



**University Code:** HUMR 5508

**Semester:** Spring 2016

**Instructors:** Maria Lundberg & Ingvill Plesner (with the participation of guest lecturers)

**Date** 27 January 2016

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| <p><b><u>LECTURE 1</u></b></p> <p><i>Tuesday 27 January<br/>10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar<br/>Room, NCHR,<br/>Cort Adlersgt. 30</i></p> <p><i>Instructors: Maria<br/>Lundberg and Ingvill<br/>Plesner (NCHR)</i></p> | <p><b>Introduction to the course:</b></p> <ul style="list-style-type: none"><li>- Overview, theory and methods</li><li>- Introduction to case analysis</li></ul> <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> <ul style="list-style-type: none"><li>- Articles 18 and 27 of the International Covenant on Civil and Political Rights (ICCPR)</li></ul> <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><li>• General Comment No. 23: The rights of minorities (Art. 27)</li></ul> <p><i>In Universal Minority Rights:</i></p> <ul style="list-style-type: none"><li>• Hannum, Hurst: <i>The Concept and Definition of Minorities</i>, pp. 49-73 (25pp).</li></ul> <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><b><u>LECTURE 2</u></b></p> <p><i>Tuesday 2 February<br/>10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar<br/>Room, NCHR,<br/>Cort Adlersgt.30</i></p> <p><i>Instructor: Ingvill<br/>Plesner (NCHR)</i></p> | <p><b>Group rights and the limits to autonomy:</b></p> <ul style="list-style-type: none"><li>- Church autonomy vs. non-discrimination</li></ul> <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> <ul style="list-style-type: none"><li>- Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)</li></ul> <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><li>• Article 18 of the International Covenant on Civil and Political Rights (ICCPR)</li></ul> <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> <ul style="list-style-type: none"><li>- Articles 1 and 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN, 1992)</li><li>- Article 4 of the Declaration on the Rights of Indigenous Peoples (UN, 2007)</li><li>- Articles 18 and 27 ICCPR</li></ul> <p><u>Additional cases:</u></p> <p>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 3 February<br/>10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar<br/>Room, NCHR,<br/>Cort Adlersgt.30</i></p> <p><i>Instructor: Maria<br/>Lundberg (NCHR)</i></p> | <p><b>Minority and indigenous peoples' rights:</b><br/>Self-determination and effective participation</p> <p><i>Required reading:</i><br/><i>Main cases : (Human Rights Committee):</i></p> <ul style="list-style-type: none"><li>• <i>Ilmari Länsman et. al. v. Finland, UN Doc. CCPR/C/52/D/511/1992 (1994)</i></li><li>• Article 1 and 27 ICCPR</li><li>• Articles 3, 4, 18, 19 and 20 of the Declaration on the Rights of Indigenous Peoples (UN, 2007)</li><li>• Article 6 and 7 of the ILO Tribal and Indigenous Peoples Convention (ILO C 169)</li></ul> <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</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)</li><li>• General Comment No. 23: The rights of minorities (Art. 27)</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>Additional cases:</i><br/><i>(Human Rights Committee):</i></p> <ul style="list-style-type: none"><li>• <i>Chief Bernard Ominayak and the Lubicon Lake Band v. Canada, UN Doc. ICCPR/C/38/D/167/1984 (1990)</i></li></ul> <p><i>In Cultural Human Rights:</i></p> |
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|   | <ul style="list-style-type: none"><li>• Åhren, Matthias, <i>Indigenous People's Cultural Rights: A Question of Properly Understanding the Notion of States and Nations?</i>, pp. 91-118 (28pp)</li></ul> <p><u>Recommended reading:</u><br/><i>Cultural Human Rights</i>: Anna Filipa Vrdoljak, <i>Self-determination and cultural rights</i>, pp.41-78</p> <p><i>In Cultural Human Rights:</i></p> <ul style="list-style-type: none"><li>• Scheinin, Martin, <i>The Right of a People to Enjoy its Culture: Towards a Nordic Saami Rights Convention</i>, pp. 151-168</li></ul>  |
| <p><b><u>LECTURE 4</u></b></p> <p><i>Tuesday 9 February<br/>10:15-12:00</i></p> <p><i>Asbjorn Eide Seminar<br/>Room, NCHR,<br/>Cort Adlersgt.30</i></p> <p><i>Instructor: Maria<br/>Lundberg (NCHR)</i></p> | <p><b>Minority and indigenous peoples' rights:</b><br/>Cultural rights, effective participation and natural resource exploitation</p> <p><u>Required reading:</u><br/><i>Main case: (Human Rights Committee): Ángela Poma Poma v. Peru, UN Doc. CCPR/C/95/D/1457/2006(2009)</i></p> <ul style="list-style-type: none"><li>- Article 1 and 27 ICCPR</li><li>- Articles 3, 4, 20 and 32 of the Declaration on the Rights of Indigenous Peoples (UN, 2007)</li><li>- Articles 7 of the ILO Tribal and Indigenous Peoples Convention (ILO C 169)</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 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)</li></ul> <p><i>In Universal Minority Rights:</i></p> <ul style="list-style-type: none"><li>• Hannikainen, Lauri: <i>Legal Nature of Minority Rights as Part of Human Rights, Limitations, Derogations and Interpretative Statements</i>, pp. 27-48 (22pp).</li></ul> <p><i>In Universal Minority Rights:</i></p> |



