Human Rights and Poverty: Case Studies

Fall 2012 – Syllabus

Tuesdays – 8.00 – 9.50pm
Room 618, 66 West 12th St.

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Office Hours: Mondays 4.30-5.30pm; Tuesdays 7 – 8pm or by appointment

Course description:

Human rights are more often than not associated with violations of civil and political freedoms such as torture or arbitrary detention. Yet according to Mary Robinson, and now Amnesty International, it is poverty that is the greatest human rights challenge facing the global community. A new field of human rights theory and practice has emerged: ‘Human Rights Based Development’. While widely adopted by NGOs as a discourse, mainstream development institutions and practitioners remain skeptical of this approach. Moreover, there are many conceptual controversies in this field – are economic and social rights real rights? Are human rights a Western concept? Are human rights a weapon of North South politics? Is ‘naming and shaming’ an effective tool? Why is there a gap between law and implementation? Can human rights be advanced only through the courts – what is the role of social mobilization and legislation? The aim of this course is to develop a firm grounding in the conceptual foundations of human rights approach to analysis of poverty and insights into the nature of controversies.

Each student will develop a case study that uses human rights as an analytical framework. This could range from: (i) evaluating a development outcome in a particular country or region including trends, causes and implications (e.g. hunger in India, health in Senegal…); (ii) evaluating a particularly national policy (e.g. educational reform in Peru, land reform in South Africa…); (iii) evaluating a particular international policy (TRIPS agreement and patented medicines, WTO Doha Round multilateral trade reforms, …); (iv) evaluating the realization of a particular right in a particular country (e.g. the right to housing in the US, the right to work in Spain…); or (v) evaluating a particular event (e.g. police abuse of street children in Sao Paolo, migrant domestic workers in the US, ….)

The course will structure the case study research through key steps that cover:

• Basic concepts and principles (Take home quiz);
• Defining rights and obligations in the case study (Assignment 1);
• Review of policy issues in the case study (Assignment 2);
• Exploring implications of the case study on theory and practice of human rights.
based approach to development (Final paper);
  • Drafting case study in two parts: description; analysis (Final paper).

Through the case study process, the students are expected to develop an in-depth understanding of: (i) key principles of human rights as applied to development challenges; (ii) international legal standards and norms; (iii) current controversies about the practice of human rights; (iv) debates about the relevance of human rights approaches to poverty; and (v) critical policy choices in selected areas. The course will be structured around the development of each student’s case study on a theme of his/her choice.

Pre-requisites:

The course is for students with some background in areas of human rights and international development studies, as well as a demonstrated ability to do independent research and writing.

Selection of case study theme: To be able to devote much of the semester on the development of the case study, each student will need to decide on the choice of the case study theme early in the semester, by class 3. Students should come prepared with some options.

Course requirements and grading:
The course will be conducted as a seminar, in which student discussion will be an important part of the learning process. Grading will be based on four components.

  • Take home quiz (10%): There will be a quiz early in the semester on human rights concepts and principles covered in the first classes of the course.
  • Assignment 1: Note on case description (10%)
  • Assignment 2: Note policy issues (10%)
  • Classroom participation (20%): Participation is an essential part of this class. Only one absence will be excused. Subsequent absences will incur a grade penalty. You are expected to make presentations, comment on one another’s work, and contribute to classroom discussions.
  • Final case study (50%): paper in two parts: a description and an analysis.

Communications:
- Email: The class will communicate by the New School email address. The instructor will not use an alternative email. Please check your New School email account regularly.

- Reading resources: Required readings and some supplementary materials will be accessible on the web or posted on the course ‘blackboard’

Texts and website sources:
Reference books on concepts and theory of human rights and development:
*Required for purchase:


**Useful websites sources:**

Harvard University School of Public Health Francois-Xavier Bagnoud Center for Health and Human Rights: [http://www.harvardfxbc.org/](http://www.harvardfxbc.org/)


Center for Economic and Social Rights [http://cesr.org](http://cesr.org)


**COURSE OUTLINE**

1. **AUG 28 Introduction to the course**
   - Overview of the course and what it intends to accomplish, how it is organized
   - Requirements and expectations
   - Case study ideas
   - Introduction to the human rights approach to development, contrast with economic approach
Required readings


2. SEPT 4 Human rights based development: the concept
   • How do conceptions of development and human rights converge?
   • Is poverty a violation of human rights?
   • What is ‘rights based development’ and how does it differ from other development paradigms/perspectives?
   • Rights critique of conventional economic perspectives on poverty.

