**Human Rights and the Middle East**

Lecturer: Roja Fazaeli

Email: [fazaelr@tcd.ie](mailto:fazaelr@tcd.ie)

**Aim and Objectives**

This module seeks to provide students with an introduction to human rights in the Middle East and North Africa from theoretical and practical perspectives. The module gives an overview of the state of international human rights discourse and looks at the implementation of human rights law in the regions of the Middle East and North Africa. The theoretical perspective will both engage the international human rights system and also consider debates around the universality of rights and the relationship between Islam and human rights.

**Mode of Study:**

The course will combine lectures and in class discussions. Students are expected to read the recommended material(s) before class and participate in the discussions.

**Assessment:**

This course will be assessed by an essay and a human rights campaign (report and book review).

**Week 1: Definition and Evolution of Rights**

Discussion themes:

* origins of rights: conceptual and theoretical foundations of human rights
* cultural arguments versus universal norms

***Essential readings:***

Andrew Clapham, *Human Rights, A Very Short Introduction,* Oxford and New York:

Oxford University Press, 2007, pp. 1-23.

Human Rights: A Basic Handbook for UN Staff, Office of the UN High Commissioner

for Human Rights.

Universal Declaration of Human Rights (see http://www.un.org/en/documents/udhr/)

***Other recommended readings:***

Paul Lauren Gordon, *The Evolution of Human Rights, Visions Seen,* Philadelphia:

University of Pennsylvania Press, 2003, pp. 1-37.

Jack Donnelly, “The Relative Universality of Human Rights,” *Human Rights Quarterly* Vol. 29, 2007, pp. 281-306.

Jack Donnelly, “Human Rights: Both Universal and relative (A Reply to Michael Goodhart),” *Human Rights Quarterly,* Vol. 30, 2008, pp. 194-204.

Michael Goodhart, “Neither Relative nor Universal: A Response to Donnelly*,*” *Human Rights Quarterly,* Vol. 30, 2008, pp. 183-193.

Francisco Gomes de Matos, “60 Years of the Universal Declaration of Human Rights: A Poem-Plea,” *Human Rights Quarterly*, Vol. 30, 2008.

Irish Times in association with Amnesty International, “From the Republic of Conscience, 30 stories and essays by leading writers (Irish) marking the 60th anniversary of the Universal Declaration of Human Rights,” *Irish Times,* 9th December 2008.

Abdullahi An-Na’im, “Reflections on the Universal Declaration of Human Rights, A Fiftieth Anniversary Anthology*,*”in Van Der Heijden, Barend and Tahzib-Lie, Bahia (eds.), The Hague: Martinus Nijhoff Publishers, 1998, pp. 45-51.

**Week 2: Treaty Mechanisms of the United Nations**

* Treaty mechanisms
* The main human rights treaties
* The treaty bodies

***Essential readings:***

*International Covenant on Civil and Political Rights*,available at: <http://www.unhchr.ch/html/menu3/b/a_ccpr.htm>

*International Covenant on Economic, Social and Cultural Rights*,available at: <http://www.unhchr.ch/html/menu3/b/a_cescr.htm>

***Recommended readings:***

James W. Nickel, *Rethinking Indivisibility: Towards A Theory of Supporting Relations between Human Rights,* Human Rights Quarterly, Vol. 30, 2008, pp. 984-1001.

*Report of the Human Rights Committee*, UN Doc. A/57/50 (Vol. I), available at: <http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ca7694800da16d53c1256d1600396ea6?Opendocument>

**Week 3. Human Rights and Religion: Islam and Secularism**

***Essential readings:***

Javaid Rehman,“Conflicting Values or Misplaced Interpretations? Examining the Inevitability of a Clash between ‘Religions’ and ‘Human Rights,”’ in Nazila Ghanea, Alan Stephens and Raphael Walden (eds.), *Does God Believe in Human Rights? Essays on Religion and Human Rights,* Leiden and Boston: Martinua Nijhoff Publihsers, 2007, pp. 65-89

Lori Allen, “Studying Human Rights in the Middle East: Lingua Franca of Global Politics or Forked Tongue of Donors*?”, Int. J. Middle East Stud*. 48 (2016), 357–361

Mashood Baderin, “The Role of Islam in Human Rights and Development in Muslim States,” in Javaid Rehman & Sussan C. Breau (eds.), *Religion, Human Rights and International Law, A Critical Examination of Islamic State Practices,* Leiden and Boston: Martinus NNijhoff Publishers, 2007, pp. 321-359.

Mayer, Elizabeth Ann, “The Islam and Human Rights Nexus: Shifting Dimensions,” *Muslim World Journal of Human Rights*, Vol. 4, Issue 1, Art. 4, 2007, pp. 1-27.

