



Mahidol University
International College

ICIR 313 Human Rights and International Politics

Course Description and aims:

This course will outline the major historical, philosophical, legal and institutional contexts of human rights. It examines how human rights are formulated in the key legal instruments, and the main elements of the various rights, such as women's, children's and migrant worker's rights. The course is intended as an introduction to the basic social, legal, and political issues, and how they work in a global context. The course will examine the implementation of Human Rights in Asia, and focus specifically on the issues relevant to Asia. It will also look over some major recent developments in human rights in the area of business and human rights, sexuality, and the environment and rights.

The concept of human rights in philosophical, historical, and legal perspective; human rights in contemporary international law; international conventions and the United Nations; individual rights; war crimes; the protection of minorities; economic, and cultural rights. Students will understand; analyze; evaluate human rights from an interdisciplinary perspective.

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Assessment

In Class Test: UDHR memory test	10%
Take Home: Human Rights Protection	40%
Final Term Paper	40%
Class participation	10%

Course Learning Outcomes

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

1. Describe the historical formation and philosophical rationale of human rights
2. Detail the contents of the major human rights instruments
3. Apply human rights standards to real life situations
4. Critically engage with major contemporary debates on human rights
5. Outline significant human rights issues of current importance in South, Southeast and East Asia.
6. Evaluate the response of States in Asia to human rights
7. Critically appraise protection mechanisms for human rights

Week	Topic
1	Introduction to Human Rights: Major Concepts
	Introduction to Human Rights: Legal, Philosophical, Political Concepts
2	Basic Human Rights Instruments: UDHR,
	UDHR continued
3	Human Rights Standards: ICCPR
	ICCPR: FOE: Art. 19, death penalty, rights in the court
4	Human Rights Instruments ICESCR
	ICESCR: Livelihood Rights
5	Protection 1: Human Rights in the UN System
	Protection 2: Domesticating rights: Treaties, Courts, Constitutions,
6	Protection 3: Domestic Protection: NGOs, NHRIs
	Human Rights in Thailand
7	Women and Human Rights
	Children and Human Rights
8	Torture
	Non-citizen issues: Statelessness
9	Non-citizen issues: Refugees
	Migrant issues: Trafficking
10	Migrant issues: Migrant Workers Rights
	Right to Development; Rights based development
11	Business, Environment and Human Rights
	Sexuality and Reproductive Rights
12	Disability and human Rights
	ICC: Individual Criminal Responsibility

Assessment Methods & Criteria

1. In Class Test: In-class test on UDHR

10%

Students will memorize 27 rights in the UDHR. Students will remember the article number, and the basic elements of the right. This will be done in Week 5

2. Take Home: Human Rights Protection

40%

Students will complete a take home paper which will comprise of about 4 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. Some questions will be researched based, others are case study analysis Students will have about 3 weeks to complete the test.

3. Final Term Paper: (2,000 words)

40%

Students will complete a term paper based on questions distributed during class. The term paper will be about 2,000 words.

- The paper will be in 11 or 12 point times new roman spaced at 1.5.
- The paper must have a title, proper referencing system (preferably Harvard), and a bibliography.

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.

4. Participation

10%

Students will be assessed on their participation in classroom discussions and activities. Participation is the student's ability to actively engage in the class, having completed the readings and being prepared for class. Participation is assessed on the student's engagement in class, and not just attendance. Please note that while participation is not the same as attendance, students who do not attend the required amount of classes (80%) may find their participation score is reduced. A minimum requirement to pass is attendance to 50% of classes.

Introduction to Human Rights: Major Concepts

Topic description: The first class discusses what a human right is, and how this idea of human rights emerged in history. The concept of a right, and the special features of human rights are outlined. Then how human rights are put into international law is detailed. Important current debate about human rights are addressed and debated. This includes the Asian Values, debate, and the current backlash against human rights by non-democratic leader and other interest groups.

Expected learning outcomes: Describe historical development of rights. Define main philosophical concepts of rights: moral, social and legal rights. Outline legal context to human rights: duties, obligations, and compliance to human rights. Debate arguments on the value of human rights.

Readings and Activities:

- SEAHRN. 2014. "Chapter 1: The Fundamentals of Human Rights." *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2014.
- Activities - Small group exercises on identifying rights, lecture and discussion on the formulation of human rights.

Basic Human Rights Instruments: UDHR

Topic description: The class outlines the history and development of the UDHR in the post WWII period. The process of drafting, and early debates about the universality of rights are detailed. The class covers the main rights in the UDHR and the key elements in specific rights. Students will undertake small group exercises on identifying relevant rights in case studies, and debate if certain actions can be considered human rights violations.

