



**University Code:** HUMR 5508

**Semester:** Spring 2014

**Instructors:** Maria Lundberg & Ingvill Thorson Plesner with the participation of Stener Ekern, Tore Lindholm and Yong Zhou (NCHR). Invited guest lecturer: Prof Eva Brems University of Ghent.

**Date:** 10 January 2014

<p><b><u>LECTURE 1</u></b></p> <p><i>Monday 27 January 14:15-16:00</i></p> <p><i>Domus Academica 112 Jur.eksamens sal</i></p> <p><i>Instructor: Maria Lundberg &amp; Ingvill Thorson Plesner (NCHR)</i></p>	<p><b>Introduction to the course: Overview, theory and methods</b></p> <p><u>Required reading:</u></p> <p><i>Main Case: (Human Rights Committee): Lovelace v. Canada, UN Doc. ICCPR/C/13/D/24,1977 (1981)</i></p> <p>Articles 18 and 27 of the International Covenant on Civil and Political Rights (ICCPR)</p> <p>ICCPR:</p> <ul style="list-style-type: none"><li>• General Comment No. 22: General Comment No. 22: The right to freedom of thought, conscience and religion ( Art. 18) : . 30.07.1993</li><li>• General Comment No. 23: The rights of minorities (Art. 27) : 08.04.1994.</li></ul> <p><i>.In Universal Minority Rights:</i></p> <ul style="list-style-type: none"><li>• Hannum, Hurst, “The Concept and Definition of Minorities”, pp. 49-73 (25pp).</li></ul> <p><u>Recommended reading:</u></p> <p>Okin, Susan: “Introduction” in J. Cohen, M. Howard (eds) Is Multiculturalism Bad for Women? Princeton University Press, 1999</p> <p>Kymlicka, Will, <i>Multicultural Citizenship: A Liberal Theory of Minority Rights</i>, Oxford: Oxford University Press, 1995</p>
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<p><b><u>LECTURE 2</u></b></p> <p><i>Wednesday 29 January 14:15-16:00</i></p> <p><i>Domus Academica 112 Jur.eksamens sal</i></p> <p><i>Instructor: Tore Lindholm &amp; Maria Lundberg (NCHR)</i></p>	<p><b>Group rights and the limits to autonomy</b> Church autonomy</p> <p><u>Required reading:</u></p> <p><i>Main Case: ((European Court of Human Rights): Metropolitan Church of Bessarabia and Others v. Moldova (Appl. No. 45701/99) Judgment 13 December 2001.</i></p> <p>Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)</p> <p>Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief (UN, 1981)</p> <p>Articles 1 and 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN, 1992)</p> <p>Article 4 of the Declaration on the Rights of Indigenous Peoples (UN, 2007)</p> <p>Articles 18 and 27 ICCPR</p> <p>Christoffersen, Lisbet: "Church Autonomy in Nordic Law", <i>Law &amp; Religion in the 21st Century</i> pp. 563 – 592 (29pp)</p> <p><u>Recommended reading:</u></p> <p>Kymlicka, Will, <i>Multicultural Citizenship: A Liberal Theory of Minority Rights</i>, Oxford: Oxford University Press, 1995</p> <p><i>Additional cases:</i> European Court of Human Rights:</p> <ul style="list-style-type: none"><li>• <i>Obst v. Germany</i> (Appl. No. 425/3) Judgment 3 September 2010</li><li>• <i>Serif v. Greece</i> (Appl. No. 38178/97) Judgment 18 March 2011</li></ul>
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<p><b><u>LECTURE 3</u></b></p> <p><i>Wednesday 5 February 14:15 – 16:00</i></p> <p><i>Domus Academica 112 Jur.eksamens sal</i></p> <p><i>Instructor: Ingvill Thorson Plesner (NCHR)</i></p>	<p><b>Freedom of religion and belief</b> Religion in public education</p> <p><u>Required reading:</u></p> <p>Main case: (Human Rights Committee): Leirvåg v. Norway, UN. Doc.CCPR/C/82/D/1155/2003(2004)</p> <p>Article 18 ICCPR</p> <p>ICCPR:</p> <ul style="list-style-type: none"><li>• General Comment No. 22: The right to freedom of thought, conscience and religion ( Art. 18)</li></ul> <p><u>Recommended reading:</u></p> <p>Kymlicka, <i>Will, Multicultural Citizenship: A Liberal Theory of Minority Rights</i>, Oxford: Oxford University Press, 1995</p> <p>Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)</p> <ul style="list-style-type: none"><li>• General Comment No. 13: The right to education</li></ul> <p>Article 29 of the Convention on the Rights of the Child (CRC):</p> <ul style="list-style-type: none"><li>• General Comment No. 1: The aims of education</li></ul> <p><i>Additional cases:</i></p> <ul style="list-style-type: none"><li>• <i>Folgerø and others v Norway</i>, (Appl. No. 15472/02) Grand Chamber, Judgment 29 June 2007</li><li>• <i>Lautsi and others v. Italy</i>, 18 March 2011 (Appl. No. 30814/11)</li></ul>
<p><b><u>LECTURE 4</u></b></p> <p><i>Monday 10 February 14:15-16:00</i></p> <p><i>Domus Academica 112 Jur.eksamens sal</i></p> <p><i>Instructors: Tore Lindholm</i></p>	<p><b>Freedom of religion and belief</b> Practice of religion in public space</p> <p><u>Required reading:</u></p> <p>Main case (European Court of Human Rights): <i>Leyla Sahin v. Turkey</i>, (Appl. No. 44774/98) Grand Chamber Judgment 10 November 2005</p> <p>Borchgreving, Tordis: “The Hijab Debate and the Liberal Dilemma” I</p>



