



University Code: HUMR 5508

Semester: Spring 2015

Instructors: Maria Lundberg & Tore Lindholm (with the participation of guest lecturers)

Date 5 March 2015

<p><u>LECTURE 1</u></p> <p><i>Tuesday 27 January 10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</i></p> <p><i>Instructor: Maria Lundberg (NCHR)</i></p>	<p>Introduction to the course: Overview, theory and methods</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">• General Comment No. 22: General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18)• General Comment No. 23: The rights of minorities (Art. 27) <p><i>In Universal Minority Rights:</i></p> <ul style="list-style-type: none">• Hannum, Hurst: <i>The Concept and Definition of Minorities</i>, pp. 49-73 (25pp). <p><u>Recommended reading:</u></p> <p>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>
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<p><u>LECTURE 2</u></p> <p><i>Tuesday 3 February 10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt.30</i></p> <p><i>Instructors: Maria Lundberg (NCHR) and Tore Lindholm (NCHR)</i></p>	<p>Group rights and the limits to autonomy</p> <p>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 & 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><u>Additional cases:</u></p> <p>European Court of Human Rights:</p> <ul style="list-style-type: none">• <i>Obst v. Germany</i> (Appl. No. 425/3) Judgment 3 September 2010• <i>Serif v. Greece</i> (Appl. No. 38178/97) Judgment 18 March 2011
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<p><u>LECTURE 3</u></p> <p><i>Wednesday 4 February 10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt.30</i></p> <p><i>Instructors: Maria Lundberg (NCHR) and Tore Lindholm (NCHR)</i></p>	<p>Freedom of religion and belief Practice of religion in public space</p> <p><u>Required reading:</u> <i>Main case (European Court of Human Rights): Leyla Sahin v. Turkey, (Appl. No. 44774/98) Grand Chamber Judgment 10 November 2005</i></p> <p>Borchgreving, Tordis: ‘The Hijab Debate and the Liberal Dilemma’ I Tidsskrift for kjønnsforskning (2) 2007, KILDEN 2007, pp. 39 – 54 (25pp)</p> <p>Plesner, Ingvill T.: ‘The European Court on Human Rights: Between Fundamentalism and Liberal Secularism’, Ch 2 , pp. 72 – 91 (19 pp) in Durham, Kirkham, Scott and Torfs (eds): <i>Islam, Europe and Emerging Legal Issues</i>, Ashgate 2012</p> <p><u>Recommended reading:</u></p> <p>Ketscher, Kirsten: <i>Cultural Rights and Religious Rights” in Religious Pluralism and Human Rights in Europe. Where to draw the line?</i> Intersentia 2007, pp. 219 –237 (18 pp)</p> <p>Gunn, Jeremy: ‘Religious Symbols in Public Schools: The Islamic Headscarf and the European Court on Human Rights Decision <i>Sahin vs. Turkey</i>’, Ch 7, pp 134-179, (45pp) in Durham, Kirkham, Scott and Torfs (eds): <i>Islam, Europe and Emerging Legal Issues</i>, Ashgate 2012</p> <p>Okin, Susan: ‘Introduction’ in J. Cohen, M. Howard (eds) <i>Is Multiculturalism Bad for Women?</i> Princeton University Press, 1999</p> <p><u>Additional cases:</u> European Court of Human Rights:</p> <ul style="list-style-type: none">• <i>Dahlab v. Switzerland, 15.02.2001</i> (Appl. No. 00042393/98)• <i>Lautsi and others v. Italy</i> (Appl. No. 30814/11) Grand Chamber Judgment 18 March 2011
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<p><u>LECTURE 4</u></p> <p><i>Postponed to 11 February, 10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt.30</i></p> <p><i>Instructors: Maria Lundberg (NCHR) and Tore Lindholm (NCHR)</i></p>	<p>Freedom of religion and belief Religion in public education</p> <p><u>Required reading:</u></p> <p><i>Main case: (Human Rights Committee): Leirvåg v. Norway, UN. Doc.CCPR/C/82/D/1155/2003(2004)</i></p> <p>Article 18 ICCPR Article 13 ICESCR Article 29 CRC</p> <p>ICCPR:</p> <ul style="list-style-type: none">• General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18) <p>Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)</p> <ul