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|   | <ul style="list-style-type: none"><li>• Weller, Marc: <i>Effective Participation of Minorities in Public Life</i>, pp. 477-516 (40pp).</li></ul> <p><u>Recommended reading:</u><br/>Kymlicka, Will: <i>Multicultural Citizenship: A Liberal Theory of Minority Rights</i>, Oxford: Oxford University Press, 1995</p> <p><u>Additional cases:</u><br/>(Human Rights Committee):</p> <ul style="list-style-type: none"><li>• <i>Apirana Mahuika et al. v. New Zealand</i>, UN Doc.CCPR/C/70/D/547/1993 (2000)</li></ul> <p><i>Kitok v. Sweden</i>, UN Doc. ICCPR/C/33/D/197/1985 (1988)</p>  |
| <p><b><u>LECTURE 5</u></b></p> <p>Wednesday 10 February<br/>9:15 -12:00<br/><i>In this lecture we will start on the theme of lecture 6</i></p> <p>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</p> <p>Instructor: Ingvill Plesner and Maria Lundberg (NCHR)</p> | <p><b>Freedom of religion and belief and the rights of minorities</b><br/>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> <ul style="list-style-type: none"><li>• Article 18 ICCPR</li><li>• Article 13 ICESCR</li><li>• Article 29 CRC</li></ul> <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><li>• Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)</li><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><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> |



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|  | <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 6</u></b></p> <p><i>Tuesday 16 February<br/>9:00-12:00</i></p> <p><i>Please note that this lecture, Lecture 6, has already had one hour of lectures on 10 February</i></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</i></p> <p><i>Instructors: : Ingvill Plesner and Maria Lundberg (NCHR)</i></p> <p><i>and</i></p> <p><i>guest lecturer</i></p> <p><i>Marina Svensson, University of Lund, Sweden</i></p> | <p><b>Freedom of religion and belief and its limits:</b><br/>Practice of religion in public space</p> <p><u>Required reading:</u></p> <p><i>Main case (European Court of Human Rights): Leyla Sahin v. Turkey, (Appl. No. 44774/98) Grand Chamber Judgment 10 November 2005</i></p> <ul style="list-style-type: none"><li>- Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)</li><li>- Article 5 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)</li></ul> <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><li>• Article 18 of the International Covenant on Civil and Political Rights (ICCPR)</li></ul> <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>Borchgreving, Tordis: ‘The Hijab Debate and the Liberal Dilemma’ I Tidsskrift for kjønnsforskning (2) 2007, KILDEN 2007, pp. 39 – 54 (25pp)</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> |



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|   | <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><i>Additional cases:</i><br/>European Court of Human Rights:</p> <ul style="list-style-type: none"><li>• <i>Eweida and others v. The United Kingdom</i> (Appl. No. 48420/10, No. 59842/10, No. 51671/10 and No. 36516/10), Judgment 15 January 2013</li><li>• <i>Dahlab v. Switzerland, 15.02.2001</i> (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><i>Guest lecture</i><br/>9:00-10:30</p> <p><i>Marina Svensson,</i><br/><i>professor of Modern</i><br/><i>China Studies,</i><br/><i>University of Lund,</i><br/><i>Sweden</i></p>           | <p><b>Internet and Human Rights in China: Official visions and grassroots resistance</b></p>   |
| <p><b><u>LECTURE 7</u></b></p> <p>Wednesday 17<br/>February<br/>9:15-11:00</p> <p>Asbjorn Eide Seminar<br/>Room, NCHR,<br/>Cort Adlersgt. 30</p> <p>Instructor: Maria<br/>Lundberg (NCHR)</p> | <p><b>Minority and indigenous peoples' rights:</b><br/>Culture and language rights</p> <p><u>Required reading:</u><br/><i>Main case: (Human Rights Committee): Ballentyne, Davidson and McIntyre v. Canada, UN Doc. CCPR/C/47/D/359/1989 (1993)</i></p> <ul style="list-style-type: none"><li>- Article 19 and 27 ICCPR</li><li>- Article 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN, 1992)</li><li>- European Charter for Regional or Minority Languages</li></ul>  |