Expected learning outcomes: Describe the development of the UDHR and its legal status. Define human rights into major their major categorize. Identify and assess human rights violations.

Readings and activities:

- SEAHRN. 2014. "Chapter 2: International Human Rights Standards." *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2014.
- UDHR: Universal Declaration of Human Rights
- Case studies based on UDHR
- Activities - Lecture on the UDHR, small group case studies on human rights violations.

Major Human Rights Instruments: The ICCPR

Topic description: The class examines the ICCPR treaty. It starts by looking at what treaty is, and how they give legally binding obligations on States. The classes then look in details at features of the treaty, including States of Emergency, derogation of rights, and self determination. There is an examination of specific rights such as life and use of the death penalty, political rights and freedom of expression.

Expected learning outcomes: Identify major ICCPR rights, debate the use of States of Emergency. Assess States' compliance to the Death Penalty, and rights in the court room. Analyse the status of Freedom of Expression.

Readings and activities:

- SEAHRN. 2014. "Chapter 3: International Human Rights Treaties." *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2014.
- *ICCPR: International Covenant on Civil and Political Rights*
- Activity - Case Studies on ICCPR rights, small group debate on the Death Penalty, legal analysis of Thailand's public emergency laws.

The ICESCR and Livelihood Rights

Topic description: The class examines the *International Covenant of Economic, Social and Cultural Rights*. It outlines major principles such as progressive realization and the justiciability of rights. Key elements of workers' rights are identified, and elements of social rights such as food, water and housing are also identified. Students will also need to apply these rights to real life situations by operationalizing rights into a human rights assessment.

Expected learning outcomes: Identify major economic and social rights. Define key concepts of Justiciability and Progressive Realization. Explain specific elements in rights such as right to work, health, and culture, assess the status of food, housing and education rights in Southeast Asia.

Readings and activities:

- SEAHRN. 2014. "Chapter 3: International Human Rights Treaties." *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2014
- ICESCR: International Covenant on Economic, Social and Cultural Rights
- Food and Agriculture Organization. 2009. "Guide on Legislating for the Right to Food."
- OHCHR. Fact Sheet 21. "The Right to Adequate Housing."
- Activities - Legal analysis of progressive realization, case Studies on ICESCR rights, creating a survey which can be used for identifying social rights.

Human Rights Protection

Topic description: In these sessions the variety of ways human rights are protected will be discussed. Protection is examined at the international level, through United Nations mechanisms, at the national level, through courts, constitutions, and the ratification of rights, and finally through civil society by examining how human rights advocacy is planned and undertaken. The effectiveness of these different protection regimes is assessed, by, for example, looking at how effective the UN has been in protecting rights in Southeast Asia, or a comparative analysis of constitutional rights in Southeast Asia.

Expected learning outcomes: Explain the main Human Rights protection mechanisms at the UN. Outline the difference between Treaty and Charter Bodies. Create a complaint to the UN system. Describe typical features of constitutional rights. Outline where human rights are relevant in a court system. Outline the key features of an advocacy campaign. Create a basic human rights advocacy campaign by locating audience, message, and intended outcome.

Readings and activities:

- SEAHRN. 2014. "Chapter 4: Protecting Human Rights in Southeast Asia." *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2014
- SEAHRN. 2014. "Chapter 5: The International System." *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2014
- Peter Willetts. "What is a Non-Governmental Organization?" *UNESCO Encyclopedia of Life Support Systems*. UNESCO, 2006.
- Activities - Group work on identifying and creating a UN complaint, comparison of constitutional rights in Southeast Asia.

Human Rights in Thailand

Topic description: This session will assess the status of human rights protection in Thailand by firstly discussing what rights exist in treaty ratification and constitutions. It then examines the level of freedom of expression and political rights. It will review the history of rights in Thailand and understand the role of civil society, the military, and government in the promotion and protection of human rights.

Expected learning outcomes: Outline the main human rights existing in Thailand through treaties, constitutions, and laws. Assess the status of political rights and freedom of expression. Evaluate the role of government, civil society, and the military in promoting and protecting rights.

Readings and activities:

- Bencharat Sae Chua. 2017. "Thailand" *Routledge Handbook on Civil Society in Asia*. Ed Akohiro Ogawa. London: Routledge.
- Lecture and documentary film viewing

Women and Children's Human Rights

Topic description: The main treaties protecting women's and children's rights (CEDAW & CRC) are examined. Key principles, such as non-discrimination, best interests of the child, and survival and protection and analysed. For women, the concept of ideology and patriarchy is used to explain the widespread belief in the superiority of men. For children, areas of concern such as child labour, child soldiers, and juvenile justice are discussed.