<p>(NCHR)</p>	<p>Tidsskrift for kjønnsforskning (2) 2007, KILDEN 2007, pp. 39 – 54 (25pp)</p> <p>Plesner, Ingvill T.: “The European Court on Human Rights: Between Fundamentalist and Liberal Secularism” Chapter 2 , pp. 72 – 91 (19pp) in Durham, Kirkham, Scott and Torfs (eds): Islam, Europe and Emerging Legal Issues, Ashgate 2012</p> <p><u>Recommended reading:</u></p> <p>Ketscher, Kirsten: “Cultural Rights and Religious Rights” in Religious Pluralism and Human Rights in Europe. Where to draw the line? Intersentia 2007, pp. 219 –237 (18pp)</p> <p>Gunn, Jeremy: “Religious Symbols in Public Schools: The Islamic Headscarf and the European Court on Human Rights Decision Sahin vs. Turkey” Chapter 7,pp 134-179, (45pp) in Durham, Kirkham, Scott and Torfs (eds): Islam, Europe and Emerging Legal Issues, Ashgate 2012</p> <p>Okin, Susan: “Introduction” in J. Cohen, M. Howard (eds) Is Multiculturalism Bad for Women? Princeton Univerisity Press, 1999</p> <p><u>Additional cases:</u> European Court of Human Rights:</p> <ul style="list-style-type: none"><li>• <i>Dahlab v. Switzerland</i>, 15.02.2001 (Appl. No. 00042393/98)</li><li>• <i>Lautsi and others v. Italy</i> (Appl. No. 30814/11) Grand Chamber Judgment 18 March 2011</li></ul>
<p><b><u>LECTURE 5</u></b></p> <p><i>Wednesday 12 February 10:15 -12:00</i></p> <p><i>Domus Academica 112 Jur.eksamens sal</i></p>	<p><b>Minority and indigenous peoples' rights:</b> Self-determination and effective participation</p> <p><u>Required reading:</u> <i>Main case</i> : (Human Rights Committee): Chief Bernard Ominayak and the Lubicon Lake Band v. Canada, UN Doc. ICCPR/C/38/D/167/1984 (1990)</p> <p>Article 1 and 27 ICCPR</p>



