



Culture and Human Rights Module

Module Length: 6 hours

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Overview

In the early 21st century, 'human rights' has developed into the most global of all discourses, perhaps even more global than 'the market.' Increasingly we hear of human-centered development taking precedence over market-based development, although many would likely disagree here.

Teaching the subject of human rights is by its very nature both pedagogical as well as activist: to teach about human rights is to raise consciousness with regards to human rights, and to compel participants into critical reflection as well as action. Therefore this module makes extensive use of basic human rights instruments, in addition to critical and academic analyses of human rights.

This six-lesson module will teach the emerging framework of transnational human rights from a cultural perspective, using case studies from around the world that demonstrate the contemporary global variation in human rights discourses and practices. The first three lessons focus on the acquisition of basic knowledge of the substance of international human rights, including civil, political, economic, social, and cultural rights. The last three lessons focus on specific issues in human rights, including violence and the problem of torture, the rights of women and children, and the rights of indigenous peoples.

Learning Objectives

Through the completion of this module, participants will be able to:

1. Identify and describe the main instruments and mechanisms of the international human rights regime, and the global causes to which these instruments respond.
2. Discuss the relation between culture, humanity, and rights.
3. Discuss the problems of cultural universality and diversity in regards to implementing human rights at the international, national, and local scales.
4. Understand the global significance and controversies of human rights in the 21st century.



Glossary

Convention Against Torture (CAT): Adopted by the UN General Assembly in 1984. This convention provides a definition of torture, provides universal jurisdiction, and sets up a mechanism to implement it, including an optional protocol that allows for regular visits by UN bodies to further prevent torture from taking place.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): Adopted by the UN General Assembly in 1979. This convention is viewed as a bill of rights for women. It defines what constitutes discrimination against women and provides an agenda for national action plans to end the discrimination.

Convention on the Rights of Children (CRC): Adopted by the UN General Assembly in 1989. This convention protects children from discrimination, neglect, and abuse and covers a full range of civil, political, economic, social and cultural rights.

Cultural Dynamism: culture is constantly changing, induced by internal adjustments as well as by external influences. Both types of changes adapt to existing norms and institutions. Members of a culture have a range of options to accommodate various individual responses to its norms. The degree of flexibility is controlled by the culture's own internal criteria for legitimacy. Internal culture discourse provides alternative interpretations, in addition to the dominant one.

Cultural Relativism: the principle that a person's beliefs and actions should be understood within their context of that person's culture.

Ethnocentrism: "characterized by or based on the attitude that one's own group is superior"
<http://www.merriam-webster.com/dictionary/ethnocentric>

Female Genital Mutilation: According to the WHO, it includes all procedures that intentionally alter or injure female genital organs for non-medical reasons. It is also known as female genital cutting.

Habeas corpus: right to be brought to a court to determine whether the government has the right to detain and try an individual

Human trafficking: illegal recruitment and trade of people to be exploited against their will

Imprescriptibility: Not derived from, or dependent on, external authority; self-evidencing; obvious (<http://thinkexist.com/dictionary/meaning/imprescriptible/>)



Inalienable: not transferable to another or capable of being repudiated. Inalienable rights are those that are inherent to each person and that cannot be taken away from each individual.

International Bill of Rights: the term used to refer to both the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights when considered together.

International Covenant on Civil and Political Rights (ICCPR): is a legally binding treaty that embodies many of the rights proclaimed in the Universal Declaration of Human Rights. The treaty offers the right of self-determination; right to freely dispose of wealth and resources; right to life; right to pardon in case of death sentence; right not to be subject to torture; right not to be held in slavery; right to liberty and security of person; right to be informed of charges if arrested; right to compensation if unlawfully arrested; right to leave and enter their own country without restrictions; right to be treated equally at court; right to freedom of thought, conscience, and religion; right to freedom of association; right to marry; right to a nationality; and other basic rights. The covenant ensures that these rights should be carried out without discrimination.

International Covenant on Economic, Social, and Cultural Rights (ICESCR): is a legally binding treaty that embodies many of the rights proclaimed in the Universal Declaration of Human Rights. The treaty offers the right of self-determination; right to work; right to favorable and just conditions at work; right to form trade unions; right to strike; right to protection for mothers after childbirth; right to adequate standard of living; right to physical and mental health; right to education; and other basic cultural and economic rights. The covenant ensures that these rights should be carried out without discrimination.

Proxy detention: the transfer of a detainee from one State to another outside the realm of any international or national legal procedure (“rendition” or “extraordinary rendition”)

Rapporteur: “An expert entrusted by the UN with a special human rights mandate, acting in his or her personal capacity.” <http://www1.umn.edu/humanrts/edumat/studyguides/indigenous.html>

Ratify: “Ratification defines the international act whereby a state indicates its consent to be bound to a [treaty](#) if the parties intended to show their consent by such an act. The institution of ratification grants states the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty.” <http://www1.umn.edu/humanrts/edumat/studyguides/indigenous.html>

Rendition: the secret removal of a suspect to another country without due process of law. Often, the suspect is delivered to a country where torture is secretly allowed.



Self-determination: the right of people to form the government of their choosing, without reference to the desires of any other nation.

UN Declaration On The Rights Of Indigenous Peoples: Adopted in 2007. This Declaration states individual and collective rights of indigenous peoples, including their rights to culture, identity, language, employment, health, education and other issues. Sections dealing with land rights are contentious for some states, including the U.S.

United States Bill of Rights: The first ten amendments to the U.S. constitution. Rights include: freedom of speech, of the press, and assembly and the right to petition; right to keep and bear arms; protection from quartering of troops; protection from unreasonable search and seizure; due process, double jeopardy, self-incrimination, eminent domain; trial by jury and rights of the accused; civil trial by jury, prohibition of excessive bail and cruel and unusual punishment; and others.

Universal Declaration of Human Rights: the declaration is primarily a statement of principle, a foundation upon which the legal framework for practical protections of the agreed upon rights could be constructed. It is not a legally binding document, but rather serves as a statement of aspirations for all states to achieve a more equitable and just world.

Universal jurisdiction: national courts can “cases of the gravest crimes against humanity, even if these crimes are not committed in the national territory and even if they are committed by government leaders of other states.” <http://www.globalpolicy.org/international-justice/universal-jurisdiction-6-31.html>



Lesson Plans

Lesson 1: What Are Human Rights?

Overview

This lesson focuses on the basic idea of human rights, particularly as it is expressed in the Universal Declaration of Human Rights (UDHR). Both instructor and students should collaboratively explore the following questions: What are rights? What counts as 'human'? What is the role of culture in conceptualizing both humans and rights? How does cultural variation affect human rights around the world?

Relevant Learning Objectives

1. Identify and describe the main instruments and mechanisms of the international human rights regime, and the global causes to which these instruments respond.
2. Discuss the relation between culture, humanity, and rights.
3. Discuss the problems of cultural universality and diversity in regards to implementing human rights at the international, national, and local scales.
4. Understand the global significance and controversies of human rights in the 21st century.

Procedure

Possible Classroom Activities

- Introduction to Kohl's Cross-Cultural Assumptions.
(Time: 10 minutes) (Skills: Cross-Cultural Communications and Holistic Thinking)
(Objective 2) (Related Resources: Appendix 1 and Culture Matters)

The following list is a basic tool students can use when examining the influence of culture on any issue? In this discussion, make sure students understand the concept of "Implicit Cultural Assumptions" – what does it mean when something is implicit (vs. explicit). To help students understand each element, ask the student to reflect how their own experience with an item on the list helps inform their world view.

The Peace Corps book "Culture Matters" has many excellent resources to help their volunteers. Exercise 1.3 What Is Culture – is a great short exercise to help students understand the difference between implicit and explicit culture.