Expected learning outcomes: Describe the history of Women and children's Rights. Debate challenges to women's equality. Detail main standards of children's rights including education, justice, and work. Analyse causes of violence against women and children

Readings and activities:

- SEAHRN. 2016. "Chapter 9: Women's Human Rights." *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2016
- SEAHRN. 2016. "Chapter 10: Children's Human Rights." *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2016
- Kathiya Ratanadlok. 2015. "State of Juvenile Justice in Thailand" A Measure of Last Resort? *The Current Status of Juvenile Justice in ASEAN Member States*. Sweden: RWI. 166-180.
- UNICEF. 2012. "Frequently Asked Question on the Convention of the Rights of the Child."

- Activity - Small group work on case studies

Torture

Topic description: By over viewing the history and use of torture, the class critically responds to the use of torture. The main rights, concepts, and principles *The Convention Against Torture* are detailed, including universal jurisdiction and extradition. There is also an analysis of features of counter torture programs, looking at how torture in police stations and the military are responded to.

Expected learning outcomes: Detail main components of the Convention against Torture. Describe the meaning of universal jurisdiction and extradition. Apply the definition of torture to case studies.

Readings and activities:

- Malcolm Evans. 'Getting to Grips with Torture.' *International and Comparative Law Quarterly*, 51 (2002): 365-383.
- Activities - Small group work on case studies on torture and cruel punishment. Debate on the usefulness of torture in 'ticking bomb' scenarios.

Non-Citizen Rights: Refugees and Statelessness

Topic description: The vulnerability of non-citizens is examined by looking at refugees and stateless people. How these groups are defined in law, and their protection through human rights are outlined. The *Convention on Refugees*, and the treaties on Stateless are outlined. Discuss is made of how refugees and stateless can result from discrimination or political forces. Students will undertake a basic Refugee Status Determination (RSD) exercise, and also examine citizenship laws to examine how people can be made stateless.

Expected learning outcomes: Define Statelessness in international law and in practice. Define the legal definition of a refugee. Classify main rights challenges for refugees and stateless people. Assess measures to reduce statelessness and refugees in Southeast Asia.

Readings and activities:

- SEAHRN. 2014. "Chapter 6: The Rights of Non-citizens: Refugees and the Stateless." *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2014
- The Equal Rights Trust. 2010. "Introduction." *Unravelling Anomaly: Detention, Discrimination and the Protection Needs of Stateless Persons*. London, July 2010
- People's Empowerment Foundation. "Refugee protection in ASEAN: National failures, regional responsibilities." Bangkok, November 2010
- Activities - Conduct a refugee status determination exercise. Analyse national citizenship laws to find how statelessness can occur.

Migrant Issues: Trafficking and Migrant Workers

Topic description: Human rights of people in migration are over viewed by looking the common violations faced by migrant workers, and how trafficking occurs. Key features are discussed of the Migrant Workers convention, and the international laws which define and seek to eliminate trafficking. Popular reactions to migrant workers are debated. The status of counter trafficking on South East Asia is assessed, with a focus on contemporary activities such as highlighting workers rights and monitoring business.

Expected learning outcomes: Define trafficking and migrant workers in international law. Identify important rights for migrant workers. Assess the protection of trafficked persons and migrant workers in Southeast Asia.

Readings and activities:

- SEAHRN. 2014. “The Rights of Non-Citizens: Migrant Workers and Trafficking.” *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2014.
- Activities - Debate on the problem and benefit of having migrant workers. Case studies on trafficking. Viewing a documentary on migrant workers.

Development, Business and the Environment

Topic description: Many violations result from bad development and these classes overview the causes of the violations, and what standards of protection should be in place through rights to development, business duties, and environmental rights. The history of development and rights is described from its introduction in the 1960s till the more contemporary use of the Rights Based Approach in planning development activities. The interaction between development and environmental rights are discussed, with a historical view from the birth of the UN Environmental program (UNEP) and the establishment of various substantive procedural protections of environmental rights. The challenge to have business incorporate rights is addressed by apply the UN Guiding principles to business activities.

Expected learning outcomes: Discuss relationship between human rights, development and the environment. Identify human rights issues in development projects. Assess development projects using the Rights based approach. Apply and debate the obligations a business has to human rights.

Readings and activities:

- SEAHRN. 2016. “Chapter 9: Human Rights and Development.” *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2016.
- SEAHRN. 2016. “Chapter 13: Business and Human Rights.” *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2016.
- Activities - Undertake a Rights Based assessment of a small development project. Compose a business due diligence policy.