<p><i>Instructor: Maria Lundberg and Stener Ekern (NCHR)</i></p>	<p>Articles 3, 4, 18, 19 and 20 of the Declaration on the Rights of Indigenous Peoples (UN, 2007)</p> <p>Article 6 of the ILO Tribal and Indigenous Peoples Convention (ILO C 169)</p> <p>CERD:</p> <ul style="list-style-type: none"><li>• General Recommendation No. 21: Right to self-determination:</li><li>• General Recommendation No.23 : Indigenous Peoples : .18.08.1997.</li></ul> <p>ICCPR:</p> <ul style="list-style-type: none"><li>• General Comment No. 12: The right to self-determination of peoples (Art.1): 13.03.1984.</li><li>• General Comment No. 23: The rights of minorities (Art. 27) : 08.04.1994.</li></ul> <p>The Human Rights Council</p> <ul style="list-style-type: none"><li>• The Expert Mechanism on the Rights of Indigenous Peoples, Advice 2: Indigenous peoples and the right to participate in decision-making ,</li></ul> <p><i>In Cultural Human Rights:</i></p> <ul style="list-style-type: none"><li>• Åhren, Matthias, “Indigenous People’s Cultural Rights: A Question of Properly Understanding the Notion of States and Nations?”, pp. 91-118 (28pp)</li></ul> <p>Ekern, Stener “The Production of Autonomy: Leadership and Community in Mayan Guatemala”, Journal of Latin American Studies, Vol 43, Issue 1, February, 2011 (23pp)</p> <p><u><i>Recommended reading:</i></u></p> <p><i>Cultural Human Rights:</i> Anna Filipa Vrdoljak, “Self-determination and cultural rights”, pp.41-78</p> <p><i>In Cultural Human Rights:</i></p> <ul style="list-style-type: none"><li>• Scheinin, Martin, “The Right of a People to Enjoy its Culture: Towards a Nordic Saami Rights Convention”, pp. 151-168 (18pp)</li></ul> <p><i>Additional cases:</i></p> <ul style="list-style-type: none"><li>• (Human Rights Committee): Diergardt v. Namibia, UN Doc. CCPR/C/69/D/760/1997 (2000)</li></ul>
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	<ul style="list-style-type: none"><li>• Canadian Supreme Court: re Secession of Quebec [1998] 2.S.C.R. 217. Opinion on the legality of the secession of Quebec according to Canadian and international law</li></ul>
<p><b><u>LECTURE 6</u></b></p> <p><i>Monday 24 February</i> <i>14:15 – 16:00</i></p> <p><i>Domus Academica 112</i> <i>Jur.eksamens sal</i></p> <p><i>Instructor: Maria</i> <i>Lundberg (NCHR)</i></p>	<p><b>Minority and indigenous peoples' rights:</b> Cultural rights, effective participation and natural resource exploitation</p> <p><u>Required reading:</u></p> <p><i>Main case:</i> (Human Rights Committee): Ángela Poma Poma v.Peru, UN Doc. CCPR/C/95/D/1457/2006(2009)</p> <p>Article 1 and 27 ICCPR</p> <p>Articles 3, 4, 20 and 32 of the Declaration on the Rights of Indigenous Peoples (UN, 2007)</p> <p>The Human Rights Council</p> <ul style="list-style-type: none"><li>• The Expert Mechanism on the Rights of Indigenous Peoples, Advice 4: Indigenous peoples and the right to participate in decision-making with focus on extractive industries, A/HRC/21/55, 16 August 2012</li></ul> <p>CESCR:</p> <ul style="list-style-type: none"><li>• General Comment No. 21: Right of everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights)</li></ul> <p>ICCPR:</p> <ul style="list-style-type: none"><li>• General Comment No. 23: The rights of minorities (Art. 27) : . 08.04.1994.</li></ul> <p><i>In Universal Minority Rights:</i></p> <ul style="list-style-type: none"><li>• Hannikainen, Lauri, “Legal Nature of Minority Rights as Part of Human Rights, Limitations, Derogations and Interpretative Statements”, pp. 27-48 (22pp).</li></ul> <p><i>In Universal Minority Rights:</i></p> <ul style="list-style-type: none"><li>• Weller, Marc, “Effective Participation of Minorities in Public Life”, pp. 477-516 (40pp).</li></ul> <p><u>Recommended reading:</u></p>



	<p>Kymlicka, Will, <i>Multicultural Citizenship: A Liberal Theory of Minority Rights</i>, Oxford: Oxford University Press, 1995</p> <p><i>Additional cases:</i> (Human Rights Committee):</p> <ul style="list-style-type: none"><li>• Apirana Mahuika et al. v. New Zealand, UN Doc.CCPR/C/70/D/547/1993 (2000)</li><li>• Ilmari Länsman et. al. v. Finland, UN Doc. CCPR/C/52/D/511/1992 (1994)</li><li>• Kitok v. Sweden, UN Doc. ICCPR/C/33/D/197/1985 (1988)</li></ul>
<p><b><u>LECTURE 7</u></b></p> <p>Wednesday 26 February 14:15 – 16:00</p> <p>Domus Academica 112 Jur.eksamens sal</p> <p>Instructor: Eva Brems University of Ghent; Maria Lundberg (NCHR)</p>	<p><b>Human rights and diversity –core dilemmas:</b> Legal and ethical dilemmas in dealing with conflict between individual and collective rights</p> <p><i>Discussions and review of the cases, focusing on the scope and limitations to the right to freedom of religion and belief, minority and indigenous peoples' rights</i></p> <p><u>Recommended reading:</u> Okin, Susan: “Introduction” in J. Cohen, M. Howard (eds) <i>Is Multiculturalism Bad for Women?</i> Princeton University Press, 1999</p> <p>Kymlicka, Will, <i>Multicultural Citizenship: A Liberal Theory of Minority Rights</i>, Oxford: Oxford University Press, 1995</p> <p>Tømte, Aksel, <i>Constitutional Review of the Indonesian Blasphemy Law</i>, <a href="http://www.idunn.no/ts/ntmr/2012/02/constitutional_review_of_the_indonesian_blasphemy_law">http://www.idunn.no/ts/ntmr/2012/02/constitutional_review_of_the_indonesian_blasphemy_law</a></p>
<p><b><u>LECTURE 8</u></b></p> <p>Wednesday 5 March 14:15 – 16:00</p> <p>Domus Academica 112 Jur.eksamens sal</p>	<p><b>Minority and indigenous peoples' rights:</b> Culture and language rights</p> <p><u>Required reading:</u> <i>Main case:</i> (Human Rights Committee): Ballentyne, Davidson and McIntyre v. Canada, UN Doc. CCPR/C/47/D/359/1989 (1993)</p>