Required readings:


Take home quiz on key human rights concepts/principles due next week

3. SEPT 11 HR framework for development policy analysis

Deadline for final choice of case study.

Assignment 1: case description – written note to be submitted week 5 - Identify for your case, one paragraph each on: (i) background facts of the case; (ii) the rights holder and their rights rights; (iii) the duty bearer and their obligations; (iii) the rights holders; (v) what would constitute ‘violation’ of rights in your case. Minimum 1000 words

Required readings

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

UN Committee on ICESCR, General Comment 3 on the International Covenant on Economic, Social and Cultural Rights
http://www2.ohchr.org/english/bodies/cescr/comments.htm


OHCHR “A brief introduction to international human rights law terminology” annex 3 of Human Rights: A Basic Handbook for UN Staff

Required readings: examples of HR analysis of development policy:


Fukuda-Parr, Sakiko 2007, Human Rights and national poverty reduction strategies, Human Rights Institute, University of Connecticut Economic and Social Rights Working Papers
http://www.econ.uconn.edu/working/2.pdf

Additional resources


4. SEPT 18 Case development: Defining rights and obligations

Student presentations from assignments due: define rights and obligations for the rights-holders and duty bearers in your case

Required readings/ resources
All following items are available from OHCHR website:
http://www.ohchr.org/EN/Pages/WelcomePage.aspx

General comments on each of the relevant rights

Reports of special rapporteurs

Briefing notes from OHCHR

AT 6PM Development Policy and Thought@The New School Seminar: “What are the State Obligations to Realize the Right to Food in a Market Economy”
Speakers Fukuda-Parr, de Schutter, Mahajan
Vene: 72 5th Ave. 3rd floor

No class Sept 23/Yom Kippur

5. OCT 2 Defining rights and obligations continued

Student presentations

Assignment 1 due

Case discussions: literature review on socio-economic policy issues

Assignment 2 – Policy issues: Review the literature on the poverty/development issue relevant to your case. Identify alternative policies – economic, social, governance – which governments could pursue. Who has advocated for these policies, and how has the case been made. Identify literature to explore further. A ‘quick study’ needed – imagine you are working for a consultancy firm and the client needs a quick review of key issues in a week. Submit a short note of about 1000 words, tightly written.
DUE WEEK 8)

6. OCT 9 Conceptual controversies: Are economic and social rights real rights?

Required readings


Supplementary readings


Mathew Craven, “The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development”


7. OCT 16 Guest speaker: Human Rights Based Development in Practice
   Dan Seymour, UN Women

No class on Oct 23

8. OCT 30 Human Rights and Social Change – through the courts, streets or policy reform?

Drèze, Jean 2005, Democracy and the Right to Food, in Alston and Robinson, eds Human Rights and Development


Mahajan, Manjari (forthcoming) The Right to Health as the Right to Treatment: Shifting Conceptions of Public Health, Social Research
Supplementary sources


9. NOV 6 Presentations/ Discussion of literature reviews

10. NOV 13
Assignment 2 due

Concepts and controversies: Cultural relativism?

• Are non-western values consistent with human rights principles?
• What are the arguments for and against ‘Asian values’?
• Are there trade offs between civil and political rights and economic and social rights?
• How do these apply these concepts to the contemporary struggles of the rights of indigenous people

Required readings:


Supplemental readings

Li, Xiaorong. 2001. “Asian Values’ and the Universality of Human Rights”. Chapter 36 in Patrick Hayden, ed. The Philosophy of Human Rights
Donnelly, Part II Cultural Relativism and International Human Rights (chapters 4, 5, 6, 7)


Glendon, Mary Anne. 2001. A World Made New Chapter 12 Universality Under Siege


11. NOV 16 – FRI 6PM **MAKE UP CLASS DATE**
Guest speaker: Professor Shareen Hertel, University of Connecticut
Social Movements and the Politics of Right to Food Campaigns

Required readings:


http://ideas.repec.org/p/uct/ecriwp/20.html


OHCHR and FAO (n.d.) Right to Food Fact Sheet nr. 34

12. Nov 20: No class (NS follows Wed. schedule) but students to make individual
appointments with Professor Fukuda-Parr to discuss their cases.

   Guest speaker: Niko Lusiani, Centre for Economic, Social and Cultural Rights
   • Using human rights as a framework for evaluating economic policies and contrasts with conventional frameworks


   Other readings will be assigned.

14. DEC 4: No session but students may make individual appointments

15. DEC 11: Final session: student presentations/round table discussions on human rights and poverty

FINAL CASE STUDY DUE DECEMBER 18. PLEASE EMAIL AN ELECTRONIC COPY IN WORD.