style="list-style-type: none"> 1. Paris Principles relating to the status of national institutions: Constitution , competence, and responsibilities, 2. Scope and challenges of NHRI: Case studies 3. Field Visit
<p>VI. Human rights in national judicial decision making (6 hrs)</p>	<ol style="list-style-type: none"> 1. Scope of application and interpretation of human rights standards by the courts 2. Examining the judicial activism through case studies 3. Field Visit
<p>VII. Mainstreaming human rights in policy development and impact evaluation (6 hrs)</p>	<ol style="list-style-type: none"> 1. Mainstreaming human rights-based approach in policy development 2. Impact evaluation through process and result indicator
<p>VIII. State accountability for social and economic rights (6 hrs)</p>	<ol style="list-style-type: none"> 1. Tripartite framework of State obligation (i.e. Respect, protect and fulfill) 2. Social and economic rights as justiciable human rights 3. Case studies (CCD)

Suggested texts/resources

1. Alston, Philip and James Crawford (eds.) *The Future of UN Human Rights Treaty Monitoring*. Cambridge, Cambridge University Press, 2000.

2. An-na'im, Abdullah (ed.) *Human rights in Cross-cultural perspectives: A Quest for Consensus*. Phil: University of Penn. Press, 1992.
3. Brownlie, I. *Basic Documents on Human rights*. Oxford: OUP 2006.
4. Butler, Francis (ed.) *Human rights Protection: Methods and Effectiveness*. London: Kluwer, 2002.
5. Center for Economic and Social Rights (various publications).
6. Coicaud, Jean Marc et al (eds.) *The Globalization of Human Rights*. Tokyo: United Nations Press. 2003.
7. Dunne, T. and Wheeler, N. J. (eds.) *Human Rights in Global Politics*. Cambridge: CUP, 1999.
8. Charlesworth, H. and Chinkin, C. *The Boundaries of International law: A Feminist Analysis*. Manchester: Juris Publishing, 2000.
9. Clapham, Andrew *Human Rights Obligations of Non-State Actors*. Oxford: OUP, 2005.
10. Emerson, Rupert *From Empire to Nation: The Rise to Self-Assertion of Asian and African Peoples*. Boston: Beacon Press, 1960.
11. FAO (2008) [Methods to monitor the human right to adequate food](#)
12. Freeman, Michael "The Problem of Secularism in Human Rights Theory", *Human Rights Quarterly*, 26 (2004), 375-400.
13. Hilsdon, Anne-Marie et al, (eds.) *Human Rights and Gender Politics: Asia Pacific Perspectives*. New York: Routledge, 2000.
14. Howland, Courtney (ed.) *Religious fundamentalisms and the Human Rights of Women*. Palgrave, 2001.
15. Ignatieff, M. *Human Rights and the Politics of Idolatry*. Princeton: PUP, 2001.
16. Ishay, Micheline *The Human Rights Reader*. New York: Routledge, 1997.
17. Kent, George *Freedom From Want: The Human right to Adequate Food*, Georgetown University Press 2005.
18. Langlois, Anthony J. "Human Rights without Democracy? A Critique of the Separationist Thesis" *Human Rights Quarterly* 25 (2003), 990-1019.
19. Lauren, Paul Gordon *The Evolution of Human Rights: Visions Seen*. Philadelphia: University of Pennsylvania Press, 1998.
20. Marx S. and Clapham A. *International Human rights Lexicon*. Oxford: OUP, 2005.
21. Novak, Manfred *Introduction to the International Human Rights Regime*. Boston: Martinus, 2004.
22. Obertleitner, Gerd *Global Human Rights Institutions; Between Remedy and Ritual*, Cambridge: Polity Press 2007.
23. Sepulveda, Magdalena et al. *Universal and Regional Human Rights Protection: Cases and Commentaries*. Costa Rica: University of peace, 2004.
24. Steiner, J. and Alston, P. *International Human Rights in Context: Law, Politics and Morals*. Oxford; OUP, 2007.
25. Waldron, Jeremy *Theories of Rights* New York: Oxford: Oxford University Press, 1984.
26. Wilson, R. (ed.) *Human rights: Culture and Context: Anthropological Perspectives*. New York: Photo Press, 1997.