- Introduction to Human Rights.
(Time: 5 -15 minutes) (Skills: n/a) (Objectives 1) (Related Resources: OHCHR Brief and UN Charter readings)

Human rights recognize the dignity inherent in every person as a human being, regardless of his or her particular nationality, race, ethnicity, religion, gender, sexuality, class or any other group affiliation or characteristic. As a result, they assert the moral and legal primacy of the individual over other entities that have “rights,” such as the family and the state.

The instructor should lead a discussion on why the UN felt the need to create a document about human rights?

- UDHR Discussion.
(Time: 15 minutes) (Skills: Holistic Thinking, Cross-Cultural Communications)
(Objectives 1 and 2) (Related Resources: Universal Declaration on Human Rights)

On December 10, 1948, the UN General Assembly (58 member states at the time) accepted the Universal Declaration of Human Rights (UDHR). The UDHR is a statement of principle, a foundation upon which a legal framework for practical protections of the agreed upon rights could be constructed. States are able to adapt international commitments to the conditions of their local environment.

The instructor can use the following questions and concepts to help frame the discussion:

- Culture and what it means to be human: What separates humans from other life forms? Does this concept vary among cultures?
- Notions of human dignity. In your own words, explain the concept of human dignity? What laws could a state create that guarantees these notions?
- Discuss the relations between people, peoples, and the state, especially the obligation states have to respect, protect, and fulfill human rights. Compare and contrast how different states have interpreted this social contract?
- Discuss the problem of transcendent sources of human rights. Compare and contrast the notions of inalienability vs. imprescriptability.
- Where do human rights come from? (human rights-like declarations from across cultures and through world history)
- Compare and contrast the role of states, non-governmental organizations, corporations, and individuals, vis-a-vie human rights.
- What are the differences between the different categories of humans and human rights: women, children, individuals with disabilities, impoverished people, indigenous peoples, ethnic minorities, and others. Are these defined differently



by different cultures and countries? What are the implications of different definitions? (i.e. funding/government protections/etc..)

- Why do you think this document is historic? Think about when it was signed and by whom?
 - What is the impact of this document if it is only a statement of principles vs. an actual legal framework?
 - How might states adapt the UDHR to local circumstances? Can you come up with any concrete examples?
- **Small Group Activity.**
(Time: 15 minutes) (Skills: Holistic Thinking and Cross-Cultural Communications)
(Objectives 2, 3 and 4) (Related Resources: UDHR)

The instructor should ask the students to divide into groups of no more than five students. Based on reading of the UDHR in combination with life experience, each small group should observe and identify a human rights issue that has local and global significance: what do you think is at the heart of the issue? What are the main problems? What solution can you develop? What role does culture play in the perception of the causes and solutions of these problems? Try to reach agreement on these questions. If no agreement is reached, explain why. Prepare a summary to present to the rest of the class.

- **Reflection on the Small Group Activity.**
(Time: 15 minutes) (Skills: Holistic Thinking) (Objective 1) (Related Resources: UDHR, Globalization101 video)

Have students regroup, and compare group responses, and conclude. Instructor should make a chart

Closing question: Are certain rights more important than others (show Globalization101 clip).

The reflection is a good closing activity.

- **Interdisciplinary Activity on Human Rights.**
(Time: 15 minutes) (Skills: Holistic Thinking and Cross-Cultural Communications)
(Objective 2) (Related Resources: UDHR, American Anthropological Association and Mental Health Declaration readings)

The instructor should help students compare and contrast how the mental health field and anthropology field's approach human rights.



- 1) How are these documents similar?
- 2) How are these documents different?
- 3) How do these documents build upon the UDHR?

Please note this activity can be done instead of the small group activity.

- Human Rights Exercises from Claude (2000) *Popular Education for Human Rights*. (Time: 15 -45 minutes) (Skills: Holistic Thinking) (Objectives 1 and 2) (Related Resources: UDHR, Claude reading)

Choose one of the activities and modify/simplify to fit class parameters. Please note this activity can be done instead of the small group activity and the reflection.

- Exercise 1: What is Human? (21)
- Exercise 2: Needs, Rights & Human Dignity (24)
- Exercise 13: The UDHR: What's In It For Me? (55)

- Assignment on Culture and Leisure. (Time: N/A) (Skills: Holistic Thinking and Cross-Cultural Communications) (Objective 2) (Related Resources: Appendix 2)

This activity is geared to class in leisure studies, although it can be modified for other disciplines. This activity is a take-home assignment; class time can be dedicated to clarifying instructions.

Resources

- Appendix 1 Kohl's Implicit Cultural Assumption List
- Appendix 2 Diversity Assignment
- American Anthropological Association (1999) "Declaration on Anthropology and Human Rights," www.aaanet.org/stmts/humanrts.htm.
- Claude, R. P. (2000) *Popular Education for Human Rights: 24 Participatory Exercises for Facilitators and Teachers*. Amsterdam: Human Rights Education Association. Retrieved from: http://www.hrea.org/pubs/Popular_Education/PopEd.html
- Culture Matters. (n.d.). Retrieved from: http://www.peacecorps.gov/multimedia/pdf/library/T0087_culturematters.pdf.
- Mental Health Declaration of Human Rights. (2012). Citizen Commission on Human Rights International. Retrieved from: <http://www.cchrint.org/about-us/declaration-of-human-rights/>



- What are Human Rights. (n.d). UN Office of the High Commissioner on Human Rights (OHCHR) Brief. Retrieved from: <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>
- UN Charter (Introduction, Preamble, and Chapters 1 & 2 only). (n.d.). Retrieved from: <http://www.un.org/en/documents/charter/index.shtml>
- Universal Declaration on Human Rights (entirety). (n.d). Retrieved from: <http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng>
- Are Certain Human Rights More Important than Others?. (2010, August 12). Globalization101. Retrieved from: <http://www.globalization101.org/dr-susan-aaronson-on-trade-and-human-rights/> (2 min 44 sec)

Optional Resources

- Cowan, J. K. (2006) "Culture and Rights after *Culture and Rights*," *American Anthropologist* 108(1), 9-24.
- Goodale, M. (2006) "Toward a Critical Anthropology of Human Rights," *Current Anthropology* 47(3), 485-511.
- Sen, A. (2005) "Human Rights and Capabilities," *Journal of Human Development* 6(2), 151-166.
- University of Minnesota Human Rights Library (n.d). Retrieved from: <http://www1.umn.edu/humanrts/>



Lesson 2: What Are The Core Human Rights Instruments?

Overview

This lesson focuses on students gaining knowledge of the substance of the International Bill of Rights, and the relationship of the Int'l Bill of Rights to other human rights instruments, such as the US Bill of Rights.

Relevant Learning Objectives

1. Identify and describe the main instruments and mechanisms of the international human rights regime, and the global causes to which these instruments respond.

Procedure

Possible Classroom Activities

- Introduction to the International Bill of Rights.
(ICCPR and ICESCR) (Time: 10 minutes) (Skills: n/a) (Objective 1) (Related Resources: UDHR, OHCHR)

(From Globalization101.org Human Rights Issue in Depth) The Universal Declaration was a consensus statement of principle, but did not have legally binding force from the perspective of international law. The abstract set of principles articulated in the Declaration would have to be translated into more detailed conventions for member states to adopt and then use to fashion enforceable national legislation.

It took eighteen years of debate to determine how this translation should be achieved. A split emerged during the process of drafting the follow-up to the Universal Declaration because some countries maintained a different view about the nature of economic, political and cultural rights. It was therefore decided in 1952, based on a motion from India and Lebanon with support from Belgium and the United States, that two conventions would be drafted instead of one.

In 1966, the drafts of two conventions were approved: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both agreements entered into force for the states that ratified them in 1976.² Collectively, these two Covenants along with the Universal Declaration became known as the International Bill of Rights.

Questions: Why do you think it took 18 years to translate the UDHR into a legally binding document, the International Bill of Rights? Examine the UDHR and find specific



sections that might be difficult to translate into a universal law to be followed by all countries?

