

**City University of Hong Kong  
Course Syllabus**

**offered by Department of Asian and International Studies  
with effect from Semester A 2019/20**

**Part I Course Overview**

<b>Course Title:</b>	Human Rights in Asia
<b>Course Code:</b>	AIS5039
<b>Course Duration:</b>	One semester
<b>Credit Units:</b>	3
<b>Level:</b>	P5
<b>Medium of Instruction:</b>	English
<b>Medium of Assessment:</b>	English
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	Nil
<b>Precursors:</b> <i>(Course Code and Title)</i>	Nil
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	Nil
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	Nil

## Part II Course Details

### 1. Abstract

The course will provide a space for critical comparative discussions on how human rights are framed, exercised and contested within, and across, states in Asia. It will start with the conceptual foundations of modern human rights and the main international institutions and treaties governing them. Selected human rights issues, such as civil and political rights, dissent and torture, minority rights, mass atrocity and genocide, women's rights, freedom of religion, and forced migration will then be examined to study how governments, civil society, judicial systems and the increasingly complex body of international law of human rights respond to human rights violations in the region, and to what extent these multiple levels of human rights protections are effective in guaranteeing human rights in the region. Embracing a multiplicity of perspectives through the analysis of interdisciplinary texts, foundational documents and videos, the course will help students engage in personal exploration of what human rights can embody in their own environment.

### Course Aims:

- To gain familiarity with the basic concepts, preoccupations and issues of the international and Asian human rights movements
- To understand how experiences of colonialism, nationalism, state formation, nation-building, development, migration and globalization have shaped human rights governance, and resistance, across contemporary Asia
- To explore some aspects of the highly diverse and increasing complex body of international law of human rights and its (tentative and contested) application in Asia
- To engage in philosophical discussion and discourse, so that students can relate human rights issues to their everyday lives

### 2. Course Intended Learning Outcomes (CILOs)

*(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)*

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Show comprehensive awareness of the practice of human rights in Asia, as well as their underlying principles, concepts and debates		√	√	
2.	Recognise the strengths and limits of different human rights instruments and institutions			√	√
3.	Compile a comparative analysis of the different national and regional human rights regimes in Asia			√	√
4.	Apply the above knowledge to specific issues in specific countries, and understand why, and how, these issues can be interpreted, and addressed		√	√	√
		100%			

- A1: *Attitude*  
 Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.
- A2: *Ability*  
 Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.
- A3: *Accomplishments*  
 Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

### 3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.						Hours/week (if applicable)
		1	2	3	4			
1.Lectures	The instructor will present overviews of key concepts and issues and lead class debates	√	√	√	√			
2. Class discussion	Students will analyse and discuss weekly required readings	√	√	√	√			
3.Oral Presentations	Students will work in groups to lead class discussions and Q&A sessions on topics assigned by the instructor	√	√	√	√			
4. Book review	Student will read a book drawn from the list provided by the instructor and write a (max. 1,500 words) review of it.	√	√		√			
5.Research essay	Students will use relevant materials to write a research paper (max. 3,000 words) as set by the instructor	√	√	√	√			

#### 4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.						Weighting	Remarks
	1	2	3	4				
Continuous Assessment: 100 %								
1. Attendance & Participation	√	√	√	√			10%	
2. Class Presentation	√	√	√	√			20%	
3. Book review	√	√		√			20%	(~1,500 words), Submit Week 5
4. Term paper	√	√	√	√			30%	(~3,000 words), Submit Week 10
5. In-class examination (mini-essays)	√	√	√	√			20%	On Week 13, two questions related to the required readings in the form of mini-essays to be completed in 2 hours
Examination: Nil % (duration: N/A , if applicable)								
							100%	

## 5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Class participation	Students are expected to attend all sessions. Failure to do so will deduct marks. Participating in class discussions with quality interventions will add marks.	High class performance. Ability to comprehend and critique lectures and reading material.	Demonstrates good ability to think conceptually. Student can form plausible arguments and convincing conclusions.	Demonstrates ability to analyse material presented in lectures and readings. Even is all sessions were attended, performance has been below class average.	Student has comprehended little of the material presented in class. The student has participated little in class, demonstrating little interest and/or motivation.	Poor learning or lack of effort, the student has failed to demonstrate even a minimal capacity to analyse concepts and theories.
2. Presentation	Need to master the assigned presentation topic, demonstrate critical thinking and solid research on the subject, show efficiency in teamwork with good use of powerpoint or similar tools	Excellent knowledge of the topic and capacity to critically integrate lectures and references into the presentation. Contents delivered in an effective and engaging manner.	Good knowledge of the assigned topic and capacity to critically integrate lecture and reading material into the presentation. The contents are delivered in an intelligible manner.	Fair knowledge of the assigned topic and capacity to integrate lecture and reading material into the presentation. The contents are delivered in a structured manner.	Limited knowledge of the assigned topic and little capacity to critically integrate lecture and reading material. The contents are delivered with little structure and poor speech.	Little or no knowledge of the assigned topic and capacity to critically integrate lecture and reading material into the presentation. The contents, if any, are delivered in an incoherent manner.
3. Book review	Need to show capacity to critically assess and persuade (critical thinking, evaluation and detailed analysis of a book).	Excellent capacity to persuade, demonstrate critical evaluation, and effort in assessing the quality of a scholarly book.	Good capacity to persuade, demonstrate critical evaluation, and effort in assessing the quality of a scholarly book.	Adequate capacity to persuade, demonstrate critical evaluation, and effort in assessing the quality of a scholarly book.	Scant capacity to persuade, demonstrate critical evaluation, or indicate much effort in assessing the quality of a scholarly book.	Little or no capacity to persuade, demonstrate critical evaluation, or indicate much effort in assessing the quality of a scholarly book.
4. Research essay	Need to show capacity to critically reflect on and theoretically engage with scholarly references	Excellent capacity to critically assess scholarly references, and contribute original recommendations	Good capacity to critically assess scholarly references, and contribute sound recommendations	Adequate capacity to critically assess scholarly references, and contribute recommendations	Scant capacity to critically assess scholarly references, and contribute recommendations	Little or no capacity to critically assess scholarly references, and contribute recommendations

