

MSS Degree in Anthropology' 2020

Session: 2019-2020

Anthropology of Human Rights

Course Description

The course will offer an understanding of key concepts, features and principles of human rights. It will examine the historical development of human rights and the Universal Declaration of Human Rights (UDHR). The course will also explore the anthropological debate on human right and culture; and the human rights between Universalism and cultural relativism. The course will also address the theory of social justice; the major human rights treaties/covenants/conventions related to specific areas of focus include women rights, SOGI rights, children rights, disability rights, indigenous rights, migration and human rights, environmental rights; and the torture and disappearance. It will also focus on the human rights norms and mechanism of Bangladesh and their problems and challenges. The course is designed to encourage students to engage in critical reading and to develop a critical thinking/perspective on the practices of human rights.

Course Lesson Plan

Week 1: Overview of Key Issues in Human Rights: Define Human Rights. Identify Categories of Human Rights. Key Concepts, Features and Principles

Suggested Readings:

- SEAHRN. (2014). "Chapter 1: The Fundamental of Human Rights." *An Introduction to Human Rights in Southeast Asia*. Bangkok: IHRP and SEAHRN
- Hunt, L. (2007). *Inventing human rights: a history*. New York: W.W. Norton. »»» Introduction ("We hold these truths to be self-evident") and chapter 1 ("Torrent of emotion": reading novels and imagining equality). <<<<
- Moyn, S. (2010). *The last utopia: human rights in history*. Cambridge, MA: Belknap Press of Harvard University Press. »»» Chapter 1 (Humanity before human rights) and chapter 2 (Death from birth). <<<<
- Asad, Talal. (2009). Reflections on the Origins of Human Rights. Lecture series. Berkley Center for Religion, Peace & World Affairs. Washington, D.C. Available at <<https://berkeleycenter.georgetown.edu/events/reflections-on-the-origins-of-human-rights>>.

Week 2: The Emergence of Human Rights and the Universal Declaration Model

Suggested Readings:

- Michael Ignatieff. (2001). *Human Rights as Politics and Idolatry*. Pp. 3-53.
- Roger Normand and Sarah Zaidi. (2008). "The Universal Declaration of Human Rights." *Human rights at the UN : The Political History Of Universal Justice*. Bloomington: Indiana UP: 177-198.

- Johannes Morsink (1999). *The Universal Declaration of Human Rights, Origins, Drafting and Intent*, University of Pennsylvania Press, Chapter I and IIX.
- Donnelly, Jack. (2003). *Universal Human Rights in Theory and Practice*, Cornell University Press, pp. 1-37.
- R.K.M. Smith & C. van den Anker. (2005). *The Essentials of Human Rights*, Hodder, Chapter 1 'The Historical roots of Human Rights' by Michael Freeman

Week 3: The Three “Generations” of Human Rights: UDHR, ICCPR, ICESCR

Universal Declaration of Human Rights

International Covenant of Civil and Political Rights (ICCPR)

International Covenant on Economic, Social, and Cultural Rights (ICESCR)

Suggested Readings:

- Donnelly, Jack. (2002). *An Introduction to Human Rights*. Chapters 1 – 5.
- SEAHRN. (2014). “Chapter 1: The Fundamental of Human Rights.” *An Introduction to Human Rights in Southeast Asia*. Bangkok: IHRP and SEAHRN
- International Covenant on Civil and Political Rights (ICCPR). Available at <<https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf> >
- International Covenant on Economic, Social and Cultural Rights (ICESCR). Available at <<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>>

Week 4: Anthropological Debates on Human Rights and Culture

Suggested Reading:

- American Anthropological Association. (1947). “Statement on Human Rights.” *American Anthropologist* 49 (4): 539-43.
- Steward, Julian. (1948). “Comments on the Statement on Human Rights.” *American Anthropologist* 50: 351-2.
- Messer, Ellen. (1993). "Anthropology and Human Rights." *Annual Review of Anthropology* 22: 221-49.
- Wilson, Richard A. (1996). "Introduction: Human Rights, Culture and Context." In *Human Rights, Culture and Context: Anthropological Perspectives*. Richard A. Wilson, Ed. London: Pluto Press.
- Goodale, Mark. (2006). Toward a Critical Anthropology of Human Rights. *Current Anthropology*, Volume 47, Number 3. Pp. (485-511). Available at <<file:///C:/Users/Liton%20Hossen/Downloads/TowardaCriticalAnthropologyofHumanRights.pdf>>
- Asad, Talal. (2000). What Do Human Rights DO? An Anthropological Enquiry. Theory & Event. Volume 4, Issue 4. Available at <https://www.researchgate.net/publication/47410183_What_Do_Human_Rights_Do_An_Anthropological_Enquiry>.
- Golder, Ben. Foucault, Anti-Humanism and Human Rights. Available at <<https://www.unisa.edu.au/siteassets/episerver-6-files/documents/eass/hri/foucault-conference/golder.pdf>>.

