

HUMR5508 – SPRING 2019 SYLLABUS

REQUIRED READINGS:

Banda, Fareda and Christine Chinkin, "Gender, Minorities and Indigenous Peoples", *Minority Rights Group International*, 2004. Pp.4-28 (25pp) <http://www.mafhoum.com/press7/207S27.pdf>

Bielefeldt, Heiner, "Part. 3 Vulnerable groups. 3.5.Minorities" in: Heiner Bielefeldt, Nazila Ghanea, Michael Wiener, *Freedom of Religion or Belief: An International Law Commentary*, Oxford: Oxford University Press, 2016, pp. 439-465 (27pp)

<http://opil.ouplaw.com/view/10.1093/law/9780198703983.001.0001/law-9780198703983>

Dunbar Ortiz, Roxanne, et.al. *Indigenous Peoples' Rights in International Law. Emergence and Application. A book in honour of Asbjørn Eide at eighty*, Kautokeino & Copenhagen: Galdu & IWGIA 2015:

- Ndahinda, Felix Mukwiza, "The Future of Indigenous Rights in Africa: Debating Inclusiveness and Empowerment of Collective Identities", pp. 370-391 (22pp)
- Zhou, Yong, "The Chinese Dilemma: Institutionalizing Peoples' Rights in the Nation-Party-State Building Process", pp. 420-445 (26pp)

Gunn, Jeremy T. "Religious Symbols in Public Schools: The Islamic Headscarf and the European Court of Human Rights Decision in *Sahin v. Turkey*" in Durham Cole W., Jr. Rik Torfs, David M. Kirkham and Christine Scott (eds), *Islam, Europe and Emerging Legal Issues*, Farnham, England: Ashgate 2011, pp. 111-145, (35pp)

Eide, Asbjørn, Jakob H Möller and Ineta Ziemele (eds.) *Making Peoples Heard. Essays in Honour of Gudmundur Alfredsson*, Leiden: Brill Academic Publishers, 2011

- Hofmann, Rainer and Juri Alistair Gauthier "Indigenous Peoples and the Right to Development", pp. 439-461(23pp)
- Daes, Erica Irene A. Daez, "Principal Problems Regarding Indigenous Land Rights and Recent Endeavours to Resolve Them, pp. 463-484(22pp)
- Lundberg, Maria and Yong Zhou "Article 17 of China's Regional National Autonomy Law: Its Implementation and Application", pp. 609-626(18pp)

Foblets, Marie-Claire, Alidadi, Katayoun, Nielsen, Jørgen S. and Yanasmayan, Zeynep (eds), *Belief, Law and Politics: What Future for a Secular Europe?*, Farnham, England: Ashgate 2014

- Bielefeldt, Heiner, "Freedom of Religion or Belief: Anachronistic in Europe?", Ch.3, pp. 55-65 (11pp)
- Eva Brems, Saila Ouald Chaib and Lourdes Peroni, "Improving Justice in the 'Burqa Ban' debates: Group Vulnerability And Procedural Justice", Ch.29, pp.265-273(9pp)

Francioni, Francesco and Martin Scheinin, *Cultural Human Rights*, Leiden: Koninklijke Brill Academic Publishers, 2008. Fulltext: <http://booksandjournals.brillonline.com/content/books/9789047431732>

- Åhren, Matthias, "Protecting People's Cultural Rights: A Question of Properly Understanding the Notion of States and Nations?", pp. 91-118(28pp)
- Mancini, Susanna and Bruno de Witte, "Language Rights As Cultural Rights: A European Perspective", pp. 247-284(38pp)

Ghanea, Nazila and Alexandra Xanthaki (eds.), *Minorities, Peoples and Self-Determination. Essays in Honour of Patrick Thornberry*, Leiden: Brill Academic Publishers, 2005:

- Scheinin, Martin "What are Indigenous Peoples?", pp. 3-13(11pp)
- Daes, Erica-Irene A., "Indigenous Peoples' Rights to Land and Natural Resources", pp. 75-91(17pp)

Hill, Mark, "Religious Symbolism and Conscientious Objection in the Workplace: An Evaluation of Strasbourg's Judgment in *Eweida and others v United Kingdom*", *Ecclesiastical Law Journal*, Volume 15, Issue 02, pp 191-203 (13pp)

Lindholm, Tore "Freedom of Religion or Belief as a Human Right", in Mikalsen, Kjartan Koch, Erling Skjei and Audun Øfsti (eds.) *Modernity-Unity in Diversity? Essays in Honour of Helge Høibraaten*, Oslo: Novus Press, 2016: pp. 237-257(21pp)

Lundberg, Maria and Yong Zhou "Hunting-Prohibition in the Hunters Autonomous Area: Legal Rights of the Oroqen People and the Implementation of the Regional National Autonomy Law", *International Journal on Minority and Group Rights*, Vol. 16, No. 3, 2009, pp. 349-397(49pp)
<http://booksandjournals.brillonline.com/content/journals/10.1163/138819009x12474964197638>

Milanovic, Marko "Sejdic & Finci V. Bosnia And Herzegovina. App.Nos.27996/06&34836/06", *The American Journal of International Law*, Vol. 104, No. 4 (October 2010), pp. 636-641 (6pp)
<https://www.cambridge.org/core/journals/american-journal-of-international-law/article/sejdic-finci-v-bosnia-and-herzegovina/E23CF13D5E961276C3E44D91E223261F>

Shachar Ayelet, "Religion, State, and the Problem of Gender: New Modes of Citizenship and Governance in Diverse Societies", (2005) 50 *McGill L.J.* 49(40pp)
http://lawjournal.mcgill.ca/userfiles/other/410530-1225240850_Shachar.pdf

Weller, Marc (ed.), *Universal Minority Rights. A Commentary on the Jurisprudence of International Courts and Treaty Bodies*, Oxford: Oxford University Press, 2007:

- Hannikainen, Lauri, "Legal Nature of Minority Rights as Part of Human Rights, Limitations, Derogations and Interpretative Statements", pp. 27-48 (22pp).
- Hannum, Hurst, "The Concept and Definition of Minorities", pp. 49-73 (25pp).
- De Varennes, Fernand, "Linguistic Identity and Language Rights", pp. 253-323(71pp).
- Weller, Marc, "Effective Participation of Minorities in Public Life", pp. 477-516(40pp).