## Part III Other Information

### 1. Keyword Syllabus

(An indication of the key topics of the course.)

Human Rights, Universalism, Cultural Relativism, Rule of Law, Dissent, Torture, Civil and Political Rights, Women's Rights, Freedom of Religion, Freedom of Speech, Economic and Social Rights, LGBT Rights, Environmental Rights, Transnational Advocacy, Universal Declaration of Human Rights, Paris Principles, International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social & Cultural Rights (ICESCR), Asian Values, ASEAN Charter.

### 2. Weekly schedule

#### Week 1 – Introduction: What Are (and Are Not) Human Rights?

This session sets the introduction to the course and clarifies the assignments and responsibilities of the students. The following questions will be addressed: what are human “rights”? “Rights” for whom? Who violates human rights? Who suffers and why? Why so many critiques? Is “Human Rights” solely a Western idea?

##### Required readings

- Dembour, Marie-Bénédicte, 2010. “What Are Human Rights? Four Schools of Thought”, *Human Rights Quarterly* 32(1): 1-20.
- Ignatieff, Michael, 2003. “Human Rights as Idolatry”, in Ignatieff, Michael, *Human Rights as Politics and Idolatry*, Princeton NJ: Princeton University Press, pp. 53-100.
- Bell, Daniel, 1996. “The East Asian Challenge to Human Rights”, *Human Rights Quarterly* 18(3): 641-667.

##### Further readings

- Evans, Tony, 2005. *Politics of Human Rights: A Global Perspective*. (2nd. Ed). London: Pluto Press, pp. 35-54 [Chapter 2: “The Discourse of Human Rights”].
- Chandler, David, 2013. “Contemporary Critiques of Human Rights”, in Goodhart, Michael, ed., *Human Rights: Politics & Practice*, Oxford: Oxford University Press, pp. 110-126.
- Sen, Amartya, 2004. “Elements of a Theory of Human Rights”, *Philosophy and Public Affairs* 32(4): 315-356.
- Preis, Ann-Belinda S., 1996. “Human Rights as Cultural Practice: An Anthropological Critique”, *Human Rights Quarterly* 18: 286-315.
- Donnelly, Jack, 2007. “The Relative Universality of Human Rights”, *Human Rights Quarterly* 29(2): 281-306.
- Matua, Makau, 2001. “Savages, Victims, and Saviors. The Metaphor of Human Rights”, *Harvard International Law Journal* 42(1): 201-245.
- O’Neill, Onora, 2005. “The Dark Side of Human Rights”, *International Affairs* 81(2): 427-439.

#### Week 2 – Foundations of Modern Human Rights

This seminar will ask the following questions: where do human rights come from? What are the historical, philosophical foundations and justifications? What is “human dignity”? When, and where, did the human rights movement begin? What were the factors and events that led to the creation of the Universal Declaration of Human Rights?

##### Required readings

- Donnelly, Jack, 2013. *Universal Human Rights in Theory and Practice* (3<sup>rd</sup> ed.), Ithaca NY: Cornell University Press [Chapter 5 “A Brief History of Human Rights”, pp. 75-92].
- Shestack, Jerome, 1998. “The Philosophic Foundations of Human Rights”, *Human Rights Quarterly* 20(2): 201-234.