- Stone, Matthew et al. (2012). *New Critical Legal Thinking. Human Rights: Confronting Governments? Michel Foucault and the Right to Intervene*. Available at [file:///C:/Users/Liton%20Hossen/Downloads/\[Matthew Stone, Illan rua Wall, Costas Douzinas\]_N\(z-lib.org\).pdf](file:///C:/Users/Liton%20Hossen/Downloads/[Matthew%20Stone,%20Illan%20rua%20Wall,%20Costas%20Douzinas]_N(z-lib.org).pdf).

Week 5: Human Rights between Universality and Cultural Relativism

Suggested Readings:

- Donnelly, Jack. (2013). Chapters 6 and 7 in *Universal Human Rights in Theory and Practice*, third edition. On NYU Classes.
- Donnelly, Jack. (2007). 'The Relative Universality of Human Rights', *Human Rights Quarterly* Vol. 29, pp. 281-306.
- Michael, Goodhart. (2008). 'Neither Relative nor Universal: A Response to Donnelly', *Human Rights Quarterly*, Vol. 30, pp. 183-193.
- Ann-Belinda S.Preis. (1996). 'Human Rights as Cultural Practice: An Anthropological Critique', *Human Rights Quarterly*, Vol. 18, pp. 286-315.
- Donnelly, Jack. (2008). *Human Rights: Both Universal and relative (A Reply to Michael Goodhart)*, *Human Rights Quarterly*, Vol. 30, pp. 194-204.

Week 6: Human Rights and Social Justice

Suggested Reading:

- Rawls, J. (1999). *A theory of justice*. rev. ed ed. Cambridge, Mass: Belknap Press of Harvard University Press, pp.1-4, 10-12, 24. ««««
- Sen, A. (2009). *The idea of justice*. Cambridge, Mass.: The Belknap Press of Harvard Univ. Press. »»»» Introduction (An Approach to Justice), chapter 2 (Rawls and Beyond), chapter 11 (Lives, Freedom and Capabilities). ««««
- Rawls, J. (1985). Justice as fairness: Political not metaphysical. *Philosophy and Public Affairs*, pp.223–251.

Week 7: Women Rights: CEDAW

Suggested Reading:

- Partners for Law in Development. (2004). "Foundational Framework of CEDAW." *CEDAW: Restoring Rights to Women*. New Delhi: PLD: 23-36.
- Martha Nussbaum. (2016). "Women's progress and Women's human rights." *Human Rights Quarterly* 28: 580-62
- The Beijing Declaration and Platform for Action Turns 20. (2015). New York, UN Women. Available in Online <https://sustainabledevelopment.un.org/content/documents/1776The%20Beijing%20Declaration%20and%20Platform%20for%20Action%20turns%2020.pdf>
- CEDAW. Available in Online <https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>

Week 8: Sexual Orientation and Gender Identity (SOGI) & SRHR Rights

Suggested Reading:

- Sanders, Douglas (2008). “Sexual orientation, gender identity, gender expression, intersexuality.” *Routledge Encyclopedia of Human Rights*.
- The Yogyakarta Principles. 2007. Principle 3 of The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (pp.6-12). Available at <http://www.yogyakartaprinciples.org/principles_en_principles.htm. >
- SEAHRN. (2016). “Sex and Gender Diversity.” *An Introduction to Human Rights in Southeast Asia. Volume 2*. Bangkok: IHRP and SEAHRN
- International Commission of Jurists. (2009). *Sexual Orientation, Gender Identity and International Human Rights Law: Practitioners’ Guide*, no. 4.
- Michael O’Flaherty and John Fisher. (2008). “Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles.” *Human Rights Law Review* 8:2: 207 – 248.
- International Commission of Jurists. (2009). *Sexual Orientation, Gender Identity and International Human Rights Law*. Switzerland. Available at: <<https://www.refworld.org/pdfid/4a783aed2.pdf> >.

Week 9: Children Rights: CRC

Suggested Readings:

- Arts, K. (2014) ‘Twenty-Five Years of the United Nations Convention on the Rights of the Child: Achievements and Challenges’, *Netherlands International Law Review*, pp. 61: 267. <https://doi.org/10.1017/S0165070X14001272>
- UNICEF. (2012). “Frequently Asked Question on the Convention of the Rights of the Child.” Geneva: UNICEF\

Week 10: Peoples with Differently Able Rights

Suggested Readings:

- OHCHR. (2007). *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,: “Chapter One: Overview” (pp 1-7); “Chapter Two: the Convention.(pp. 9-24)
- Eilionóir Flynn. (2011). *From Rhetoric to Action Implementing the UN Convention on the Rights of Persons with Disabilities*. Cambridge: Cambridge UP.
Read: Chapter 1: Comparative International Trends in Disability Law and Policy

Week 11: Indigenous Rights: Declaration of Indigenous Rights

Suggested Readings:

- Draft Declaration on Indigenous Rights
- Biolsi, Thomas. (2001). *Deadliest Enemies: Law and the Making of Race Relations on and off Rosebud Reservation*. Introduction. (pp. 1-20). Univ. of California Press.