- Discussion of Civil, Political, Economic, Social, and Cultural Rights (Time: 20 minutes)(Skills: Holistic Thinking) (Objective 1) (Related Resources: Appendix 1, ICCPR, ICESCR, OHCHR, US Bill of Rights)

Discussion questions:

- What are civil and political rights, and how are they different from economic, social, and cultural rights? Give an example of each type of right?
 - Some rights, such as “right to self-determination” are listed in both the ICCPR and IESCR? Explain how this right might be both civil/political, as well as economic/social/cultural?
 - How does the international bill of rights compare and contrast with the US bill of rights?
 - What are the differences between positive and negative rights
 - What does it mean to sign and ratify a treaty? Who has the best record of ratification of human rights treaties? Who has the worst? What do such records tell us?
- Amnesty International Report Activity. (Time: 20 minutes)(Skills: Holistic Thinking) (Objectives 1) (Related Resources: Amnesty International Report)

Working in groups, and using the Amnesty International report, compare and contrast the different countries’ information, to determine who are the top five and bottom five states, when it comes to signing and ratifying human rights treaties. Develop a plausible hypothesis or hypotheses to explain your findings. Does culture play a role in this record? Why or Why not?

- Music Activity. (The Clash, 1982)? What is the singer really trying to say? (Time: 10 minutes)(Skills: Holistic Thinking) (Objectives 1) (Related Resources: “Know Your Rights”)

Listen to the song (MP3 file), “Know Your Rights” by The Clash PROBLEM 2: What do you think is being suggested in the song “Know Your Rights.”

What types of rights are highlighted in the song? Are they civil, political, social, economic, and/or cultural?



Resources

- Amnesty International Report 2009. (2009). Retrieved from: <http://report2009.amnesty.org/>
- Appendix 3 Document Summaries
- Bill of Rights. (1789). Retrieved from: http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html
- Fact Sheet No.2 (Rev.1), The International Bill of Human Rights. (n.d). UN Office of the High Commissioner on Human Rights (OHCHR) Brief. Retrieved from: <http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>
- Human Rights Issue in Depth (n.d). Globalization101. Retrieved from: <http://www.globalization101.org/category/issues-in-depth/human-rights/>
- ICCPR (1966) the International Convention on Civil and Political Rights.
- ICESCR (1966) the International Convention on Economic, Social, and Cultural Rights
- Negative vs. Positive Rights (n.d.) Globalization101.org. Retrieved from: <http://www.globalization101.org/negative-vs-positive-rights/>
- The Clash. (2004, July 13). Know Your Rights. On *The Clash*. Epic. [this is a musical recording, mp3 file].
- Universal Declaration on Human Rights (entirety). (n.d). Retrieved from: <http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng>

Optional Resources

- Chapman, A. R., and P. Ball (2001). The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala. *Human Rights Quarterly* 23:1-43.
- Laplante, L. J. (2009). "From Theory to Practice: Implementing Reparations in Post-Truth Commission Peru." in *Waging War, Making Peace: Reparations and Human Rights*, ed. by Johnston, B. R. and S. Slymovics. Walnut Creek, CA: Left Coast Press.



Lesson 3: What Are The Main Mechanisms for Implementing Human Rights?

Overview

This lesson focuses on the institutional mechanisms that are used to implement human rights, as well as seek remedy or reparations for human rights violations. Particular attention is paid to human rights reporting and human rights reparation mechanisms, including tribunals and truth commissions.

Relevant Learning Objectives

- 1 Identify and describe the main instruments and mechanisms of the international human rights regime, and the global causes to which these instruments respond.
- 3 Discuss the problems of cultural universality and diversity in regards to implementing human rights at the international, national, and local scales.
- 4 Understand the global significance and controversies of human rights in the 21st century.

Procedure

Possible Classroom Activities

- Introduction.
(Time: 15 minutes)(Skills: n/a) (Objectives 1) (Related Resources: n/a)

Introduce the following human rights issues: implementation, reporting, and reparations

States are required to report to make periodic reports for all of the UN conventions that they are signatories of and NGOs and individuals may also make complaints and submit reports to the appropriate UN committee.

How are reparations given as recourse to human rights abuses?

In 2005, the UN adopted the [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#).

Compensation is given in proportion to harm. There are massive programs that focus on specific benefits to victims to redress violations. Reparations are very contentious and few have been satisfied by the process.



- Discussion on UN Human Rights Architecture.
(Time: 10 minutes)(Skills: n/a) (Objectives 1 and 3) (Related Resources: Appendix 3, UN charter, Globalization 101.org Human Rights Issue Brief, Human Rights Council, Office of the High Commissioner on Human Rights)

Potential discussion questions and topics

- Compare and contrast the different UN bodies and treaties? Why do some treaties allow individuals to make complaints and others do not?
- Examine particular agencies within the UN, such as the Office of the High Commissioner on Human Rights (OHCHR) and the Human Rights Council (HRC), and how they interface with states and other UN organs.
- What role does culture play in monitoring and reporting human rights abuses?

Remedies: Use Human Right Watch's [An Approach to Reparations](#) report.

- Human Rights Institutions.
(Time: 10 minutes)(Skills: Holistic Thinking) (Objectives 1 and 3) (Related Resources: BBC News article, Criticism by HRW of the Human Rights Council)

Discuss the relation between human rights institutions and human rights realities; what are some of the critical problems in this relation. Potential discussion questions and topics:

- 1) Why do human rights abuses still take place in spite all of the various UN conventions? What is the purpose of all the UN conventions?
 - 2) Why was the UN Commission on Human Rights replaced by the UN Human Rights Council, and what difference has that made, if any?
 - 3) Can you think of any major human rights catastrophe that the UN has successfully thwarted before it was out of control? (one possible answer – Libya)
- Group Activity.
(Time: 30 minutes)(Skills: Holistic Thinking) (Objectives 1, 3 and 4) (Related Resources: Wilson reading)

Break the class into small groups of 3-5 students, and discuss several problems that emerge from the readings. Instructor should provide a worksheet with a list of 3-5 problems, framed as open questions. Students work together to develop a collective solution to each problem. Once completed, the instructor should call on each group to report its solutions to the rest of the class. Suggested problems/questions include the



following:

- Do we need human rights institutions in order to recognize, protect, and fulfill human rights?
- What can get in the way of human rights practice?
- What is the difference between the OHCHR and the HRC?
- What may happen in the aftermath of recognized human rights violations?
- What do you think is driving the emergence of NGOs and civil society as agents of human rights advocacy?

Resources

- Appendix 4 UN Human Rights Bodies
- Criticism by Human Rights Watch of the Human Rights Council. (2007, March 26). Youtube. Retrieved from: <http://www.youtube.com/watch?v=uhWgZu6tcZU> [could have debate around this – it is controversial] (4 min 25 sec)
- Human Rights Council. (n.d). Retrieved from: <http://www2.ohchr.org/english/bodies/hrcouncil/>
- Human Rights Issue in Depth. (n.d.) Globalization101. Retrieved from: <http://www.globalization101.org/category/issues-in-depth/human-rights/> [sections: “UN Architecture,” and “The Rise of Non-Governmental Organizations (NGOs) and Global Civil Society”]
- Office of the High Commissioner on Human Rights. Retrieved from: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
- UN Charter. (n.d.). Chapters 3-14. Retrieved from: <http://www.un.org/en/documents/charter/index.shtml>
- UN Creates New Human Rights Body. (2006, March 15). BBC News. Retrieved from: <http://news.bbc.co.uk/2/hi/europe/4810538.stm>
- Wilson, R. A. (1997) “Representing Human Rights Violations: Social Contexts and Subjectivities” in *Human Rights, Culture and Context: Anthropological Perspectives*, ed. by R.A. Wilson. London: Pluto Press.



Lesson 4: Global Issues in Human Rights: Torture

Overview

This lesson focuses on a central issue in human rights: the use of violence by the state, and how different cultural perspectives can complicate notions of universal human rights.