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|   | <p>(Council of Europe, 1992)<br/>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, <i>Linguistic Identity and Language Rights</i>, pp. 253-323(71pp).</li></ul> <p><u>Recommended reading:</u><br/>In <i>Language Rights and Political Theory</i>:</p> <ul style="list-style-type: none"><li>• Patten, Alan and Kymlika, Will: <i>Introduction: Language Rights and Political Theory: Context, Issues and Approaches</i>, pp.1-51 (51pp)</li><li>• Réaume, Denise G.: <i>Beyond Personality: The Territorial and Personal Principles of Language Policy Reconsidered.</i>, pp. 271-295 (25pp)</li></ul> <p><i>Additional cases:</i><br/>Human Rights Committee:</p> <ul style="list-style-type: none"><li>• <i>Ignatane v. Latvia</i>, 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>• <i>Podkolzina v. Latvia</i>, (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> |
| <p><b><u>LECTURE 8</u></b></p> <p><i>Tuesday 1 March</i><br/><b>9:15-12:00</b></p> <p><i>Asbjorn Eide Seminar Room, NCHR, Cort Adlersgt. 30</i></p> <p><i>Instructor: Maria Lundberg (NCHR) and</i></p> | <p><b>Minority and indigenous peoples' rights: Case study China</b></p> <p><i>The Principle of Free, Prior and Informed Consent and Natural resource exploitation</i></p> <ul style="list-style-type: none"><li>- Article 1 and 27 ICCPR</li><li>- Articles 3, 4, 20 and 32 of the Declaration on the Rights of Indigenous Peoples (UN, 2007)</li></ul>   |





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| <p><i>Guest lecturer</i><br/><i>Iselin Frydenlund,</i><br/><i>Norwegian School of</i><br/><i>Theology, Oslo</i></p>   | <p><i>Required reading:</i></p> <p>Lundberg, Maria &amp; 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>Guest lecture:</i><br/><i>09:15-10:00</i></p> <p><i>Iselin Frydenlund,</i><br/><i>post.doc, Norwegian</i><br/><i>School of Theology,</i><br/><i>Oslo</i></p>  | <p>New laws on religion in Myanmar – discrimination against women and religious minorities?</p>  |
| <p><b><u>LECTURE 9</u></b></p> <p><i>Wednesday 2 March</i><br/><i>10:15 – 12:00</i></p> <p><i>Asbjorn Eide Seminar</i><br/><i>Room, NCHR,</i><br/><i>Cort Adlersgt. 30</i></p> <p><i>Instructors: Maria</i><br/><i>Lundberg and Ingvill</i><br/><i>Plesner (NCHR)</i></p> | <p><b>Student presentation of core positions in theory related to the leading cases (presentations tbc on 16 March)</b></p> <p><i>Required reading:</i></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> |
| <p><b><u>LECTURE 10</u></b></p> <p><i>Wednesday 16 March</i><br/><i>9:15-12:00</i></p> <p><i>DA Auditorium 5,</i><br/><i>Faculty of Law</i></p>   | <p><b>Human rights and diversity – core dilemmas:</b><br/><b>Summary/overview and discussion</b></p> <p>Student presentations of Kymlicka and Okin related to cases</p> <p>Summary/overview of leading cases</p>   |



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| <p><i>Maria Lundberg (NCHR) &amp; Ingvill Plesner (NCHR)</i></p> | <p>Discussion of core dilemmas:</p> <ul style="list-style-type: none"><li>• Legal and ethical dilemmas in dealing with conflict between individual and collective rights</li><li>• Legal and ethical dilemmas in dealing with conflict between the legitimate interests of minorities and the majority</li></ul> <p><i>Recommended reading:</i><br/>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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