



**University Code:** JUS 5710 (JUR1710)

**Semester:** Autumn 2012

**Instructors:** Maria Lundberg, Cecilia, Bailliet, Odd Isungset, Lars Løvold,

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<p><b><u>LECTURE 1</u></b></p> <p><i>Thursday 30 August 10:15-12:00 Domus Academica, Auditorium 6</i></p> <p><i>Instructor: Maria Lundberg (NCHR)</i></p>	<p><b>An introduction to international human rights: Origins The International Bill of Human Rights</b></p> <p><i>Required reading:</i></p> <ul style="list-style-type: none"><li>- Smith, pp. 1-25, 37-51, 181-194</li><li>- (JUS5710)Burgenthal (4th ed.), pp. 1-28</li></ul> <p><i>Selected documents:</i></p> <ul style="list-style-type: none"><li>-GA (General Assembly) Resolution 217 (III), see General Assembly Resolutions, <a href="http://www.un.org/documents/resga.htm">http://www.un.org/documents/resga.htm</a></li><li>-The International Bill of Rights, see <a href="http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx">http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx</a></li></ul> <ul style="list-style-type: none"><li>• The Universal Declaration of Human Rights (UDHR)</li><li>• The International Covenant on Economic Social and Cultural Rights (ICESCR)</li><li>• The International Covenant on Civil and Political Rights (ICCPR)</li></ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"><li>- Alfredsson, G. and A. Eide, eds., <i>The Universal Declaration of Human Rights</i>, The Hague, Cambridge, MA., Dordrecht: Kluwer Law International, 1999: Åshild Samnøy, “The Origins of the Universal..”, pp. 3-25 and Asbjørn Eide, “The Non-Inclusion of Minority Rights: Resolution 217C (III)”, pp. 701-723</li><li>- Burgenthal, <i>Public International Law</i>, 4th ed. Chapters 2 and 6: pp. 18-34, 133-144</li></ul>
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<p><b><u>LECTURE 2</u></b></p> <p><i>Thursday 13 September</i> <i>10:15 – 12:00</i> <i>Domus Academica</i> <i>Auditorium 6</i></p> <p><i>Instructor: Maria</i> <i>Lundberg (NCHR))</i></p>	<p><b>The United Nations and Charter-based Procedures</b></p> <p><i>Required reading:</i></p> <ul style="list-style-type: none"><li>- Smith, pp. 26-36, 52-67, 157-162, 285-300 self-determination</li><li>- (JUS5710) Economic, Social and Cultural Rights, pp. 111-118</li></ul> <p><i>Selected documents:</i></p> <ul style="list-style-type: none"><li>- Charter of the United Nations <a href="http://www.un.org/en/documents/charter/">http://www.un.org/en/documents/charter/</a></li><li>- GA Resolution 48/141 High Commissioner for the promotion and protection of all human rights. For the resolutions adopted by the GA, see <a href="http://www.un.org/documents/resga.htm">http://www.un.org/documents/resga.htm</a></li><li>- GA Resolution 60/251 Human Rights Council, on the HR Council see <a href="http://www2.ohchr.org/english/bodies/hrcouncil/">http://www2.ohchr.org/english/bodies/hrcouncil/</a></li><li>- GA (General Assembly) Resolution A/RES/48/134, National institutions for the protection and promotion of human rights <a href="http://www.un.org/documents/ga/res/48/a48r134.htm">http://www.un.org/documents/ga/res/48/a48r134.htm</a></li><li>- GA Resolution A/RES/53/144, Declaration on the Rights and Responsibilities of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (“Human Rights Defenders”) <a href="http://www2.ohchr.org/english/issues/defenders/translation.htm">http://www2.ohchr.org/english/issues/defenders/translation.htm</a></li></ul> <p><i>Selected documents on the right to self-determination:</i></p> <ul style="list-style-type: none"><li>- GA resolution 1514 (XV) of 14 December 1960, Declaration on the Granting of Independence to Colonial Countries and Peoples</li><li>- <a