SEMESTER TWO: CRITICAL AND EMERGING ISSUES IN THE ASIA PACIFIC (HRTD6907)

Key Topics/Unit	Outline: Issues to be covered
<p>I. Cultural and religious contexts in the Asia Pacific and local normative background to conflicts with human rights 6 hrs</p>	<ol style="list-style-type: none"> 1. A discourse on cultural relativism v. universalism with special reference to consider local normative background to conflicts with human rights 2. Reconciling principles, ways and approach of human rights in cultural and religious diversities 3. Gender dimension of culture and human rights: Case studies
<p>II. Human rights discourses in the context of post-colonialism and the challenges of nation-building 6 hrs</p>	<ol style="list-style-type: none"> 1. Right to self-determination to political status and freely pursue their economic, social and cultural development. 2. Challenges of nation-building in the situation of armed conflict 3. Emerging trend of terrorism and lack of coping mechanism 4. Political resistance to universalism (<i>in relation to topic I above</i>)
<p>III. Democratization and the relationship between democracy and human rights in the Asia Pacific context 3 hours</p>	<ol style="list-style-type: none"> 1. Nexus between the right to democracy, rule of law and the protection of human rights; from judicial perspectives 2. Democracy and human rights: Political perspectives
<p>IV. Human rights based approaches to development 3 hrs</p>	<ol style="list-style-type: none"> 1. Realization and recognition of human rights-based approaches to development 2. Individual and collective rights and duties 3. Adoption and implementation of policy, legislative and other measures at the national and international levels.
<p>V. Economic development, globalization and human rights 3 hrs</p>	<ol style="list-style-type: none"> 1. Fundamental principles of economic development and globalization 2. Impact of globalization especially in developing countries from human rights perspectives
<p>VI. The role of IFIs</p>	<ol style="list-style-type: none"> 1. Corporate social responsibility-based assistance policies of

and MNCs in human rights in the Asia Pacific 3 hrs	international funding agencies and multinational corporations 2. Case studies
VII. Environmental protection, development and human rights 6 hrs	1. Principle of intergenerational and intra-generational equity: Right to sustainable development 2. Examining development projects from sustainable development and human rights perspectives: Case studies 3. Field Visit
VIII. Globalization, migration and refugee issues 3 hrs	1. Relationship between globalization, migration and refugee issues 2. Mapping the situation of vulnerability of refugee population: Contextual examples 3. Refugee Camp Visit
IX. The status of regional protection in the Asia Pacific 3 hrs	1. Scope of human rights protection mechanisms in Asia Pacific (e.g. ASEAN, SAARC)
X. Refugees and Migrant workers; 3 hrs	1. Issues, concerns, principles and approaches of recognition/protection of refugees and migrant workers 2. Basic human rights guarantees for migrant workers and refugees, including state obligation
XI. Trafficking 6 hrs	1. Human rights-based approach of trafficking in persons (particularly women and children). 2. International and regional human rights standards related to trafficking in persons (i.e. UN Conventions and UN Protocol, Article 6 of CEDAW and SAARC Convention) 3. Victim/survivor and witness protection standards guidelines: Best practices 4. Field Visit

KEY TEXTS/RESOURCES

1. Alston, Philip. "Ships Passing in the Night: The Current State of Human Rights and the Development Debate Seen Through the Lens of the Millennium Development Goals." *Human Rights Quarterly* 27 (2005): 755-829.
2. Chimni, B.S. *International Refugee Law: A Reader*. New Delhi: Sage, 2000.
3. Economic and Social Council. "Economic, Social and Cultural Rights: The Impact of the Agreement on Trade Related Aspects of Intellectual Property Rights on human rights, Report of the High Commissioner." United Nations E/CN.4/sub.2/2001/13.

4. Eide, Asbjorne et al (eds.) *Economic, Social and Cultural Rights: A Textbook*. 2nd ed. Dordrecht: Martinus Nijhoff, 2001.
5. Hamm, Brigitte. ‘A Human Rights Approach to Development.’ *Human Rights Quarterly* 23 (2001) 1005-1031.
6. Haynes, Dina Francesca. “Used, Abused, Arrested and Deported: Extending Immigration Benefits to Protect the Victims of Trafficking and to Secure the Prosecution of Traffickers”. *Human Rights Quarterly* 26 (2004), 221-272.
7. Kirkpatrick, Jeane J. “Democracy and Human Rights-The Essential Connection” (July 1, 2003). *Centre for the Study of Democracy*. Paper 03-08. <http://repositories.cdlib.org/csd/03-08>
8. Piper, Nicola. “Rights of Foreign Workers and the Politics of Migration in South-East and East Asia.” *International Migration* Vol. 42 (5) 2004: 71-97.
9. Pogge, Thomas. *World Poverty and Human Rights*. Cambridge Polity Press, 2008.
10. United Nations Document No. E/CN.4/2006/62. “Integration of the Human Rights of Women and a Gender Perspective.” *Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda*.
11. Windfuhr, Michael (ed.) *Beyond the Nation State: Human Rights in the Times of Globalization*. Uppsala: Global Publications, 2005.