- Roosevelt, F.D. (Eleanor), 1948. "The Promise of Human Rights", *Foreign Affairs* 26(3): 470-477

#### Further readings

- Langlois, Anthony, 2013. "Normative and Theoretical Foundations of Human Rights", in Goodhart, Michael, ed., *Human Rights: Politics and Practice (3<sup>rd</sup> ed.)*, Oxford: Oxford University Press, pp. 11-27.
- Moyn, Samuel, 2010. *The Last Utopia: Human Rights in History*, Cambridge MA: Harvard University Press [Chapter 2 "Death from Birth", pp. 44-83].
- Tierney, Brian, 2005. "Historical Roots of Modern Rights: Before Locke and After", *Ave Maria Law Review* 3(1): 23-44.
- Rousseau, Jean-Jacques, 1997 [1762]. *The Social Contract* (translation), Cambridge: Cambridge University Press.
- Mill, John Stuart, 1989 [1859]. *On Liberty*, Cambridge: Cambridge University Press.
- Waltz, Susan, 2002. "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights." *Third World Quarterly* 23(3): 437-448.
- Glendon, Mary Anne, 2002. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, New York: Random House.
- Schachter, Oscar, 1983. "Human Dignity as a Normative Concept", *The American Journal of International Law* 77(4): 848-854.

### **Week 3 – International Human Rights Regime**

The lecture will interrogate why, and how, a customary international law of human rights has emerged after 1945. What are the strengths and weaknesses of the highly diverse set of international human rights conventions? What is the role of the International Criminal Court and the International Court of Justice? What are the ICCPR, the ICESCR, and the Paris Principles? Why would a country like the United States not give individuals the right to petition to the ICCPR committee? Are regional and national systems more or less efficient than a universal one?

#### Required readings

- Donnelly, Jack, 2013. *Universal Human Rights in Theory and Practice (3<sup>rd</sup> ed.)*, Ithaca NY: Cornell University Press [Chapter 11 "International Human Rights Regimes", pp. 161-196].
- Risse, Thomas & Kathryn Sikkink, 1999. "The Socialization of International Human Rights Norms into Domestic Practices: Introduction", in Risse, Thomas & Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change*, Cambridge: Cambridge University Press, pp. 1-38.

#### Further readings

- Moravcsik, Andrew, 2000. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe", *International Organization* 54(2): 217-252.
- Subedi, Surya P. 2011. "Protection of Human Rights through the Mechanism of the UN Special Rapporteurs," *Human Rights Quarterly* 33(1): 201-228.
- Cardenas, Sonia, 2003. "Emerging Global Actors: The United Nations and National Human Rights Institutions", *Global Governance* 9(1): 23-42.
- Baik, Tae-Ung, 2012. *Emerging Regional Human Rights Systems in Asia*, Cambridge: Cambridge University Press [Chapter 2 "Analytical Framework: Human Rights Systems in Asia", pp. 10-52].
- Duff, Anthony, 2010. "Authority and Responsibility in International Criminal Law" in Besson, Samantha and John Tasioulas, eds., *The Philosophy of International Law*, Oxford: Oxford University Press, pp. 589-605.
- Schabas, William, 2004. "United States Hostility to the International Criminal Court: It's all about the Security Council", *The European Journal of International Law* 15(4): 701-720.
- Durbach, Andrea, 2009. "A Tongue but No Teeth?": The Emergence of a Regional Human Rights Mechanism in the Asia Pacific Region", *Sydney Law Review* 31(2): 211-238.

- Davis, Thomas W. D., 2011. "Human Rights in Asia: Institutions, Norms and Politics", in Davis, Thomas W. D. and Brian Galligan, eds., *Human Rights in Asia*, Cheltenham UK: Edward Elgar, pp. 1-24.

#### **Week 4 – Civil Rights and Political Rights**

The class will discuss the "first generation" of civil and political rights and their enforcement in contemporary Asia. How can citizens in Asia participate freely to political and civic life without being punished? How are rights guaranteed under such a diversity of political systems, cultures and societies? How to call on authoritarian and semi-democratic governments in the region not to interfere with the individual exercise of civil liberties?

##### Required readings

- Sen, Amartya, 1994. "Freedoms and Needs: An Argument for the Primacy of Political Rights", *The New Republic* (January 10-17): 31-38.
- Rodan, Garry, 2011. "Political Accountability and Human Rights in Singapore", in Davis, Thomas W. D. and Brian Galligan, eds., *Human Rights in Asia*, Cheltenham UK: Edward Elgar, pp. 70-90.

##### Further readings

- Ignatieff, Michael, 2003. "Human Rights as Politics", in Ignatieff, Michael, *Human Rights as Politics and Idolatry*, Princeton NJ: Princeton University Press, pp. 3-52.
- Gomez, James and Robin Ramcharan, 2014. "Introduction: Democracy and Human Rights in Southeast Asia", *Journal of Current Southeast Asian Affairs* 33(3): 3-17.
- McCarthy, Stephen and Kheang Un, 2017. "The Rule of Law in Illiberal Contexts: Cambodia and Singapore as Exemplars", in Bünte, Marco and Björn Dressel, eds., *Politics and Constitutions in Southeast Asia*, London: Routledge, pp. 315-330.
- Crouch, Melissa, 2013. "Asian Legal Transplants and Rule of Law Reform: National Human Rights Commissions in Myanmar and Indonesia", *Hague Journal on the Rule of Law* 5(2): 146-177.
- Sen, Amartya, 1999. "Democracy as a Universal Value", *Journal of Democracy* 10(3): 3-17.
- Katsumata, Hiro, 2006. "Why Does Japan Downplay Human Rights in Southeast Asia?", *International Relations of the Asia-Pacific* 6: 249-267.
- The text of the International Covenant on Civil and Political Rights (ICCPR: [www2.ohchr.org/english/law/ccpr.htm](http://www2.ohchr.org/english/law/ccpr.htm)).