Relevant Learning Objectives

1. Identify and describe the main instruments and mechanisms of the international human rights regime, and the global causes to which these instruments respond.
2. Discuss the relation between culture, humanity, and rights.
3. Discuss the problems of cultural universality and diversity in regards to implementing human rights at the international, national, and local scales.
4. Understand the global significance and controversies of human rights in the 21st century.

Procedure

Possible Classroom Activities

- Introduction to Torture and Violence.
(Time: 10 minutes)(Skills: Holistic Thinking) (Objective 4) (Related Resources: Daily Show clips)

Start class with one of the Daily Show clips and then examine the UN definitions of torture.

Torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 1 (1)

What are the key points of the UN convention on torture? According to this definition, who carries out torture? Is there any room for cultural norms, etc. when applying this decision, why or why not?

- Convention Against Torture Discussion.
(Time: 30 minutes)(Skills: Holistic Thinking, Cross-Cultural Communicationss)
(Objectives 1,2,3 and 4) (Related Resources: UN CAT, An-Na'im article, The HRC report, Appendices 4 and 5)

Discuss the Convention Against Torture, An-Naim's argument, and the HRC report on secret detention. Please note each article involves a lot of reading. You should assign students to read just first couple pages of the An-Naim article and the HRC report summary (pages 1-7).

- Review the Convention Against Torture (CAT).
 - What are the obligation of the Committee Against Torture
 - What are the obligations of the State
 - What is included the optional protocol (and why do you think its optional)
 - What is universal jurisdiction and why do you think it is provoked discussion and disagreement?
 - Before class, ask the students to find a recent news story involving the CAT and present/share during this discussion.
- Discuss An-Na'im's argument about cross-cultural approaches to human rights.
 - How is it possible to construct international human rights standards that are culturally appropriate?
 - Ask students to provide an example of human right that different cultures might disagree upon as a standard human right?
 - What is ethnocentrism and cultural relativism how does it apply to human rights standards?
 - What is cultural dynamism and how does it relate to human rights?
 - How has your own culture contributed to your perspective on human rights?
- Discuss secret detention as a human rights issue.
 - What laws are broken with secret detentions? (international human rights law, international humanitarian law, the right to personal liberty and the prohibition of arbitrary arrest, habeas corpus, right to a fair trial,
 - How are secret detentions used in the "global war on terror" and what legal decisions were used to justify them?
 - What are the criteria for state involvement in a secret detention?



- What are the enablers of secret detention? Which ones do you think are the strongest ones? How can culture serve as enabler?
 - Are there any situations that you think warrant a secret detention?
 - Do you think secret detentions are a crime against humanity?
- Group Debate Activity
(Time: 30 minutes)(Skills: Holistic Thinking) (Objective 4) (Resources: n/a)

Split the entire class into 2 groups. Based on the readings, debate when is it okay for governments to torture people.

- Assign one side a pro-torture stance: under conditions ____, it is okay.
- The other side is assigned a zero-tolerance stance: under no circumstances is it okay, because of ____.

Both sides can use examples from the HRC report. Organize the debate as follows: groups huddle up for 5-15 minutes, then begin. Instructor to moderate. Allow for three full exchanges.

- Poster Presentation.
(Time: 30 minutes)(Skills: Holistic Thinking, Cross-Cultural Communications, Technology Skills) (Objectives 1 and 2) (Related Resources: UN CAT)

The instructor should give the following instructions: You are member of the Committee Against Torture. Create a poster campaign to convince the people of Pakistan (or choose another country that has not ratified the agreement) to join the CAT. Students should be aware of the audience and craft arguments that will be sensitive to that culture, yet still encourage them to join as well. This list of signatories can be found here:

<http://www.hrweb.org/legal/catsigs.html>. Please note posters can be done using actual posters or online using virtual poster presentation sites.

- Reflection.
(Time: 5 minutes)(Skills: Holistic Thinking) (Objectives 1 and 2) (Related Resources: n/a)

Ask the class, if the discussions/activities have changed their perspective on torture and why.

Resources

- Appendices 5 UN Convention Against Torture



- Appendix 6 An-Na'im Article Summary
- An-Na'im, A. A. (1992) "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment." Pp. 19- 44 in *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*, edited by A. A. An-Na'im. Philadelphia: University of Pennsylvania Press. Retrieved from: <http://www.law.emory.edu/aannaim/pdfiles/dwnld31.pdf>
- Daily Show: Guantanamo Baywatch. (2009, May 19). The Daily Show. Retrieved from: <http://www.thedailyshow.com/watch/tue-may-19-2009/guantanamo-baywatch---the-final-season> (5 min 47 sec)
- Daily Show: House of Pain. (2008, April 15). Daily Show. Retrieved from: <http://www.thedailyshow.com/watch/tue-april-15-2008/house-of-pain> (4 min 27 sec)
- UN Human Rights Council (2010) "Joint Study On Global Practices In Relation To Secret Detention In The Context Of Countering Terrorism" by the Special Rapporteur On The Promotion And Protection Of Human Rights And Fundamental Freedoms While Countering Terrorism, The Special Rapporteur On Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances (A/HRC/13/42). Retrieved from: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf> [The HRC report is organized into 5 sections, and 2 annexes. Section IV focuses largely on US secret detention practices. Section V provides a global perspective on secret detention practices. The instructor should use either or both sections as the main readings to relate to the CAT]
- UN CAT (1984) *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Retrieved from: <http://www2.ohchr.org/english/law/cat.htm>

Optional Resources

- Torture in the U.S.: Shocking Disabled Children at the Judge Rotenberg Center (2012, January 14). Retrieved from: <http://www.globalization101.org/torture-in-the-u-s-shocking-disabled-children-at-the-judge-rotenberg-center/>



Lesson 5: Global Issues in Human Rights: Women and Children

Overview

This lesson focuses on issues relating to the human rights of women and children. The lesson begins with an overview of the CEDAW and the CRC, and then examines two different cases: female genital cutting and child trafficking. The instructor is encouraged to choose either women or children as the focus in this lesson.

Relevant Learning Objectives

- 1 Identify and describe the main instruments and mechanisms of the international human rights regime, and the global causes to which these instruments respond.
- 3 Discuss the problems of cultural universality and diversity in regards to implementing human rights at the international, national, and local scales.
- 4 Understand the global significance and controversies of human rights in the 21st century.

Procedure

Possible Classroom Activities

- Introduction.
(Time: 10 minutes)(Skills: Holistic Thinking) (Objective 4) (Related Resources: Human Rights Issue in Depth)

Introduce the topic: women, children, and human rights. Introductory question: Do women and/or children need special rights? Why/Why Not?

What are some of the main human rights challenges facing women/children?

Women

Inequality in the economic sphere
Inequality in the political sphere
Trafficking
Violence (rape/abuse)
Reproductive rights (or health issues)
Female Genital Mutilation (FGM)

Children

Child labor
Child soldiers
Trafficking
Education
Health care
Juvenile Justice

What role does culture and economics play in categorizing a challenge as a human rights issue?



- Discussion of the CEDAW and the CRC.
(Time: 15 minutes)(Skills: Holistic Thinking) (Objective 1) (Related Resources: CEDAW or CRC, Appendix 6)

Potential Discussion Questions:

1. How does culture affect a country's implementation of the CRC or CEDAW?
2. What argument do you think are made against the CRC or CEDAW? i.e. issues of sovereignty, etc?

- Video Activity.
(Time: 10 minutes)(Skills: Holistic Thinking) (Objectives 1 and 4) (Resources: CEDAW or CRC, Global Women's Rights video or Children's Rights: Silent Voice or Prioritizing children's rights in DR Congo)

With a copy of the CRC or CEDAW in hand, show one of the Youtube clips and ask the students to list which elements of the UN agreement are being violated? Feel free to find your own clips that address women's or children's issues that are relevant to your class.