<p><i>Instructor: Maria Lundberg (NCHR)</i></p>	<p>Article 19 and 27 ICCPR</p> <p>Article 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN, 1992)</p> <p>European Charter for Regional or Minority Languages (Council of Europe, 1992)</p> <p>The Human Rights Council</p> <ul style="list-style-type: none"><li>• The Expert Mechanism on the Rights of Indigenous Peoples, Advice 3: Indigenous peoples' languages and cultures, A/HRC/21/53, 16 August 2012</li></ul> <p><i>In Universal Minority Rights:</i></p> <ul style="list-style-type: none"><li>• De Varennes, Fernand, "Linguistic Identity and Language Rights", pp. 253-323(71pp).</li></ul> <p><u><i>Recommended reading:</i></u></p> <p><i>In Language Rights and Political Theory:</i></p> <ul style="list-style-type: none"><li>• Patten, Alan and Kymlika, Will, "Introduction: Language Rights and Political Theory: Context, Issues and Approaches", pp.1-51 (51pp)</li><li>• Réaume, Denise G., "Beyond Personality: The Territorial and Personal Principles of Language Policy Reconsidered", pp. 271-295 (25pp)</li></ul> <p><i>Additional cases:</i></p> <p>Human Rights Committee:</p> <ul style="list-style-type: none"><li>• Ignatane v. Latvia, UN Doc. CCPR/C/72/D/884/1999 (2001)</li></ul> <p>European Court of Human Rights:</p> <ul style="list-style-type: none"><li>• Podkolzina v. Latvia, (Appl. No. 46726/99) Judgment of 9 April 2002.</li><li>• Case "relating to certain aspects of the laws on the use of language in education in Belgium"(Appl. No. 1474/62, 1677/62, 1691/62, 1769/62, 1994/63, 2126/64) Judgment 23 July 1968, Ser. A, No.6.</li></ul>
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	<ul style="list-style-type: none"><li>• Cyprus v. Turkey ( Appl. no. 25781/94) Judgment (Grand Chamber) of 10 May 2001</li></ul>
<p><b><u>LECTURE 9</u></b> <i>Wednesday 12 March 14:15 – 16:00</i>  <i>Domus Academica 112 Jur.eksamens sal</i>  <i>Instructor: Yong Zhou &amp; Maria Lundberg (NCHR)</i></p>	<p><b>Human rights and diversity –core dilemmas:</b> Legal and ethical dilemmas in dealing with conflict between the legitimate interests of minorities and the majority</p> <p><i>Required reading:</i>  Lundberg, Maria; Zhou, Yong, “Hunting-Prohibition in the Hunters Autonomous Area: Legal Rights of the Oroqen People and the Implementation of the Regional National Autonomy Law”, <i>International Journal on Minority and Group Rights</i>, Vol. 16, No. 3, 2009, pp. 349-397(49pp)</p> <p><i>Recommended reading:</i>  Okin, Susan: “Introduction” in J. Cohen, M. Howard (eds) <i>Is Multiculturalism Bad for Women?</i> Princeton University Press, 1999</p> <p>Kymlicka, Will, <i>Multicultural Citizenship: A Liberal Theory of Minority Rights</i>, Oxford: Oxford University Press, 1995</p>
<p><b><u>LECTURE 10</u></b> <i>Wednesday 19 March 14:15 – 16:00</i>  <i>Domus Academica 112 Jur.eksamens sal</i>  <i>Maria Lundberg &amp; Ingvill Thorson Plesner (NCHR)</i></p>	<p><b>Human rights and diversity – core dilemmas</b></p> <p>Summary/overview and discussion of cases and dilemmas</p>
<p><b><u>Review session 11</u></b> <i>Monday 24 March 14:15 – 16:00</i> <i>Domus Academica 112 Jur.eksamens sal</i>  <i>Maria Lundberg (NCHR)</i></p>	<p><b>Human rights and diversity – core dilemmas</b></p> <p><b>Q&amp;A</b> Summary/overview and discussion of cases and dilemmas</p>