#### **Week 5 – Dissent, Imprisonment and Torture**

How do the repression of dissent, the structure of prison systems and the wider restrictions on freedom of expression affect human rights in Asia? Can rights be denied in the name of national security, state stability, or social harmony? Is the prohibition (and prosecution) of torture widely accepted across the region? We will also explore issues of *lèse-majesté* (Thailand) and death penalty.

##### Required readings

- Chen, Titus C. and Chia-hao Hsu, 2018. "Double-Speaking Human Rights: Analyzing Human Rights Conception in Chinese Politics (1989-2015)", *Journal of Contemporary China* 27(112): 534-553.
- Shulz, William F., 2013. "Torture", in Goodhart, Michael, ed., *Human Rights: Politics and Practice (3<sup>rd</sup> ed.)*, Oxford: Oxford University Press, pp. 265-272.
- Streckfuss, David, 2017. "*Lèse-majesté*, Asian Style", in Antons, Christoph, ed., *Routledge Handbook of Asian Law*, Abingdon: Routledge, 378-397.

##### Further readings

- Easton, Susan, Tim Black and Mandeep K. Dhimi (2012). "Should Prisoners Be Allowed to Vote?", *Criminal Justice Matters* 90(1): 43-44.
- Ahmad, Irfan and M. Z. Siddiqui, 2017. "Democracy in Jail: Over-Representation of Minorities in Indian Prisons", *Economic and Political Weekly* 52(44): 98-106.



- Hathaway, Oona, 2004. "The Promise and Limits of the International Law of Torture," in Sanford Levinson, ed., *Torture: A Collection*, New York: Oxford University Press, pp. 199-212.
- Roosa, John, 2008. "The Truths of Torture: Memories and State Histories in Indonesia", *Indonesia* 85: 31-49.
- Cheesman, Nick, 2016. "Reading Hobbes's Sovereign into a Burmese Narrative of Police Torture," *Asia-Pacific Journal on Human Rights and the Law* 17: 199-211.
- Mayerfeld, Jamie, 2007. "Playing by Our Own Rules: How US Marginalization of International Law of Human Rights Led to Torture", *Harvard Review of Human Rights* 20: 89-140.
- Hooks, Gregory and Clayton Mosher, 2005. "Outrages against Personal Dignity: Rationalizing Abuse and Torture", *Social Forces* 83(4): 1627-1645.
- Foucault, Michel, 1977. *Discipline and Punish: The Birth of the Prison*, New York: Vintage Books.
- Clapham, Andrew, 2007. *Human Rights: A Very Short Introduction*, Oxford: Oxford University Press [Chapter 9 "The Death Penalty", pp. 152-158].
- Text of the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment [Resolution 39/46, 10 December 1984] here : <https://treaties.un.org/doc/Publication/UNTS/Volume%201465/volume-1465-I-24841-English.pdf>

## **Week 6 – Social, Economic and Cultural Rights**

Why distinguishing economic, cultural and social rights from political and civil ones? What are the levels of protection afforded to these new categories of rights? Is there a linkage between economic prosperity and human rights? What types of challenges would an international or national court face in enforcing social and economic rights? Why moving beyond individual rights to introduce "collective-developmental" rights? Is there a right to food and health (and thus, to healthy food)? Can the institutions of human rights adequately address the problems caused by climate change in the region?

### Required readings

- Donnelly, Jack, 2013. *Universal Human Rights in Theory and Practice* (3<sup>rd</sup> ed.), Ithaca NY: Cornell University Press [Chapter 14 "The West and Economic and Social Rights", pp. 235-253].
- Richards, David L. and Ronald D. Genelly, 2013. "Economic Globalization and Human Rights", in Goodhart, Michael, ed., *Human Rights: Politics and Practice* (3<sup>rd</sup> ed.), Oxford: Oxford University Press, pp. 216-234.