Xanthaki Alexandra (2016) "Against integration, for human rights" *The International Journal of Human Rights*, 20:6, pp. 815-838 (25pp)

TOT:624pp

BASIC TEXTS IN SOCIAL AND POLITICAL THEORY

Kymlicka, Will, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Oxford University Press, 1995.

Okin, Susan: "Introduction" in Cohen, Joshua and Mathew Howard (eds) *Is Multiculturalism Bad for Women?* Princeton University Press, 1999.

Patten, Alan and Kymlika, Will, "Introduction: Language Rights and Political Theory: Context, Issues and Approaches", in *Language Rights and Political Theory*, Will Kymlika and Alan Patten (eds.), Oxford: Oxford University Press, 2003, pp.1-51

CASES AND VIEWS:

Part I: Main cases - Freedom of Religion and Belief

(European Court of Human Rights): *Metropolitan Church of Bessarabia and Others v. Moldova* (Appl. No. 45701/99) Judgment 13 December 2001.

(European Court of Human Rights): *Leyla Pahnin v. Turkey*, (Appl. No. 44774/98) Grand Chamber Judgment 10 November 2005.

(European Court of Human Rights): *Lautsi and Others V. Italy* (Application no. 30814/06) Grand Chamber Judgment 18 March 2011

(European Court of Human Rights): *S.A.S. v. FRANCE*(Application no. 43835/11)Grand Chamber Judgment, 1 July 2014

(*European Court of Human Rights*): *Eweida and others v. The United Kingdom* (Appl. No. 48420/10, No. 59842/10, No. 51671/10 and No. 36516/10), Judgment 15 January 2013

Part II: Main cases – Minority and Indigenous People's Rights

(Human Rights Committee): *Lovelace v. Canada*, UN Doc. ICCPR/C/13/D/24,1977 (1981)

(Human Rights Committee): *Chief Bernard Ominayak and the Lubicon Lake Band v. Canada*, UN Doc. ICCPR/C/38/D/167/1984 (1990)

(Human Rights Committee): *Ballentyne, Davidson and McIntyre v. Canada*, UN Doc. CCPR/C/47/D/359/1989 (1993)

(Human Rights Committee): *Ángela Poma Poma v. Peru*, UN Doc. CCPR/C/95/D/1457/2006(2009)

(Inter-American Court of Human Rights): *Case of the Saramaka People v. Suriname*, Judgment of November 28, 2007

(European Court of Human Rights): Sejdić and Finci V. Bosnia And Herzegovina (Applications nos. 27996/06 and 34836/06) Judgment 22 December 2009

RECOMMENDED READINGS:

Bielefeldt, Heiner, Ghanea, Nazila and Michael Wiener, "The Underlying Principles of Freedom of Religion or Belief. Towards a Holistic Conception" in: Heiner Bielefeldt, Nazila Ghanea, Michael Wiener, *Freedom of Religion or Belief: An International Law Commentary*, pp. 1-40 (41pp)
<http://opil.ouplaw.com/view/10.1093/law/9780198703983.001.0001/law-9780198703983>

"Bosnia and Herzegovina: Ensuring the political participation of minorities", Minority Rights Group International, Law and legal cases, <https://minorityrights.org/law-and-legal-cases/finci-v-bosnia-and-herzegovina/>

Durham Cole W., Jr. Rik Torfs, David M. Kirkham and Christine Scott (eds), *Islam, Europe and Emerging Legal Issues*, Farnham, England: Ashgate 2011

- Plesner, Ingvi T, "The European Court on Human Rights Between Fundamentalist and Liberal Secularism", pp. 63-74(12pp)
- Scheinin, Martin, "International Human Rights Law and the Islamic Headscarf: A Short Note on the Position of the European Court of Human Rights and the Human Rights Committee" pp. 83-86 (4pp)

Kymlika, Will and Alan Patten (eds.), *Language Rights and Political Theory*, Oxford: Oxford University Press, 2003,

- Laitin, David D and Rob Reich, " A Liberal Democratic Approach to Language Justice", pp.80-104 (24pp).
- Réaume, Denise G., "Beyond Personality: The Territorial and Personal Principles of Language Policy Reconsidered", pp. 271-295 (25pp)
- Rubin Marin, Ruth, "Language Rights: Exploring the Competing Rationales", pp.52-79(27pp).

Lindholm, Tore, Durham, W. Cole Jr. and Tahzib-Lie, Bahia G (eds) , *Facilitating Freedom of Religion or Belief A Deskbook*, "Introduction" pp. xxxvii –xxxix; 220, 311-314, 363-365, 373-375, 385 (15p)

Patten, Alan, "The rights of internal linguistic minorities", in *Minorities within Minorities. Equality, Rights and Diversity*, Avigail Eisenberg and Jeff Spinner-Halev (eds.), Cambridge: Cambridge University Press, 2005, pp. 135-154.(20pp)