href="http://www2.ohchr.org/english/law/independence.htm">http://www2.ohchr.org/english/law/independence.htm</a></li><li>- General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources"</li><li>- <a href="http://www2.ohchr.org/english/law/resources.htm">http://www2.ohchr.org/english/law/resources.htm</a></li><li>- CCPR General Comment 12: <i>The right to self-determination of peoples</i>, UN Doc CCPR/C/21/Rev.1, <a href="http://www.unhcr.ch/tbs/doc.nsf/0/f3c99406d528f37fc12563ed004960b4?Opendocument">http://www.unhcr.ch/tbs/doc.nsf/0/f3c99406d528f37fc12563ed004960b4?Opendocument</a></li><li>- GA Resolution Declaration on the Rights of Indigenous Peoples (2007) (see in particular Articles 3 and 4)</li><li>- <a href="http://www2.ohchr.org/english/issues/indigenous/declaration.htm">http://www2.ohchr.org/english/issues/indigenous/declaration.htm</a></li></ul> <p><i>Recommended reading:</i></p> <p>Security Council on Libya, SC Res 1970(2011) of 26 February 2011, <a href="http://www.un.org/documents/scres.htm">http://www.un.org/documents/scres.htm</a></p>
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	<p>Security Council Fails to Adopt Draft Resolution on Syria, <a href="http://www.un.org/News/Press/docs/2012/sc10536.doc.htm">http://www.un.org/News/Press/docs/2012/sc10536.doc.htm</a></p> <p>Security Council authorizes UN observer mission in Syria, Ban welcomes decision, <a href="http://www.un.org/apps/news/story.asp?NewsID=41835&amp;Cr=Syria&amp;Cr1=Security">http://www.un.org/apps/news/story.asp?NewsID=41835&amp;Cr=Syria&amp;Cr1=Security</a></p> <p>Security Council Resolution 2043(2012) of 21 April 2012 on observer mission in Syria, S/RES/2043(2012) <a href="http://www.un.org/documents/scres.htm">http://www.un.org/documents/scres.htm</a></p> <p>Security Council blames Syria for shelling Houla, <a href="http://www.cbsnews.com/8301-202_162-57442333/security-council-blames-syria-for-shelling-houla/">http://www.cbsnews.com/8301-202_162-57442333/security-council-blames-syria-for-shelling-houla/</a></p> <p>UN mission chief to brief Security Council on Syria crisis. <a href="http://www.independent.co.uk/news/world/middle-east/un-mission-chief-to-brief-security-council-on-syria-crisis-7865398.html">http://www.independent.co.uk/news/world/middle-east/un-mission-chief-to-brief-security-council-on-syria-crisis-7865398.html</a></p> <ul style="list-style-type: none"><li>• Read about UN human rights activities, the Office of the High Commissioner for Human Rights (OHCHR) at <a href="http://www.ohchr.org">www.ohchr.org</a></li><li>• Special rapporteurs <a href="http://www.ohchr.org/EN/Issues/Pages/ListofIssues.aspx">http://www.ohchr.org/EN/Issues/Pages/ListofIssues.aspx</a></li><li>• OHCHR NGO Handbook: <a href="http://www.ohchr.org">www.ohchr.org</a></li><li>• Special rapporteurs <a href="http://www.ohchr.org/EN/Issues/Pages/ListofIssues.aspx">http://www.ohchr.org/EN/Issues/Pages/ListofIssues.aspx</a></li></ul>
<p><b><u>LECTURE 3</u></b></p> <p><i>Thursday 20 September, 10:15 – 12::00, Domus Academica, Auditorium 6</i></p> <p><i>Instructor: Maria Lundberg (NCHR) and Lars Løvold (director of Rainforest Foundation Norway)</i></p>	<p><b>The United Nations and Human Rights: Minority Rights and the Rights of Indigenous Peoples and the Environment The Rights of Indigenous Peoples and Climate Change</b></p> <p><i>Required reading:</i></p> <ul style="list-style-type: none"><li>- Smith, pp. 343-348, 360-366</li><li>- Burgenthal (4<sup>th</sup> ed.) pp. 481-499</li><li>-(JUS5710) <i>Economic, Social and Cultural Rights</i>, pp. 373-388</li></ul> <p><i>Selected documents:</i></p> <ul style="list-style-type: none"><li>-Article 27 of the International Covenant on Civil and Political Rights</li></ul>