### Further readings

- Gilabert, Pablo, 2009. "The Feasibility of Basic Socioeconomic Rights", *Philosophical Quarterly* 59(237): 669-676.
- Langford, Malcom et al., eds., 2013. *Global Justice, State Duties: The Extraterritorial Scope of Economic, Social and Cultural Rights in International Law*, Cambridge: Cambridge University Press [India, pp. 102-124].
- Pogge, Thomas, 2002. *World Poverty and Human Rights*. Cambridge: Polity Press.
- Sanders, Douglas, 1991. "Collective Rights", *Human Rights Quarterly* 13: 368-386.
- Freeman, Michael, 1995. "Are There Collective Rights?", *Political Studies* 43(1): 25-40.
- Feng, Cheng, 2007. "Individual and Collective Rights: Labor's Predicament in China", *Communist and Post-Communist Studies* 40(1): 59-79.
- Barry, John and Kerri Woods, 2013. "The Environment", in Goodhart, Michael, ed., *Human Rights: Politics and Practice* (3<sup>rd</sup> ed.), Oxford: Oxford University Press, pp. 405-419.
- Caney, Simon, 2010. "Climate Change, Human Rights and Moral Thresholds", in Humphreys, Stephen, ed., *Human Rights and Climate Change*, Cambridge: Cambridge University Press, pp.69-90.
- The text of the International Covenant on Economic, Social and Cultural Rights (www2.ohchr.org/english/law/pdf/cescr.pdf).

## **Week 7 – Women’s and Children’s Rights**

Students will engage in discussions on how women’s rights and children’s rights fit into human rights movements in Asia. What are the regional and domestic legal instruments protecting women and girls against abuses, violence and discrimination? Is there a distinction between the public and the private in regional and national human rights frameworks? We will also discuss women’s access to education, property rights, contraception, and abortion.

### Required readings

- Bunch, Charlotte, 1990. “Women’s Rights Are Human Rights”, *Human Rights Quarterly* 12(4): 486-498.
- Sen, Amartya, 1990. “More Than 100 Million Women Are Missing”, *New York Review of Books* 37(20): 1-13.
- Weiss, Anita M., 2003. “Interpreting Islam and Women’s Rights: Implementing CEDAW in Pakistan”, *International Sociology* 18(3): 581-601.

### Further readings

- Stivens, Maila, 2000. “Introduction: Gender Politics and Reimagining of Human Rights in the Asia-Pacific”, in Hilsdon, Anne-Marie, Martha Macintyre, Vera Mackie & Maila Stivens, eds., *Human Rights and Gender Politics: Asia-Pacific Perspectives*, London: Routledge, pp. 1-36.
- Beitz, Charles, 2009. “Human Rights of Women”, in Beitz, Charles, *The Idea of Human Rights*, Oxford: Oxford University Press, pp. 186-197.
- Englehart, Neil and Melissa Miller, 2014. “The CEDAW Effect: International Law’s Impact on Women’s Rights”, *The Journal of Human Rights* 13(1): 22-47.
- Van Doorn-Harder, Pieternella, 2008. “Controlling the Body: Muslim Feminists Debating Women’s Rights in Indonesia”, *Religion Compass* 2(6): 1021-1043.
- Reilly, Niamh, 2009. *Women’s Human Rights: Seeking Gender Justice in a Globalization Age*, Cambridge: Polity Press.
- Chua, Lynette Chua & David Gilbert, 2015. “Sexual Orientation and Gender Identity Minorities in Transition: LGBT Rights and Activism in Myanmar,” *Human Rights Quarterly* 37(1): 1-28.
- O’Neill, Onora, 1988. “Children’s Rights and Children’s Lives”, *Ethics* 98(3): 445-463.

## **Week 8 – Migration, Human Trafficking and Modern Slavery**

The session will explore the risks faced by populations migrating either voluntary (for work, a new life) or involuntarily (human trafficking) across Asian borders. How to guarantee their rights as individuals in a foreign (even no man’s) land? What is “modern slavery”? What forms does modern servitude take in contemporary Asia? How to fight against human trafficking and smuggling in the region?

### Required readings

- Patterson, Orlando and Xiaolin Zhuo, 2018. “Modern Trafficking, Slavery and Other Forms of Servitude”, *Annual Review of Sociology* 44: 407-439.
- Yik-Yi Chu, Cindy, 2011. “Human Trafficking and Smuggling in China”, *Journal of Contemporary China* 20(68): 39-52.

### Further readings

- Kneebone, Susan, 2011. “ASEAN: Setting the Agenda for the Rights of Migrant Workers”, in Hitoshi Nasu and Ben Saul, eds., *Human Rights in the Asia-Pacific Region: Towards Institution Building*, London: Routledge, pp. 144-164.
- O’Connell Davidson, Julia, 2015. *Modern Slavery: The Margins of Freedom*, Basingtoke: Palgrave McMillan.
- Seltzer, Alexandra, 2013. “Human Trafficking: The Case of Burmese Refugees in Thailand”, *International Journal of Comparative & Applied Criminal Justice* 37(4): 279-293.
- Hairong, Yan, 2008. *New Masters, New Servants: Migration, Development and Women Workers in China*, Durham NC: Duke University Press.
- Kneebone, Susan and Julie Debeljack, 2012. *Transnational Crime and Human Rights: Responses to Human Trafficking in the Greater Mekong Subregion*, London: Routledge [Chapter

- 1 “The Discourse on Trafficking: Transnational Criminal Justice and Human Rights”, pp. 8-27].
- Song, Jiyoung and Alistair D. B. Cook, eds., 2015. *Irregular Migration and Human Security in East Asia*, London: Routledge.