style="list-style-type: none">• General Comment No. 13: The right to education <p>Article 29 of the Convention on the Rights of the Child (CRC)</p> <ul style="list-style-type: none">• General Comment No. 1: The aims of education <p><u>Recommended reading:</u></p> <p><i>Kymlicka, Will: Multicultural Citizenship: A Liberal Theory of Minority Rights, Oxford: Oxford University Press, 1995</i></p> <p><u>Additional cases:</u></p> <ul style="list-style-type: none">• <i>Folgerø and others v Norway</i>, (Appl. No. 15472/02) Grand Chamber, Judgment 29 June 2007• <i>Lautsi and others v. Italy</i>, 18 March 2011 (Appl. No. 30814/11)
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<p><u>LECTURE 5*</u></p> <p><i>Tuesday, 17 February 10:15 -12:00</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</i></p> <p><i>Instructor: Maria Lundberg (NCHR)</i></p> <p><i>*postponed (revision of concepts and study materials in L8 on the 11th of March)</i></p>	<p>Minority and indigenous peoples' rights: Self-determination and effective participation</p> <p><u>Required reading:</u> <i>Main cases : (Human Rights Committee):</i></p> <ul style="list-style-type: none">• <i>Chief Bernard Ominayak and the Lubicon Lake Band v. Canada, UN Doc. ICCPR/C/38/D/167/1984 (1990)</i>• <i>Ilmari Länsman et. al. v. Finland, UN Doc. CCPR/C/52/D/511/1992 (1994)</i> <p>Article 1 and 27 ICCPR</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">• General Recommendation No. 21: Right to self-determination• General Recommendation No.23: Indigenous Peoples <p>ICCPR:</p> <ul style="list-style-type: none">• General Comment No. 12: The right to self-determination of peoples (Art.1)• General Comment No. 23: The rights of minorities (Art. 27) <p>The Human Rights Council</p> <ul style="list-style-type: none">• The Expert Mechanism on the Rights of Indigenous Peoples, Advice 2: Indigenous peoples and the right to participate in decision-making , <p><i>In Cultural Human Rights:</i></p> <ul style="list-style-type: none">• Åhren, Matthias, <i>Indigenous People's Cultural Rights: A Question of Properly Understanding the Notion of States and Nations?</i>, pp. 91-118 (28pp) <p><u>Recommended reading:</u> <i>Cultural Human Rights: Anna Filipa Vrdoljak, Self-determination and cultural rights, pp.41-78</i></p>
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	<p><i>In Cultural Human Rights:</i></p> <ul style="list-style-type: none">• Scheinin, Martin, <i>The Right of a People to Enjoy its Culture: Towards a Nordic Saami Rights Convention</i>, pp. 151-168 (18pp)• <p><i>Additional cases:</i></p> <ul style="list-style-type: none">• (Human Rights Committee): <i>Diergardt v. Namibia</i>, UN Doc. CCPR/C/69/D/760/1997 (2000)• 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
<p><u>LECTURE 6*</u></p> <p><i>Tuesday 24 February 10:15-12:00 Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</i></p> <p><i>Instructor: Maria Lundberg (NCHR) & Tore Lindholm (NCHR)</i></p> <p><i>*revision of concepts and study materials on the freedom of religion and belief and the cases of Leyla Sahin v. Turkey and Leirvåg v. Norway)</i></p>	<p>Minority and indigenous peoples' rights: Cultural rights, effective participation and natural resource exploitation</p> <p><i>Required reading:</i> <i>Main case: (Human Rights Committee): Ángela Poma Poma v. Peru, UN Doc. CCPR/C/95/D/1457/2006(2009)</i></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>Articles 7 of the ILO Tribal and Indigenous Peoples Convention (ILO C 169)</p> <p>The Human Rights Council</p> <ul style="list-style-type: none">• 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 <p>CESCR:</p> <ul style="list-style-type: none">• 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) <p>ICCPR:</p> <ul style="list-style-type: none">• General Comment No. 23: The rights of minorities (Art. 27)