- FGC Readings and Activities.
(Time: 15- 30 minutes)(Skills: Holistic Thinking and Cross-Cultural Communications) (Objective 4) (Related Resources: Shell-Duncan and Female Genital Mutilation Readings)

FGC Cross-cultural activity.

First review FGC: Female genital mutilation (FGM) constitutes all procedures which involve the partial or total removal of the external female genitalia or other injury to the female genital organs, whether for cultural or any other non-therapeutic reasons (WHO, 1995). (For more <http://www.womenshealth.gov/publications/our-publications/fact-sheet/female-genital-cutting.cfm>)

The following two activities are based on the WHO publication: Post these statements around the room, students should place stickers next to the statement (disagree/agree)

LIST OF VALUE STATEMENTS ON FGM

1. FGM improves fertility.
2. FGM prevents maternal and infant mortality.
3. FGM prevents promiscuity.
4. FGM is an essential part of culture.
5. FGM is performed to please husbands.
6. FGM causes health, mental and sexual problems for girls and women.



7. Performing FGM in a hospital environment is more hygienic and less painful for the client.
8. FGM is not a health issue.
9. FGM is a violation of human rights.
10. FGM is a religious obligation.

Ask students to rank (1-12): the following responses by health care providers who perform FGC. 1 is the most important and 12 is the least

- _____ Working with the community to prevent FGM.
- _____ Listening empathetically to clients who have undergone FGM.
- _____ Creating good interpersonal relationship with clients with FGM.
- _____ Becoming emotionally involved with clients who have FGM complications.
- _____ Teaching community about the need to eliminate FGM.
- _____ Being honest in answering clients questions.
- _____ Seeing that community acts on professionals advise.
- _____ Helping to decrease a client's anxiety in relation to FGM complications.
- _____ Making sure that community is involved in decision-making regarding FGM.
- _____ Following legal mandates regarding the practice of FGM.
- _____ Maintaining professional ethics all the time when dealing with clients who have undergone FGM.
- _____ Being in the forefront of efforts to eliminate FGM.

Ask students how their culture impacted their perception of the statements and the various solutions to addressing FGM in the community.

Break into small groups of 3-5 students, and discuss several problems that emerge from the reading. Students work together to develop a collective solution to each problem. Once completed, the instructor should call on each group to report its solutions to the rest of the class. This third activity is best for upper level classes.

Questions on Shell-Duncan Reading on Female Genital Cutting (FGC)

- a. What are the ramifications of framing FGC as a human rights violation?
- b. What actions are mandated by a human rights approach?
- c. What perils and pitfalls potentially arise from the adoption of a rights-based framework, and how might they be avoided?

General Questions

- 1) From a human rights perspective, when, if ever, is it a good idea to intervene in the affairs of a given society? When is it a bad idea?
- 2) In what ways do the problematic practices discussed in the case studies prevent people



from reaching their full potential as human beings? In what ways do they allow people to reach their potential?

- Case Studies of Child Trafficking.
(Time: 15- 30 minutes)(Skills: Holistic Thinking and Cross-Cultural Communications)
(Objective 4) (Related Resources: Dilemma: Human trafficking Readings)

Potential Questions:

- 1) Which UN human rights laws were broken? (Use pages 9 and 10 of as Dilemma: Human trafficking as guideline)
 - 2) What social, economic, and political factors contribute to the prevalence of trafficking?
 - 3) How does demand impact the prevalence of human trafficking?
 - 4) What are the different ways to combat trafficking?
 - 5) Would legalizing prostitution help those involved? Why or Why not?
- HUMAN RIGHTS EXERCISES, from Claude (2000) *Popular Education for Human Rights*.
(Time: 10 – 30 minutes)(Skills: n/a) (Objective 4) (Related Resources Claude reading)

Choose one or more of the activities:

- Exercise 16: Bringing CEDAW Home (69)
- Exercise 10: Begging Children (46)
- Exercise 11: Child Prostitution (49)
- Exercise 17: Learning & Action: Children's Rights (71)

Resources

- Appendix 7 CEDAW and CRC Summaries
- Children's Rights: Silent Voice (2008, June 1). Retrieved from: <http://www.youtube.com/watch?v=oqoyummgeCg>
- Claude, R. P. (2000) *Popular Education for Human Rights:24 Participatory Exercises for Facilitators and Teachers*. Amsterdam: Human Rights Education Association. Retrieved from: http://www.hrea.org/pubs/Popular_Education/PopEd.html
- Dilemma: Human trafficking (2009, September). UN Global Compact. Retrieved from http://human-rights.unglobalcompact.org/doc/UNGC_Trafficking.pdf
- Female Genital Mutilation (2001). Retrieved from: http://www.who.int/gender/other_health/Studentsmanual.pdf
- Global Women's Rights (2010, November 29). Retrieved from: <http://www.youtube.com/watch?v=jNo9KJn5Hwg>



- Human Rights Issue In Depth (n.d.). Retrieved from: <http://www.globalization101.org/category/issues-in-depth/human-rights/>
- Prioritizing children's rights in DR Congo (2011, November 3). Retrieved from: <http://www.youtube.com/watch?v=PrZL9Y0godw>
- Shell-Duncan, B. (2008). "From Health to Human Rights: Female Genital Cutting and the Politics of Intervention." *American Anthropologist* 110(2): 225-236. [This article is good for an upper-level class, may be too sophisticated for an introductory class]
- UN CEDAW (1979). *The Convention on the Elimination of All Forms of Discrimination Against Women*.
- UN CRC (1989). *The Convention on the Rights of Children*.
- Zuniga, Marielena (n.d.). Caged Birds: How Demand Creates Sex Slaves. Retrieved from: http://www.soroptimist.org/articles/article_trafficking.html

Optional Resources

- Chick, Kristen (2011, March 8). On International Women's Day, Egyptian Women Demand Revolutionary Role. *The Christian Science Monitor*. Retrieved from: <http://www.csmonitor.com/World/Middle-East/2011/0308/On-International-Women-s-Day-Egyptian-women-demand-revolutionary-role>
- Feminism, Islam & Women's Rights. (October 22, 2010). *The New York Times*. Retrieved from: (5 min 24 sec) <http://video.nytimes.com/video/2010/10/22/opinion/1248069224782/bloggingheads-feminist-islam.html?scp=1&sq=women's%20rights&st=cse>
- Lemmon, Gayle Tzemach. (2011, March 6). The Hillary Doctrine. *Newsweek*. Retrieved from: <http://www.newsweek.com/2011/03/06/the-hillary-doctrine.html>
- Montgomery, H. (2001). "Imposing Rights? A Case Study of Child Prostitution in Thailand." I *Culture and Rights: Anthropological Perspectives*, edited by J. K. Cowan, M. Dembour and R. Wilson. Cambridge: Cambridge University Press.
- Top 10 Cartoons for Children's Rights. (2010, June 14). UNICEF. Retrieved from: http://www.unicef.org/videoaudio/video_top_cartoons.html [can debate utility of these cartoons and at whom are they aimed]
- Unit on Women and Globalization. (n.d.) Globalization101. Retrieved from: <http://www.globalization101.org/women-2/>. [There is an excellent lesson plan/activity on CEDAW]



Lesson 6: Global Issues in Human Rights: Indigenous Peoples

Overview

This lesson focuses on the most recent development in international human rights, which is the formal recognition of human rights for indigenous peoples. This lesson begins with an overview of the UN Declaration On The Rights Of Indigenous Peoples (UNDRIP), followed by a discussion of what the UNDRIP means, and then turns to the first international court to make use of the UNDRIP in rendering a verdict.

Relevant Objectives

- 1 Identify and describe the main instruments and mechanisms of the international human rights regime, and the global causes to which these instruments respond.
- 2 Discuss the relation between culture, humanity, and rights.
- 3 Discuss the problems of cultural universality and diversity in regards to implementing human rights at the international, national, and local scales.
- 4 Understand the global significance and controversies of human rights in the 21st century.