Abdullahi An-Naim, “ ‘The Best of Times’ and ‘The Worst of Times’: Human Rgency and Human Rights in Islamic Societies,” *Muslim Worl Journal of Human Rights,* Vol. 1, Issue 1, 2004, pp. 1-12.

***Other recommended readings:***

Abdullahi An-Na’im, *Islam and the Secular State: Negotiating the Future of Shari’a,* Cambridge, MA: Harvard University Press, 2008, pp. 1-45.

**Week 4: Women’s Rights**

* Women’s rights as human rights
* Women’s rights under Islamic law(s)
* The Convention of Elimination of All Forms of Discrimination against Women (CEDAW)
* Reservations (Religious Reservations to CEDAW)

**Case Study: One Million Signatures Campaign to End Legal Discriminations Against Women, Iran**

The Convention of Elimination of All Forms of Discrimination against Women (CEDAW):

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

Women’s Rights are Human Rights, Office of the UN High Commissioner for Human Rights, Geneva and New York, 2014.

<http://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf>

“A Fact Sheet on CEDAW: Treaty for the Rights of Women,” Amnesty International, 2005

Rachael Lorna Johnstone, “Feminist Influences on the United Nations Human RightsTreaty Bodies*,” Human Rights Quarterly*, Vol. 28, 2006, pp. 148-185.

Lila Abu Lughod, “Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others,” *American Anthropologist, 104(3)*: 783-790.

Campaign Example (multimedia): Human Rights Watch, Saudi Arabia: End Male Guardianship

<https://www.hrw.org/endmaleguardianship>

***Other recommended readings:***

Hilary Charlesworth, “Feminist Methods in International Law,” *The American Journal of International Law,* Vol. 93, No. 2, April 1999, pp. 379-394.

Schöpp-Schilling, Hanna Beate, “Treaty Body Reform: the Case of the Committee on the Elimination of Discrimination Against Women,” *Human Rights Law Review*, Vol. 7, Issue 1, 2007, pp. 201-224.

**Week 5: Children’s Rights**

International Convention of the Rights of the Child (ICRC): <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Barbara Bennet Woodhouse and Kathryn A. Johnson, “The United Nations Convention on the Rights of the Child: Empowering Parents to Protect Their Children’s Rights,” in Martha Albertson Fineman and Karen Worthington (eds.), *What is Right for Children? The Compelling Paradigms of Religion and Human Rights,* Farnham, Surrey: Ashgate, 2009, pp. 7-19.

Kamran Hashemi, “Religious Legal Traditions, Muslim States and the Convention on the Rights of the Child: An Essay on the Relevant UN Documentation,” *Human Rights Quarterly,* Vol. 29, No. 1, Feb. 2007, pp. 194-227

**Case Studies: Afghanistan and Syria**

Example of further readings:

*Afghanistan: Ending Child Marriage and Domestic Violence,* Human Rights Watch 2009, pp. 1-16.

**Week 6: Minority Rights**

P. R. Kumarasway, “Islam and Minorities: Need for a Liberal Framework,” *Mediteranean Quarterly* 18:3,pp. 94-109

Nazila Ghanea, “Human Rights of Religious Minorities and of Women in the Middle East, *Human Rights Quarterly* 26 (2004), 705-729.

Case Studies:

* Baha’is in Iran
* Copts in Egypt

**WEEK 7. READING WEEK**

**Week 8: Migrant Workers**

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

Case Studies: Saudi Arabia, Jordan and Bahrain

“As If I Am Not Human,” Abuses against Asian Domestic Workers in Saudi Arabia,” Human Rights Watch 2008.

**Week 9: Death Penalty in the Middle East**

William A. Schabas, *The Abolition of the Death Penalty in International Law (Third Edition),* Cambridge: Cambridge University Press, 2002, pp. 1-45.

Case Studies:

* Iran
* Saudi Arabia

**Week 10 and 11: Campaign Presentations by Student**

**Useful Web Resources:**

United Nations: <http://www.un.org>

The UN High Commission for Human Rights: [www.unhchr.ch](http://www.unhchr.ch)

Human Development Reports: <http://hdr.undp.org/>

UNICEF: <http://www.unicef.org>

The European Court of Human Rights: [www.echr.coe.int](http://www.echr.coe.int)

Amnesty International: <http://www.amnesty.org>

See: <http://www.amnesty.org/en/annual-report/2012/middle-east-north-africa>

Human Rights Watch: <http://www.hrw.org> (http://www.hrw.org/middle-east/n-africa)

Human Rights Tools: <http://www.humanrightstools.org/index.htm>

HeinOnLine: <http://heinonline.org/HOL/Search?collection=journals>

FIDH: <https://www.fidh.org/fr/regions/maghreb-moyen-orient/>

University of Minnesota Human Rights Library:

<http://www1.umn.edu/humanrts/links/mideast.html>