	<p>(ICCPR)</p> <ul style="list-style-type: none"><li>- Article 15 of the International Covenant on Economic Social and Cultural Rights (ICESCR)</li><li>- Article 24 of the African Charter on Human and Peoples' Rights (African Charter)</li><li>- ILO (C169) Indigenous and Tribal Peoples Convention (1989) <a href="http://www2.ohchr.org/english/law/indigenous.htm">http://www2.ohchr.org/english/law/indigenous.htm</a></li><li>- GA Resolution 47/135 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) <a href="http://www2.ohchr.org/english/law/minorities.htm">http://www2.ohchr.org/english/law/minorities.htm</a></li><li>- GA Resolution Declaration on the Rights of Indigenous Peoples (2007) <a href="http://www2.ohchr.org/english/issues/indigenous/declaration.htm">http://www2.ohchr.org/english/issues/indigenous/declaration.htm</a></li><li>- CCPR General Comment 23: <i>The rights of minorities (Article 27)</i>, UN Doc. CCPR/C/21/Rev.1/Add.5</li></ul> <p>For General Comments by the Human Rights Committee, see <a href="http://www2.ohchr.org/english/bodies/hrc/comments.htm">http://www2.ohchr.org/english/bodies/hrc/comments.htm</a></p> <ul style="list-style-type: none"><li>-Committee on Economic, Social and Cultural Rights, General Comment 21:<i>The right of everyone to take part in cultural life (art. 15, para. 1 (a))</i></li></ul> <p>For General Comments by the Committee on Economic, Social and Cultural Rights see <a href="http://www2.ohchr.org/english/bodies/cescr/comments.htm">http://www2.ohchr.org/english/bodies/cescr/comments.htm</a></p> <ul style="list-style-type: none"><li>-CERD General Recommendation 8: Interpretation and application of article 1(1) and (4) (identification with a particular racial or ethnic group)</li><li>-CERD General Recommendation 23: The Rights of Indigenous Peoples (1997)</li><li>-Special rapporteur on the rights of indigenous peoples <a href="http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIPeoplesIndex.aspx">http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIPeoplesIndex.aspx</a></li></ul> <p>- Applying a human rights based approach to climate change <a href="http://www.ohchr.org/Documents/Issues/ClimateChange/InfoNoteHRBA.pdf">http://www.ohchr.org/Documents/Issues/ClimateChange/InfoNoteHRBA.pdf</a></p> <p>-Human Rights and Climate Change, Human Rights Council Resolution 7/23, 28 March 2008 <a href="http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_23.pdf">http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_23.pdf</a></p> <p><i>Cases:</i></p> <ul style="list-style-type: none"><li>(Human Rights Committee) Lovelace v. Canada, UN Doc. ICCPR/C/13/D/24,1977 (1981)</li><li>(Human Rights Committee): Kitok v. Sweden, UN Doc. ICCPR/C/33/D/197/1985 (1988)</li></ul> <p><i>Recommended reading:</i></p> <ul style="list-style-type: none"><li>- South-East Asia / Agrofuel: UN rights experts raise alarm on land development mega-projects <a href="http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12184&amp;LangID=E">http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12184&amp;LangID=E</a></li></ul>
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	<p>- Asbjørn Eide, “Rights of Indigenous Peoples – Achievements in International Law During the Last Quarter of a Century”, <i>Netherlands Yearbook of International Law</i>, Vol. XXXVII (2006), pp.155-212.</p> <p>- Steiner, <i>et.al.</i>, <i>International Human Rights in Context</i>, 3<sup>rd</sup> ed., pp. 669-843, 1433-1462</p> <p><b>Read about the Rainforest Foundation Norway and their work</b></p> <p>- <i>Rainforest Foundation Norway</i></p> <p><a href="http://www.regnskog.no/Languages/English">http://www.regnskog.no/Languages/English</a></p>