Procedure

Possible Classroom Activities

- Introduction to Human Rights and Indigenous Peoples.
(Time: 10 minutes)(Skills: n/a) (Objective 4) (Related Resources: Indigenous Rights reading)

Indigenous people: refer to groups of people who have historically belonged to a region before it was colonized or transformed into a modern nation state. This group often has unique cultural and linguistic characteristics.

According to the International Labour Organization (ILO), indigenous or tribal groups have the right to self-identify themselves. (This is key point because in the U.S. today, many groups are denied privileges by the U.S. government because the U.S. does not recognize many groups that identify themselves as indigenous, see Dadigan reading). Note there has been much controversy over the definition itself, as it has policy implications.

Globalization101 provides a good overview of the issues:
<http://www.globalization101.org/indigenous-rights/>.



Opening question: Why do indigenous peoples need human rights agreements and laws that protect their interests?

What key issues affect indigenous groups around the world? culture rights, land rights, issues of sovereignty, access to education and health care, etc...

- Discussion of the UN Declaration on the Rights of Indigenous Peoples.
(Time: 20 minutes)(Skills: Cross-Cultural Communications and Holistic Thinking)
(Objectives 1 and 4) (Related Resources: Appendix 8, DRIP, Rights of Indigenous People, and Anaya and Williams readings)

Students should read the UNDRIP before class. See Appendix 8 for lecture notes

Questions:

- 1) Why did U.S., Canada, New Zealand and Australia initially oppose the agreement?
- 2) What role does culture play in favorable or unfavorable positions on the UNDRIP?
- 3) What is the difference between a positive and a negative right, in the context of the UNDRIP
- 4) Does UNDRIP create a separate class citizens? Why or Why not?

- Case Study.
(Time: 30 minutes)(Skills: Holistic Thinking) (Objectives 1,3 and 4) (Related Resources: Ruge and Dadigan reading)

Break into small groups to work on problems related to extending human rights to Indigenous peoples. Use either the Ruge or Dadigan readings, one of the optional resources, or the movie "Rabbit Proof Fence."

Questions:

- 1) How and why were indigenous peoples denied human rights in the first place?
- 2) Why do states hesitate to embrace human rights for indigenous peoples?
- 3) Which states are especially negative towards indigenous rights, and why?
- 4) What gaps exist between the UNDRIP and its implementation on the national level?



5) What does the extension of human rights to indigenous people imply for global human society?

- Activity on Indigenous Rights.
(Time: 15 minutes) (Skills: Holistic Thinking and Cross-Cultural Communications)
(Objectives 2, 3 and 4) (Related Resources: “What do human rights mean to you” reading)

Compare and contrast the three student perspectives on human rights. What role does culture play in their response to the question “What do human rights mean to you?.” How would your response differ from theirs, and why? What human rights problems are cited in their answers? What role does government play in the expression of human rights?

Resources

- Anaya, S. J. Robert A. Williams Jr. (2001, Spring). Harvard Human Rights Journal. Vol 14. <http://www.law.harvard.edu/students/orgs/hrj/iss14/williams.shtml> [Introduction is useful]
- Appendix 8 Lecture Notes on UNDRIP
- Dadigan, Marc. (2010, March 30) Honored Abroad, Ignored at Home: The Cruelty of Federal Tribal Recognition article. Change. Retrieved from: <http://news.change.org/stories/honored-abroad-ignored-at-home-the-cruelty-of-federal-tribal-recognition>
- Indigenous Rights (n.d.). Retrieved from <http://www.globalization101.org/indigenous-rights/>
- Rabbit Proof Fence (2002). [Video about Aboriginal boarding school experience and the eugenicist policy of Australian government regarding “half-castes” – mixed race children.]
- Ruge, Dan (n.d.). Indigenous Rights in Latin America: The Gap between Doctrine and Reality. HUMAN RIGHTS & HUMAN WELFARE. 72-86. Retrieved from: <http://www.du.edu/korbel/hrhw/researchdigest/latinamerica2/digest-human%20rights%20in%20latin%20america%20vol%202-indigenoustrights.pdf> [Note article is only 72-74, the rest is annotations]
- Shah, Anup (2010, October 16). Rights of Indigenous People. Global Issues. Retrieved from: <http://www.globalissues.org/article/693/rights-of-indigenous-people>
- UN Declaration On The Rights Of Indigenous Peoples (DRIP) (2007). Retrieved from: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
- What do human rights mean to you? Three replies from Indigenous teenagers in Canada.(n.d). Amnesty International Retrieved from: http://www.amnesty.ca/updates/lubicon/Mar09/essays_lubicon.html



Optional Resources

- Grandia, L. (2009) "Milpa Matters: The Maya Community of Toledo versus the Government of Belize" in *Waging War, Making Peace: Reparations and Human Rights*, edited by Johnston, B. R. & Slymovics, S. Walnut Creek, CA: Left Coast Press.
- Anaya, S. J. (2008) "Reparations for Neglect of Indigenous Land Rights at the Intersection of Domestic and International Law-The Maya Cases in the Supreme Court of Belize" in *Reparations for Indigenous Peoples: International and Comparative Perspectives*, edited by F. Lenzerini. New York: Oxford University Press.
- Indigenous Peoples and the United Nations Vol.1. (2006) UN PFII. Retrieved from: <http://www.un.org/esa/socdev/unpfi/en/multimedia.html> (25 minutes)
- Niezen, R. (2000). "Introduction" *The Origins of Indigenism: Human Rights and the Politics of Identity*. Berkeley: University of California Press.
- Keating, N. B. (2007), "UN General Assembly Adopts the Declaration on the Rights of Indigenous Peoples, 144-4. *Anthropology News* (48):8.

Assessments

Answer the following questions briefly. The assignment should not exceed 2 pages.

1. What do human rights mean to you? And why do you think it is important to understand our right to experience leisure?
2. Based on the Universal Declaration of Human Rights (UDHR) in combination with life experience : Identify the **articles** that address the issue of leisure and recreation directly or indirectly? Briefly explain the significance of these articles to promote leisure and recreation in the world?
3. How is your view similar *and* different from the view of human rights and leisure as set forth by the Universal Declaration of Human Rights
4. Write a two-page reaction to what you learned through the films and readings about Indigenous education in the United States and Australia. How does race play a role in the history of Indigenous people in both countries? What, if any, Human Rights were violated in this educational process? Why do you think this happened in the history of both countries?

Lesson 1: UDHR quiz (41 questions) <http://html.knowyourrights2008.org/en/universal-declaration-of-human-rights/take-the-quiz.html>



Appendices

Appendix 1

Aspects of Any Society around Which We Build Implicit Cultural Assumptions

- | | |
|---|---|
| 1. Work/Profession | 21. Good and Evil |
| 2. Leisure and Recreation/Athletics | 22. Fate and Destiny |
| 3. Education/Learning | 23. Accident/Chance |
| 4. Religion/Philosophy | 24. Change/Progress |
| 5. Family/Kinship | 25. Success and Failure |
| 6. Community/Social Structure | 26. The Arts and Aesthetics |
| 7. Status and Rank/Power | 27. Science and Technology |
| 8. Management | 28. Communication/Language |
| 9. Government/Politics | 29. Manners and Polite Behaviors |
| 10. National Identity | 30. Concept of "Self" and "Other"/Privacy |
| 11. Nature/Animal/Plants | 31. "Being" as different from "Doing" |
| 12. The Constructed ("Man-Made")
Environment | 32. Feelings/Emotions |
| 13. Age and Youth | 33. Friendship |
| 14. Gender roles (Male-female) | 34. Leadership |
| 15. Sex | 35. Heroes |
| 16. Economics/Money | 36. Food and Eating Habits |
| 17. Justice/Law Punishment | 37. Health |
| 18. Welfare/Poverty | 38. Materialism |
| 19. War/Protection/Security | 39. Time |
| 20. Negotiation and Conflict | 40. Space |

Appendix 2 Diversity Assignment

Personal Values in Recreation and Leisure Assignment

Goal of the assignment: Discover multiple perspectives on leisure experience from various cultures and learn how to compare and contrast the finding that will build awareness among the students to view the world through broader lenses. Besides attaining diverse knowledge from a different point of view, the students will also learn how to communicate cross culturally that will equip them with the skills to work in a global environment.