### **Week 9 – Refugees and Statelessness**

Students will examine issues of statelessness, asylum and processes of deportation, mass expulsion and forced migration. What are the rights of refugees and asylees? What are the international norms and legal criteria for refugee and asylum status? Why many states have neither signed nor ratified the 1951 Geneva Convention on Refugees?

#### Required readings

- Strauss, Scott, 2013. “Human Rights and Forced Migration”, in Goodhart, Michael, ed., *Human Rights: Politics and Practice (3<sup>rd</sup> ed.)*, Oxford: Oxford University Press, pp. 351-369.
- Van Hear, Nicholas, 1993. “Mass Expulsion of Minorities: An Overview”, *Journal of Refugee Studies* 6(3): 274-285.
- Bentz, Anne-Sophie, 2012. “Being a Tibetan Refugee in India”, *Refugee Survey Quarterly* 31(1): 80-107.

#### Further readings

- Zetter, Roger, 2007. “More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization”, *Journal of Refugee Studies* 20: 172-192.
- Van Hear, Nicholas, 2009. “The Rise of Refugee Diaspora”, *Current History* 108(717): 180-185.
- Brown, Chris, 2011. “The Only Thinkable Figure? Ethical and Normative Approaches to Refugees in International Relations”, in Betts, Alexander and Gil Loescher, eds, *Refugees in International Relations*, Oxford: Oxford University Press, pp. 151-168.
- Davies, Sara E. 2008. *Legitimising Rejection: International Refugee Law in Southeast Asia*, Leiden: Martinus Nijhoff [Introduction, pp. 1-22].
- Loescher, Gil, 1996. *Beyond Charity: International Cooperation and the Global Refugee Crisis*, New York: Oxford University Press.
- Nyi Nyi Kyaw, 2017. “Unpacking the Presumed Statelessness of Rohingyas”, *Journal of Immigrant & Refugee Studies* 15(3): 269-286.
- Boswell, Christina, 2000. “European Values and the Asylum Crisis”, *International Affairs* 76(3): 537-557.

### **Week 10 – Ethnic Minority Rights**

In this session, we will identify key issues in minority rights and interrogate specific protections in international and domestic laws for ethnic and linguistic minorities. How are minority rights violated in contemporary Asia, and by whom? How do states respond to inter-ethnic violence? How can ethnic minority citizens protect themselves from state abuses?

#### Required readings

- Kymlicka, Will, 2010. “Minority Rights in Political Philosophy and International Law” in Besson, Samantha and John Tasioulas, eds., *The Philosophy of International Law*, Oxford: Oxford University Press, pp. 377-396.
- Walton, Matthew J., 2013. “The ‘Wages of Burman-ness’: Ethnicity and the Burman Privilege in Contemporary Myanmar”, *Journal of Contemporary Asia* 43(1): 1-27.
- Zhang, Xiaowei, 2015. *Ethnicity in China: A Critical Introduction*, Cambridge: Polity Press [Chapter 1 ‘The PRC as a Multinational Country’, pp. 1-28]

#### Further readings

- Haveman, Paul, 2013. “Indigenous Peoples’ Human Rights”, in Goodhart, Michael, ed., *Human Rights: Politics and Practice (3<sup>rd</sup> ed.)*, Oxford: Oxford University Press, pp. 333-350.
- Bertrand, Jacques, 2011. “‘Indigenous Peoples’ Rights’ as a Strategy of Ethnic Accommodation: Contrasting Experiences of Cordillerans and Papuans in the Philippines and Indonesia”, *Ethnic and Racial Studies* 34(5): 850-869

- Mutalib, Hussin, 2012. "The Singapore Minority Dilemma: Between Malay Persistence and State Resistance", *Asian Survey* 51(6): 1156-1171.
- Duncan, Christopher R., ed., 2004. *Civilizing the Margins: Southeast Asian Government Policies for the Development of Minorities*, Ithaca NY: Cornell University Press.
- Gorringe, Hugo, Roger Jeffery and Suryakant Waghmore, 2016. *From the Margins to the Mainstream: Institutionalising Minorities in South Asia*, New Delhi: Sage.
- Sautman, Barry, 2014. "Self-Representation and Ethnic Minority Rights in China, *Asian Ethnicity* 15(2): 174-196.
- Jackson Preece, Jennifer, 1997. "Minority Rights in Europe: From Westphalia to Helsinki", *Review of International Studies* 23(1): 75-92.

### **Week 11 – Freedom of Religion**

What are the realities of religious discrimination, violence and segregation in Asia? What is secularism and can it best guarantee religious freedoms? What are the challenges in realizing freedom of belief in a religiously fractured society such as India or Myanmar? How to deal with the violations of religious rights in a polity where there is an officially designated state religion? We will also debate the issue of blasphemy (especially with regard to Indonesia and Pakistan).