	<p><i>In Universal Minority Rights:</i></p> <ul style="list-style-type: none">• Hannikainen, Lauri: <i>Legal Nature of Minority Rights as Part of Human Rights, Limitations, Derogations and Interpretative Statements</i>, pp. 27-48 (22pp). <p><i>In Universal Minority Rights:</i></p> <ul style="list-style-type: none">• Weller, Marc: <i>Effective Participation of Minorities in Public Life</i>, pp. 477-516 (40pp). <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">• <i>Apirana Mahuika et al. v. New Zealand</i>, UN Doc.CCPR/C/70/D/547/1993 (2000)• <i>Kitok v. Sweden</i>, UN Doc. ICCPR/C/33/D/197/1985 (1988)
<p><u>LECTURE 7*</u></p> <p>Wednesday 25 February 10:15-12:00</p> <p><i>*postponed for 3rd of March</i></p> <p>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</p> <p>Instructor: Maria Lundberg (NCHR); With intervention by guest: Yong Zhou (Director, China Autonomy Programme, NCHR</p>	<p>Minority and indigenous peoples' rights: <i>Case study China</i></p> <p><i>The Principle of Free, Prior and Informed Consent and Natural resource exploitation</i></p> <p><i>Article 1 and 27 ICCPR</i></p> <p><i>Articles 3, 4, 20 and 32 of the Declaration on the Rights of Indigenous Peoples (UN, 2007)</i></p> <p><i>Required reading:</i></p> <p>Lundberg, Maria & Zhou, Yong: <i>Hunting-Prohibition in the Hunters Autonomous Area: Legal Rights of the Oroqen People and the Implementation of the Regional National Autonomy Law</i>”, <i>International Journal on Minority and Group Rights</i>, Vol. 16, No. 3, 2009, pp. 349-397(49pp)</p>