Interview ONE person who is from a different country. You would need to prepare a power point presentation that includes the following information. Images from the country you are researching should be included based on the relevant information.

STEP 1

Each student is required to choose a specific country and conduct a country analysis using sites like CIA World Factbook and other Web-based resources to gather information on the following areas:

- a. Political and Socio-economic structure
- b. Religion and level of education
- c. Demography (Include the present diagram of the population Pyramid)
- d. Popular culture (Sports, music, social activities, festivals, number of holidays)
- e. Places to visit (Tourism)
- f. Communication Structure: access to internet, phone, cable etc.

STEP 2

1. Provide a brief description on the background of your interviewee without disclosing his or her name. Don't forget to mention that their name and identity will not be disclosed during your interview.

Ask them about their recreational and leisure attitudes and behaviors. Be sure to include:

- The importance of recreation and leisure in their lives.
- List activities they currently participate in.
- Traditional Food, dresses if they have any
- Activities they would like to participate in (why or why not).
- Constraints they face to experience certain types of leisure activities
- Their views about the importance of work and recreation in their lives.
- Their views on American way of life
- Places the interviewee might ask you to tour if you are visiting the country
- Other questions that you feel would add insight to this interview concerning leisure values/behaviors.

Step 3

Based on the communication, develop a culturally sensitive inclusive leisure program considering the background of the individual and identify the major components that helped both of you to make the decision.

Step 4



Summarize any similarities or differences between you and the interviewees. Speculate as to the reasons for these similarities or differences.'

Step 5

Identify your idea of the country before and whether it changed based on the interview. If so, what were some of your thoughts that changed?

Step 6

Articulate your thought on the overall experience with the interview and judge the effectiveness of this assignment on building awareness on a culture that is different from their own. You will need to hand over this one page summary along with the PowerPoint presentation.

Appendix 3 Document Summaries

ICCPR

The treaty offers the right of self-determination; right to freely dispose of wealth and resources; right to life; right to pardon in case of death sentence; right not to be subject to torture; right not to be held in slavery; right to liberty and security of person; right to be informed of charges if arrested; right to compensation if unlawfully arrested; right to leave and enter their own country without restrictions; right to be treated equally at court; right to freedom of thought, conscience, and religion; right to freedom of association; right to marry; right to a nationality; and other basic rights. The covenant ensures that these rights should be carried out without discrimination.

ICESCR

The treaty offers the right of self-determination; right to work; right to favorable and just conditions at work; right to form trade unions; right to strike; right to protection for mothers after childbirth; right to adequate standard of living; right to physical and mental health; right to education; and other basic cultural and economic rights. The covenant ensures that these rights should be carried out without discrimination.

Differences between the ICCPR, ICESCR, UDHR:-

- ICESCR limits the rights within it by laws, as long as the laws are compatible with the nature of the rights and promote the general welfare in a democratic society.
- UDHR and ICCPR contain no general provision applicable to all the rights that authorize the restriction on their exercise.
- Several rights in the ICCPR though can be restricted for purposes of national security, public order, to protect the rights and freedom of others.
- Rights in the ICCPR that can never be suspended or limited include: rights to life, to freedom from torture, to freedom from enslavement or servitude, to protection from



imprisonment for debt, to freedom from retroactive penal laws, to recognition as a person before the law, and to freedom of thought, conscience and religion

Appendix 3 UN Human Rights Bodies

In the UN, there are 10 bodies that monitor the implementation of the human rights treaties:

- 1) [Human Rights Committee](#) (CCPR): Monitors the implementation of the ICCPR. States submit reports every 4 years on how the rights are being implemented.
- 2) [Committee on Economic, Social and Cultural Rights](#) (CESCR): Monitors the implementation of the ICESCR. States submit reports every 5 years on how the rights are being implemented.
- 3) [Committee on the Elimination of Racial Discrimination](#) (CERD): Monitors the implementation of the [Convention on the Elimination of All Forms of Racial Discrimination](#). States submit reports every 2 years. Other monitoring mechanisms include an early warning procedure, examination of inter-state complaints and individual complaints.
- 4) [Committee on the Elimination of Discrimination against Women](#) (CEDAW): Monitors the implementation of the [Convention on the Elimination of All Forms of Discrimination against Women](#). Countries must provide regular reports. Individuals or groups with complaints can also submit claims of violations and initiate inquiries.
- 5) [Committee against Torture](#) (CAT): 10 independent experts monitors the implementation of the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) by its State parties. Reports must be submitted every 4 years. Individuals may make complaints.
- 6) [Subcommittee on Prevention of Torture](#) (SPT): make site visits to places where people have been deprived of liberty, as mandated by an optional protocol.
- 7) [Committee on the Rights of the Child](#) (CRC): Monitors the implementation of the [Convention on the Rights of the Child](#) (and 3 optional protocols) by its State parties. Parties must submit reports every 5 years. Soon individual children will be able to make complaints.
- 8) [Committee on Migrant Workers](#) (CMW): Monitors the implementation of the [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#) by its State parties. Parties must submit reports every 5 years. Individual complaints can be made.
- 9) [Committee on the Rights of Persons with Disabilities](#) (CRPD): Monitors the implementation of the convention by state parties. Optional protocols allow individuals to make complaints.



- 10) [Committee on Enforced Disappearance](#) (CED): Monitors the implementation of the convention by state parties.

Also there are 3 UN Charter-based bodies that include independent experts who monitor state's compliance with their treaty obligations: [Human Rights Council](#), [Universal Periodic Review](#), and the [Special Procedures of the Human Rights Council](#).

Appendix 4 UN Convention Against Torture

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Torture Declaration") by the General Assembly on 9 December 1975 (resolution 3452 (XXX)).

The convention took many years to create because of disagreement over the issue of universal jurisdiction, which eventually became part of the CAT.

Convention Against Torture

(adopted in 1984, entered into force in 1987 when ratified by 20 states)

Committee Against Torture has the following tasks:

- (i) To receive, study and comment on periodic reports from the States parties on the measures they have taken to give effect to their undertakings under the Convention (article 19);
- (ii) To initiate an investigation when there is reliable information which appears to contain well-founded indications that torture is being systematically practised in the territory of a State party (article 20);
- (iii) To receive and examine complaints by one State party of violations of the Convention by another State party (article 21); and
- (iv) To receive and examine applications by individuals claiming to be victims of a violation of the Convention by a State party (article 22).

These tasks though were qualified

- A State party may "opt out" and declare that it does not recognize the Committee's competence to initiate investigations under article 20 (article 28);
- The Committee's competence to examine inter-State complaints only applies when a State party has specifically recognized this competence (article 21);
- The Committee's competence to examine applications by individuals only applies when a State party has specifically recognized this competence (article 22).

State Obligation

- (i) Each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture. The prohibition against torture shall be absolute and shall be upheld also in a state of war and in other exceptional circumstances (article 2);



- (ii) No State party may expel or extradite a person to a State where there are substantial grounds for believing that he would be in danger of being subjected to torture (article 3);
- (iii) Each State party shall ensure that acts of torture are serious criminal offences within its legal system (article 4);
- (iv) Each State party shall, on certain conditions, take a person suspected of the offence of torture into custody and make a preliminary inquiry into the facts (article 6);
- (v) Each State party shall either extradite a person suspected of the offence of torture or submit the case to its own authorities for prosecution (article 7);
- (vi) Each State party shall ensure that its authorities make investigations when there is reasonable ground to believe that an act of torture has been committed (article 12);
- (vii) Each State party shall ensure that an individual who alleges that he has been subjected to torture will have his case examined by the competent authorities (article 13);
- (viii) Each State party shall ensure to victims of torture an enforceable right to fair and adequate compensation (article 14).