#### Required readings

- Neo, Jaclyn L. 2017. "Realizing the Right to Freedom of Thought, Conscience and Religion: The Limited Normative Force of the ASEAN Human Rights Declaration", *Human Rights Law Review* 17: 729-751
- Nyi Nyi Kyaw, 2015. "Alienation, Discrimination, and Securitization: Legal Personhood and Cultural Personhood of Muslims in Myanmar", *The Review of Faith & International Affairs*, 13(4): 50-59.

#### Further readings

- Evans, Carolyn, 2004. "Human Rights Commissions and Religious Conflict in the Asia-Pacific Region", *International and Comparative Law Quarterly* 53(3): 713-729.
- Colbran, Nicola, 2010. "Realities and Challenges in Realising Freedom of Religion or Belief in Indonesia", *International Journal of Human Rights* 14(5): 678-704.
- An-Na'im, Abdullahi A., 1987. "Religious Minorities under Islamic Law and the Limits of Cultural Relativism", *Human Rights Quarterly* 9: 1-18.
- Taylor, Paul M., 2005. *Freedom of Religion: UN and European Human Rights Law and Practice*, Cambridge: Cambridge University Press
- Chatterjee, Partha, 1995. "Religious Minorities and the Secular State: Reflections on an Indian Impasse", *Public Culture* 8(1): 11-39.
- Osuri, Goldie, 2012. *Religious Freedom in India: Sovereignty and (Anti)Conversion*, London: Routledge.
- Asma T. Uddin, "Blasphemy Laws in Muslim-Majority Countries," *The Review of Faith and International Affairs* 9, no. 2 (2011): 47-55.
- Crouch, Melissa, 2012. "The Indonesian Blasphemy Case: Affirming the Legality of the Blasphemy Law", *Oxford Journal of Law and Religion* 1(2): 514-518.

### **Week 12 – Mass Atrocity, Genocide and Memory**

We will debate how mass atrocities and impunities of the past can affect the present and continue to impact survivors and their rights. How do governments and perpetrators of violence respond to evidence of past misbehaviors? What are the differences between genocide, ethnic cleansing, mass atrocity and slaughter? What is transitional justice? Are truth commissions a necessary tool? We look at examples drawn from Cambodia under the Khmers Rouge, the Partition of India (1947), independence struggles in Bangladesh (1971) and East Timor (1976), and the case of Myanmar's Rohingya community.

### Required readings

- Donnelly, Jack, 2013. *Universal Human Rights in Theory & Practice* (3<sup>rd</sup> ed.), Ithaca: Cornell University Press [Chapter 15 “Humanitarian Intervention against Genocide”, pp. 254-273].
- McCargo, Duncan, 2015. “Transitional Justice and its Discontents”, *Journal of Democracy* 26(2): 5-20.
- Zucker, Eve Monique, 2013. “Trauma and Its Aftermath: Local Configurations of Reconciliation in Cambodia and the Khmer Rouge Tribunal”, *The Journal of Asian Studies* 72(4): 793-800.

### Further readings

- Sikkink, Kathryn, 2011. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*, New York: W.W. Norton [Introduction, pp. 1-28].
- Strauss, Scott, 2013. “Genocide and Human Rights”, in Goodhart, Michael, ed., *Human Rights: Politics and Practice* (3<sup>rd</sup> ed.), Oxford: Oxford University Press, pp. 351-369.
- Ainley, Kirsten, 2014. “Transitional Justice in Cambodia: The Coincidence of Power and Principles”, in Jeffery, Renée and Hun Joon Kim, eds., *Transitional Justice in the Asia-Pacific*, Cambridge: Cambridge University Press, pp. 125-156.
- Jamal, Benomar, 1993. “Confronting the Past: Justice after Transitions”, *Journal of Democracy* 4(1): 3-14.
- Sriram, Chandra Lekha, 2014. “Sri Lanka: Atrocities, Accountability and the Decline of the Rule of Law”, in Jeffery, Renée and Hun Joon Kim, eds., *Transitional Justice in the Asia-Pacific*, Cambridge: Cambridge University Press, pp. 61-86.
- Chandler, David, 2000. *Voices from S-21: Terror and History in Pol Pot’s Secret Prison*, Chiang Mai: Silkworm Books.
- Brook, Timothy, 2001. “The Tokyo Judgment and the Rape of Nanking”, *The Journal of Asian Studies* 60(3): 673-700.
- Mayersen, Deborah, and Annie Pohlman, eds., 2013. *Genocide and Mass Atrocities in Asia: Legacies and Prevention*, London: Routledge.
- Minow, Martha, 2000. “The Hope for Healing: What Can Truth Commissions Do?” in Robert Rotberg and Dennis Thompson, eds., *Truth v. Justice: The Morality of Truth Commissions*, Princeton: Princeton University Press, pp. 235-260.
- Text of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide in [http://www.unhcr.ch/html/menu3/b/p\\_genoci.htm](http://www.unhcr.ch/html/menu3/b/p_genoci.htm)

### **Week 13 – Final Exam and Wrap-up**

This is a wrap-up session for students to take the exam (2 hours) and (re)consider the trends and themes debated over the course of the semester. Why fighting for a variety of “rights” in Asia today? Who fights, and for whom? What are the next frontiers?