Sexuality and Rights

Topic description: A new and controversial area in human rights is sexual orientation and gender identity. The class outlines and defines Lesbian, Gay, Transgender, Bi-sexual, and Intersex peoples (LGBTI) and their vulnerability to violation. It also details how these rights are defined under sexual orientation and gender identity (SOGIE rights). Important rights such as non-discrimination, right to access services, protection from violence, right to marry, and right to a gender identity, are discussed in context to Asian countries.

Expected learning outcomes: Define LGBTI and SOGIE rights. Classify the main violations faced by LGBTI people in Southeast Asia. Critically engage in debates on rights on sexuality and gender identity, such as the provision of business services, and change of gender identity.

Readings and activities:

- SEAHRN. 2016. “Chapter 11: Sex and Gender Diversity.” *An Introduction to Human Rights in Southeast Asia*. Bangkok: SEAHRN, 2016.
- Activities - Classroom debate on rights to non-discrimination based on sexuality or gender identity. Documentary viewing.

People with Disabilities

Topic description: The class looks closely at the human rights of people with a disability, especially the rights based definition of a disability, the principles of inclusion, reasonable accommodation, and universal design. Challenges faced by disabled people, such as access to education and work are discussed.

Expected learning outcomes: Describe the Rights and violations faced by people with a disability. Define key concepts in ICRPD such as reasonable accommodation, and universal design.

Readings and activities:

- 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. 1-24.
- Activity - Case study analysis the rights to services for people with a disability.

International Criminal Law

Topic description: The class explores the international reaction to gross and systematic violations of human rights which amount to international crimes, in particular genocide, war crimes, and crimes against humanity. The definite of these crimes in international law are analysed, and how they are brought before an international court, in particular the International Criminal Court, is discussed.

Expected learning outcomes: Explain the main features of International Criminal Law. Defining war crimes, crimes against humanity, and genocide. Explain the basic function of the International Criminal Court and how it is used to try people suspected of international crimes.

Readings and activities:

- Phooko, Moses Retselisitsoe (2011) "How Effective the International Criminal Court Has Been: Evaluating the Work and Progress of the International Criminal Court," *Notre Dame Journal of International & Comparative Law* 1.1: 182-309.
- Activity - Case study analysis of an international crime.

Further Suggested Readings:

Human Rights Textbooks:

Steiner, Henry, Philip Alston and Ryan Goodman, *International Human Rights in Context*, 3rd ed. Oxford, Oxford University Press, 2008.

Philip Alston and Henry Steiner. *International Human Rights in Context: Law, Politics, Morals.* 2nd Ed. Oxford, Clarendon Press, 2000

Manfred Novak. *Introduction to the International Human Rights Regime.* Boston: Martinus, 2004. 9-72.

Sepulveda, Magdalena, et al, *Human Rights Reference Book.* Costa Rica: University for Peace, 2004.

Janusz Symonides and Vladimir Volodin, eds. *A Guide to Human Rights: Institutions, Standards, Procedures.* Paris, UNESCO 2001

Rhona Smith. *Textbook on International Human Rights.* 4th ed. Oxford: Oxford University Press, 2009.

Michael Goodhard, Ed. *Human Rights: Politics and Practice.* Oxford: Oxford University Press, 2009.

Andrew Clapham. *Human Rights: A Very Short Introduction* Oxford: Oxford University Press, 2007.

Buergenthal, Thomas, Dinah Shelton and David Stewart, *International Human Rights in Nutshell*, West Group, 2002. (Chapters 2 and 3)

Wallace, M.M.Rebecca and Kenneth Dale-Risk, *International Human Rights: Text and Materials*, London, Sweet and Maxwell, second edition, 2001.

Alfredsson, Gudmundur, and Absjorn Eide, eds., *The Universal Declaration of Human Right: A Common Standard of Achievement*, Dordrecht, Martinus Nijhoff Publishers, 1999.
Meckled-Garcia, Saladin and Basak Cali, (eds), *The Legalization of Human Rights*, Routledge, 2006
Wolfgang Benedek, ed. *Understanding Human Rights*. Austria: European Training and Research Centre for Human Rights and Democracy (ETC). 2006

Media (these can be found with a simple Google search):

The *United Nations Audiovisual Library of International Law* has a long list of relevant lectures.

The *OHCHR* has many handbooks and guides on their webpage under “Publications and Resources”

The *University of Minnesota Human Rights Library* has many documents, book, and other resources.

HREA.org (Human Rights Education Association) has many training manuals, guides, and other resources.