Optional Protocol

Entered into force on 22 June 2006, it “establishes a system of regular visits by international and national bodies to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been set up to carry out such visits and to support States parties and national institutions in performing similar functions at the national level.”¹

Appendix 5 An-Na'im Article Summary

An-Na'im, A. A. (1992) "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment."

Article Summary: The lack of cultural legitimacy of human rights standards is one of the main reasons behind hr violations. Internal and cross-cultural legitimacy for HR standards need to be developed.

For example, insiders might see a certain punishment as sanctioned by the norms of a particular culture whereas outsiders might see the measure as cruel, inhuman, or degrading. Which position should be taken for the standard?

Dominant groups often hold positions that are advantageous to them, but may be open to different positions that are helpful in achieving justice for them. This is an internal struggle for control over cultural norms and symbols of power in a society. Outsiders might sympathize with

¹ <http://untreaty.un.org/cod/avl/ha/catcidtp/catcidtp.html>



the dominant or oppressed group, but cannot offer support that does not put them as agents of an alien culture, thus it does not help the oppressed group.

An-Na'im's thesis: people are more likely to observe normative propositions if they believe that they are sanctioned by their own cultural traditions. Observance of hr standards can be improved by enhancing the cultural legitimacy of those standards.

Once each society has reached an adequate level of legitimacy for hr standards, then hr scholars and advocates need to build cross-cultural legitimacy. This will allow people of diverse cultural traditions to agree upon meaning, scope, and method of implementing the rights. Universal consensus should be broadened deepened through dialogue.

Cultural Dynamism: culture is constantly changing, induced by internal adjustments as well as by external influences. Both types of changes adapt to existing norms and institutions. Members of a culture have a range of options to accommodate various individual responses to its norms. The degree of flexibility is controlled by the culture's own internal criteria for legitimacy. Internal culture discourse provides alternative interpretations, in addition to the dominant one.

Some hr instruments stipulate that no one should be subject to torture or to cruel, inhuman, or degrading treatment or punishment. UN instruments do not include pain or suffering arising from lawful sanctions, which then is addressed by the second part of the stipulation. An-Naim addresses how to establish criteria by which lawful sanctions can violate "cruel, inhuman, or degrading treatment or punishment." In the article – he outlines the use of this phrase in various UN documents.

Cross-cultural perspectives on "cruel, inhuman, or degrading treatment or punishment"
Islamic perspectives on this phrase may be quite different than Western ones. Are Muslims likely to repudiate certain punishments (such as qisas – exact retribution) as a matter of Islamic Law (based on Sharia) on the ground that they are cruel, inhuman, or degrading treatment or punishment? Muslims may accept the premise, but define cruel/inhuman/degrading treatment differently. An-Naim said that the laws may not change, but their implementation might, such as the addition of stronger prerequisites.

Appendix 6 CEDAW and CRC Summaries

CEDAW

- The Convention on the Elimination of All Forms of Discrimination Against Women is an international treaty on women's rights adopted by the United Nations in 1979.
- The main idea of CEDAW is simple: women should have equal rights with men in every aspect of their lives.



- Considered to be a veritable “Bill of Rights” for women, the Convention’s 30 articles define what is to be considered discrimination against women and how nations can combat such discrimination.
- The Convention defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”
- CEDAW discusses many different areas in which governments should be working toward achieving women’s equal rights, public and political life, education, employment, and maternal rights.
- CEDAW affects every woman because it promises that she should be treated fairly and without discrimination in all the things she does.
- By signing the Convention, each country is committing itself to amending its laws and practices to guarantee women equal rights and opportunities as well as remedies. The state is also committing itself to presenting a report every four years (at most) that details their progress and setbacks in continuing to amend their national practices.

CRC

- The Convention on the Rights of the Child was adopted in by the United Nations on November 20, 1989.
- It was the first international treaty to guarantee children civil, political, economic, social, and cultural rights:
 - Freedom from violence, abuse, hazardous employment, exploitation, abduction or sale
 - Adequate nutrition
 - Free compulsory primary education
 - Adequate health care
 - Equal treatment regardless of gender, race, or cultural background
 - The right to express opinions and freedom of thought in matters affecting them
 - Safe exposure/access to leisure, play, culture, and art.
- The convention recognizes that these rights must be promoted, if they are going to be enforced. Awareness is not enough.
- 193 countries are signatories to the agreement. The U.S. has signed but not ratified the agreement. It has 2 additional protocols (children in armed conflict and trafficking in children) – the U.S. has signed and ratified both protocols.
- Signatories are required to produce report every five years.



Appendix 8: Lecture Notes on UNDRIP

- UN DRIP (Adopted in September 2007. 143 nations voted in favor of it.)
 - Preamble/Annex
 - Article right: right as a collective or as individuals to enjoy human rights and freedoms as articles in the UDHR
 - Articles 3 and 4 rights to self-determination
 - Article 8 right not to be subjected to forced assimilation
 - Article 10 right not be forcibly removed from their land
 - Article 14 right to establish and control their own education systems
 - Article 26 land rights

- History of the transnational social movement leading up to the UN General Assembly's adoption of the DRIP in 2007.(See Anaya and Williams article introduction)
 - 1948, OAS recognized indigenous peoples as a subject of special concern and ordered their protection to defend against extinction
 - Modern indigenous rights movement began in 1960s and 1970s with groups in Americas, Australia, New Zealand seeking to draw world attention to their survival as distinct communities with rights, i.e. land
 - 1970s, indigenous people's representatives appeared at UN bodies grounding their concerns in general human rights principles
 - Indigenous people's convinced International Labour Organization to drop assimilationist bias
 - In 1982, United Nations Working Group on Indigenous Populations was established, with a working group charged with drafting the UNDRIP
 - Soon the World Bank, the Inter-American Development Bank, the European Union, and the domestic legislation and policies started addressing indigenous human rights
 - Organization of American States prepared a Proposed American Declaration on the Rights of Indigenous Peoples. It has also accepted cases and even prosecuted cases at the Inter-American Court of Human Rights (which can make a binding decision)
 -

- Opposition to UNDRIP
 - U.S., Canada, New Zealand and Australia all initially opposed the agreement. Canada and the U.S. are re-thinking their position, while New Zealand and Australia reversed their position.



- UNDRIP took a long time to be drafted because of some of the key provisions: the right to self-determination and control over natural resources existing on indigenous peoples' traditional lands
- Some countries opposed the agreement because it gave tacit recognition of injustices that took place during colonial/imperial periods.
- Land rights are particularly contentious because in some cases, the lands are now lawfully owned by other citizens (and how that land was legally obtained has also been contentious because in certain cases, the indigenous people had no choice but to sell the land)
- Another point of opposition is over the use of "collective" rights vs. individual rights. Is identity defined through individual characteristics or through group membership? Collective rights imply land and resource rights, while individual rights do not. Access to valuable resources is at stake. Many indigenous groups view themselves as part of a collective, rather than individual (CULTURE)
- Some African countries opposed the agreement because they feared the "right to self-determination" might lead to rebellions

Notes to the Professor

The scope of this module is limited to these issues, although instructors involved with other issues of human rights (e.g., disability rights) should be able to easily adapt one of the lessons to their issue. All lessons involve a combination of readings that include the key human rights instruments themselves, as well as critical interdisciplinary analysis of human rights problems. The module emphasizes group work as well as group exercises in human rights awareness. The basic content format for each of the six lessons is to include a primary human rights document/instrument with a related case study or analytical critique.

I've designed the lessons with flexibility in mind, so that each lesson can be more or less pedagogical or activist, depending on what you wish to emphasize. I recommend striking a balance between the two that you are comfortable with, and use a combination of lecture, discussion, and group activities for each lesson. The additional readings expand on both the subject and practice of human rights.