<p><u>LECTURE 8*</u></p> <p><i>Wednesday 11 March</i> <i>09:15-12:00</i></p> <p><i>Asbjorn Eide Seminar</i> <i>Room, NCHR,</i> <i>Cort Adlersgt. 30</i></p> <p><i>Instructor: Maria</i> <i>Lundberg (NCHR)</i></p> <p><i>With intervention by</i> <i>guest: Sayra Mesaly</i> <i>(China Autonomy</i> <i>Programme, NCHR)</i></p> <p><i>*Additional activities:</i></p> <p><i>09:15 -10:00</i> <i>- 1 h revision of</i> <i>concepts, study</i> <i>materials, and cases in</i> <i>L5</i></p> <p><i>12:15 -13:00</i> <i>- Lunch talk on Ukraine</i></p>	<p>Minority and indigenous peoples' rights: Culture and language rights</p> <p><u>Required reading:</u> <i>Main case: (Human Rights Committee): Ballentyne, Davidson and McIntyre v. Canada, UN Doc. CCPR/C/47/D/359/1989 (1993)</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">• The Expert Mechanism on the Rights of Indigenous Peoples, Advice 3: Indigenous peoples' languages and cultures, A/HRC/21/53, 16 August 2012 <p><i>In Universal Minority Rights:</i></p> <ul style="list-style-type: none">• De Varennes, Fernand, <i>Linguistic Identity and Language Rights</i>, pp. 253-323(71pp). <p><u>Recommended reading:</u> <i>In Language Rights and Political Theory:</i></p> <ul style="list-style-type: none">• Patten, Alan and Kymlika, Will: <i>Introduction: Language Rights and Political Theory: Context, Issues and Approaches</i>, pp.1-51 (51pp)• Réaume, Denise G.: <i>Beyond Personality: The Territorial and Personal Principles of Language Policy Reconsidered.</i>, pp. 271-295 (25pp) <p><i>Additional cases:</i> Human Rights Committee:</p> <ul style="list-style-type: none">• <i>Ignatane v. Latvia</i>, UN Doc. CCPR/C/72/D/884/1999 (2001) <p>European Court of Human Rights:</p> <ul style="list-style-type: none">• <i>Podkolzina v. Latvia</i>, (Appl. No. 46726/99) Judgment of 9 April 2002.
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	<ul style="list-style-type: none">• 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.
<p><u>Seminar ASEAN</u></p> <p><i>Thursday 12 March 12:00-16:00</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</i></p> <p><i>Presenters: Human Rights Resource Centre (NGO)</i></p>	<p>Freedom of religion and belief</p> <p><i>Required reading:</i></p> <p><i>Keeping the Faith: A Study of Freedom of Thought, Conscience, and Religion in ASEAN</i>, published by Human Rights Resource Centre University of Indonesia, Depok Campus</p> <p>Available at http://www.jus.uio.no/smr/for-ansatte/freedom-of-thought-conscience-and-religion-in-the-asean.pdf</p>
<p><u>LECTURE 9</u></p> <p><i>Friday 13 March 09:15 – 12:00</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</i></p> <p><i>Instructor: Tore Lindholm (NCHR) & Maria Lundberg (NCHR); With an intervention by guest Aksel Tømte (Indonesia Programmet, NCHR) & Jaclyn Neo</i></p>	<p>Freedom of religion and belief</p> <p><i>Required reading:</i></p> <p><i>Keeping the Faith: A Study of Freedom of Thought, Conscience, and Religion in ASEAN*</i>, published by Human Rights Resource Centre University of Indonesia, Depok Campus</p> <p>Available at http://www.jus.uio.no/smr/for-ansatte/freedom-of-thought-conscience-and-religion-in-the-asean.pdf</p> <p><i>*Please focus on selected parts:</i></p> <p>(1) Introduction pp. Vi - xiv (2) Jaclyn Neo's Synthesis Report pp. 1 -52 [pay attention to the information about Indonesia in the two Appendices!] (3) The Country Report on Indonesia pp. 137-194 [authored by Zainal Abidin Bagira, Gadjah Mada University]</p>



	<p><i>Recommended reading:</i> ASEAN <i>Human Rights Declaration</i> 2012 Tømte, Aksel: <i>Constitutional Review of the Indonesian Blasphemy Law</i>, Available at: http://www.idunn.no/ts/ntmr/2012/02/constitutional_review_of_the_indonesian_blasphemy_law</p>
<p>LECTURE 10 <i>Tuesday 17 March</i> <i>10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</i></p> <p><i>Maria Lundberg (NCHR) & Tore Lindholm (NCHR)</i></p>	<p>Human rights and diversity – core dilemmas</p> <p>Human rights and diversity –core dilemmas:</p> <ul style="list-style-type: none"> • Legal and ethical dilemmas in dealing with conflict between individual and collective rights • Legal and ethical dilemmas in dealing with conflict between the legitimate interests of minorities and the majority <p>- Summary/overview and discussion of cases and dilemmas</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>Review session 11 <i>Tuesday 24 March</i> <i>10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</i></p> <p><i>Maria Lundberg (NCHR) & Tore Lindholm (NCHR)</i></p>	<p>Present-day human rights dilemmas:</p> <p>Protection of Freedom of religion and the Taboo against discrimination</p> <p>Discussions on the basis of the RELIGARE findings</p> <p>- Q&A</p>



NORWEGIAN CENTRE FOR HUMAN RIGHTS
FACULTY OF LAW, UNIVERSITY OF OSLO

HUMAN RIGHTS AND DIVERSITY: LEADING CASES AND CORE DILEMMAS
HUMR 5508