### Suggested readings

- Bell, Daniel A. 2000. *East Meets West: Human Rights and Democracy in East Asia*, Princeton NJ: Princeton University Press [Chapter 1.3 “A Different Moral Standpoint”, pp. 82-104].
- Galligan, Brian, 2011. “Human Rights in Asia: Comparative Reflections”, in Davis, T. W. D. & B. Galligan, eds., *Human Rights in Asia*, Cheltenham UK: Edward Elgar, pp. 212-225.
- Baik, Tae-Ung, 2012. *Emerging Regional Human Rights Systems in Asia*, Cambridge: Cambridge University Press [Chapter 5 “The Implementation of Human Rights in Asia”, pp. 233-294].

### **3. Additional references**

- Baik, Tae-Ung, 2012. *Emerging Regional Human Rights Systems in Asia*, Cambridge: Cambridge University Press.
- Beitz, Charles, 2009. *The Idea of Human Rights*, Oxford: Oxford University Press.
- Bell, Daniel A. 2000. *East Meets West: Human Rights and Democracy in East Asia*, Princeton NJ: Princeton University Press.

- Burdekin, Brian, 2007. *National Human Rights Institutions in the Asia-Pacific Region*, Leiden: Martinus Nijhoff.
- Clark, Ian, 2013. *The Vulnerable in International Society*, Oxford: Oxford University Press.
- Davenport, Christian, ed., 2000. *Path to State Repression: Human Rights Violations and Contentious Politics*, Oxford: Rowman & Littlefield.
- Davis, Thomas W. D. and Brian Galligan, eds., 2011. *Human Rights in Asia*, Cheltenham UK: Edward Elgar.
- Donnelly, Jack, 2013. *Universal Human Rights in Theory and Practice* (3<sup>rd</sup> ed.), Ithaca NY: Cornell University Press.
- Evans, Tony, 2005. *Politics of Human Rights: A Global Perspective*. (2nd. Ed). London: Pluto Press.
- Glendon, Mary Anne, 2002. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, New York: Random House.
- Goodhart, Michael, ed., 2013. *Human Rights: Politics and Practice*, Oxford: Oxford University Press.
- Goodman, Ryan and Thomas Pegrum, eds., 2012. *Human Rights, State Compliance and Social Change: Assessing National Human Rights Institutions*, Cambridge: Cambridge University Press.
- Hilsdon, Anne-Marie, Martha Macintyre, Vera Mackie & Maila Stevens, eds., 2010. *Human Rights and Gender Politics: Asia-Pacific Perspectives*, London: Routledge.
- Hitoshi Nasu and Ben Saul, eds., 2011. *Human Rights in the Asia-Pacific Region: Towards Institution Building*, London: Routledge.
- Ignatieff, Michael, 2003. *Human Rights as Politics and Idolatry*, Princeton NJ: Princeton University Press.
- Ignatieff, Michael, ed., 2005. *American Exceptionalism and Human Rights*, Princeton: Princeton University Press.
- Jeffery, Renée and Hun Joon Kim, eds., 2014. *Transitional Justice in the Asia-Pacific*, Cambridge: Cambridge University Press.
- Langford, Malcom, ed., 2008. *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law*, Cambridge: Cambridge University Press.
- Lokaneeta, Jinee, 2011. *Transnational Torture: Law, Violence, and State Power in the United States and India*, New York: New York University Press.
- Mayer, Ann E., 2013. *Islam and Human Rights: Tradition and Politics*, Boulder CO: Westview Press.
- Moghalu, Kingsley Chiedu, 2008. *Global Justice: The Politics of War Crimes Trials*, Stanford CA: Stanford University Press.
- Moyn, Samuel, 2010. *The Last Utopia: Human Rights in History*, Cambridge MA: Harvard University Press.
- Posner, Eric, 2014. *The Twilight of Human Rights Law*, New York: Oxford University Press.
- Power, Samantha, 2013. *'A Problem from Hell': America and the Age of Genocide*, New York: Basic Books.
- Ramakrishnan, Nitya, 2013. *In Custody: Law, Impunity and Prisoner Abuse in South Asia*, New Delhi: Sage.
- Rejali, Darius M., 2007. *Torture and Democracy*, Princeton: Princeton University Press.
- Robertson, Geoffrey, 2006. *Crimes against Humanity: The Struggle for Global Justice*, New York NY: The New Press.
- Stanley, Elizabeth, 2009. *Torture, Truth and Justice: The Case of Timor-Leste*, London: Routledge.
- Straus, Scott, 2016. *Fundamentals of Genocide and Mass Atrocity Prevention*, Washington, DC: United States Holocaust Memorial Museum.
- van Beek, Martijn & Nils Ole Bubandt, eds., 2012. *Varieties of Secularism in Asia*, London: Routledge.