- Sieder, Rachel and Jessica Witchell, (2001). “Advancing indigenous claims through the law: reflections on the Guatemalan Peace process”. In Cowan, Jane K. Marie-Benedicte, Dembour, and Richard A. Wilson (eds.) *Culture and Rights: Anthropological Perspectives*. New York: Cambridge University Press.

Week 12: Migration and Refugee Rights

Suggested Readings:

- Arisman ; Jaya, Ratnawati Kusuma, (2018) *Protection of Human Rights and Labour Migration for Employment Purpose Across ASEAN / Center for Southeast Asian Studies*. Jakarta: CSEAS
- Amnesty International, (2010). *Trapped: The Exploitation of Migrant Workers in Malaysia: Equality in Law is Human Rights*. Amnesty International, United Kingdom.
- UNHRC, (2011). *Guiding Principles on Business and Human Rights*, New York: UN. Available at Online: <
https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. New York and Geneva. Available at Online <
<https://www.ohchr.org/Documents/Publications/FactSheet24rev.1en.pdf>>

Week 13: The Environmental Rights

Suggested Readings:

- Alan Boyle, (2006). “Human Rights or Environmental Rights? A Reassessment.” *Fordham Environmental Law Review* 18: 471.
- UNEP, n.d. *Compendium on Human Rights and the Environment: Selected international legal materials and cases*. Paris: UNEP. Read pp 1-8.
- SEAHRN. (2016). *An Introduction to Human Rights in Southeast Asia. Volume 2*. Bangkok: SEAHRN
Read: Chapter Fourteen: “The environment and Human Rights”

Week 14: Torture and Disappearances: Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Suggested Readings:

- Malcolm Evans. (2002) ‘Getting to Grips with Torture.’ *International and Comparative Law Quarterly*, 51, pp.365 – 383.
- Nowak, Manfred, (2009). “Torture and Enforced Disappearance.” *International Protection of Human Rights: A Textbook*. Catarina Krause and Martin Scheinin (eds.). Turku: Institute for Human Rights, Åbo Akademi University.
- William Schulz. Ch 17: “Torture.” In *Human Rights: Politics and Practice*. William Goodhart ed. Oxford: Oxford UP: 297-315.
- Calverio, Pilar; Nichols, William; and Hilde, Thomas (2007), ‘Torture: New Methods and Meanings’, *South Central Review*, vol. 21, no. 1, pp 101 – 118

- John Conroy. (2001). *Unspeakable acts, ordinary people: the dynamics of torture*. Berkeley: University of California Press.

Week 15: Human Rights at the UN System

Suggested Readings:

- *United Nations Charter*
- International Service for Human Rights. “A Simple Guide to the Treaty Bodies.” Geneva: ISHR, n.d.
- OHCHR. (2008). “Chapter 5: Human Rights Council.” “Chapter 6: Special Procedures.” “Chapter 7: The Universal Periodic Review.” “Human Rights Treaty Bodies.” *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. New York and Geneva: OHCHR. 75-106 & 107-135.
- Limon, Marc & Hilary Power. (2014). “History of the United Nations Special Procedures Mechanism: Origins, Evolution and Reform.” Switzerland: Universal Rights Group 2014
- IRCT and HRHN. (2011). “A Practical Guide to the UPR How NGOs can influence the Universal Periodic Review Process” International Rehabilitation Council for Torture Victim and Human Rights House Network.

Week 16: Human Rights and Asian Values

Suggested Readings:

- Sen, Amartya. (1997). Human Rights and Asian Values. *Sixteenth Morgenthau Memorial Lecture on Ethics & Foreign Policy*. New York. Available at < https://www.carnegiecouncil.org/publications/archive/morgenthau/254/_res/id=Attachments/index=0/254_sen.pdf>
- Sung-Joo, Han. Asian Values: Asset or Liberty? *Globalization, Governance and Civil Society*. Available at < http://www.jcie.org/researchpdfs/global_gov/8_H%20Sung-Joo.pdf>
- Sagymbayev, Serik. (2015). Towards a Unified Approach to Human Rights: The “Asian Values” Challenges
- Tew, Yvonne. (2009). Beyond “Asian Values”: Rethinking Rights. Centre of Governance and Human Rights. Available at < https://www.repository.cam.ac.uk/bitstream/handle/1810/245115/CGHR_WP_5_2012_Tew.pdf>.
- Shen, Fei and Tsui, Lokman. (2018). Revisiting the Asian Values Thesis: An Empirical Study of Asian Values, Internet Use, and Support for Freedom of Expression in 11 Societies. Available at < [file:///C:/Users/Liton%20Hossen/Downloads/AS5803_08_Shen%20\(1\).pdf](file:///C:/Users/Liton%20Hossen/Downloads/AS5803_08_Shen%20(1).pdf)>.

Week 17: Human Rights Norms and Mechanism of Bangladesh: Civil, Political and ECOSOC Rights and their problems, Challenges and Opportunities

Suggested Readings:

- Constitution of Bangladesh. Peoples Republic of Bangladesh. Constitution of Bangladesh. People’s Republic of Bangladesh. Available at < <http://hrlibrary.umn.edu/research/bangladesh-constitution.pdf>>.