<p><b><u>LECTURE 4</u></b></p> <p><i>Thursday 27 September</i> <i>10:15 – 12:00</i> <i>Domus Academica,</i> <i>Auditorium 6</i></p> <p><i>Instructor: Maria</i> <i>Lundberg (NCHR)</i></p>	<p><b>The United Nations and the Treaty-based system</b></p> <p><b>Required reading:</b></p> <p>-Smith, pp. 67-85, 153-157, 371-376</p> <p>-Economic, Social and Cultural Rights, pp. 9-28 (28-54)</p> <p>-Burgenthal (4<sup>th</sup> ed.) pp. 77-116</p> <p><b>Selected documents:</b></p> <p>-The International Bill of Rights, see <a href="http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx">http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx</a></p> <ul style="list-style-type: none"><li>• The International Covenant on Economic Social and Cultural Rights (ICESCR)</li><li>• The International Covenant on Civil and Political Rights (ICCPR)</li><li>• Optional Protocol to the International Covenant on Civil and Political Rights International</li></ul> <p>- GA resolution A/RES/63/117 , 10 December 2008, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, see <a href="http://www2.ohchr.org/english/bodies/cescr/">http://www2.ohchr.org/english/bodies/cescr/</a></p> <p>CCPR General Comment 2: <i>Article 2 (Implementation at the national level)</i></p> <p>CCPR General Comment 20: <i>Replaces General 7 concerning prohibition of torture and cruel treatment or punishment (Article 7)</i>, UN Doc. CCPR/C/21/Rev.1/Add.3</p> <p>CCPR General Comment 31: <i>Nature of the General Legal Obligation Imposed on States Parties to the Covenant</i>, UN Doc. CCPR/C/21/Rev.1/Add.13</p> <p>CCPR General Comment 33: <i>The Obligations of States Parties under the Optional Protocol to the International Covenant on Civil and Political Rights</i>, UN Doc. CCPR/C/GC/33</p> <p>For General Comments by this committee, see <a href="http://www2.ohchr.org/english/bodies/hrc/comments.htm">http://www2.ohchr.org/english/bodies/hrc/comments.htm</a></p> <p>- CESCR General Comment 3: <i>The nature of States parties obligations (Article 2(I))</i>,</p>



	<p>-CESCR General Comment 9: <i>The domestic application of the covenant</i>, - CESCR General Comment 20: <i>Non-Discrimination in Economic, Social and Cultural Rights (Art. 2 (2))</i> For General Comments by the Committee on Economic, Social and Cultural Rights, see <a href="http://www2.ohchr.org/english/bodies/cescr/comments.htm">http://www2.ohchr.org/english/bodies/cescr/comments.htm</a></p> <p><b>Cases:</b> (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), Ng v Canada, UN Doc. CCPR/C/49/469/1991(1994)</p> <p><b>Recommended reading:</b> - Steiner, <i>et.al.</i>, <i>International Human Rights in Context</i>, 3<sup>rd</sup> ed., pp. 844-924</p>
<p><b><u>LECTURE 5</u></b></p> <p><b><u>LECTURE STARTS AT 10:00!</u></b> <i>Thursday 11 October</i> <b>10:00 – 12:00</b> <i>Domus Academica,</i> <i>Auditorium 6</i></p> <p><i>Instructor: Maria Lundberg (NCHR) and Stian Øby Johansen</i></p>	<p><b>Regional systems: Europe</b></p> <p>Stian Øby Johansen will address <i>EU accession to the ECHR</i> starting at 10.00 <i>Reading:</i> Report of the Committee of Experts on the elaboration of legal instruments for the accession of the EU to the ECHR, CDDH(2011)009 <a href="http://www.coe.int/t/dghl/standardsetting/hrpolicy/CDDH-UE/CDDH-UE_MeetingReports/CDDH_2011_009_en.pdf">http://www.coe.int/t/dghl/standardsetting/hrpolicy/CDDH-UE/CDDH-UE_MeetingReports/CDDH_2011_009_en.pdf</a></p> <p><i>Required reading:</i> Smith, pp. 86-118</p> <p><i>Selected documents:</i> The European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols 11 and 14 (see web page) Framework Convention for the Protection of National Minorities, for the text and other information see <a href="http://www.coe.int/t/dghl/monitoring/minorities/default_en.asp">http://www.coe.int/t/dghl/monitoring/minorities/default_en.asp</a> Mandate of the CSCE High Commissioner on National Minorities (HCNM) (see web page)</p> <p>Charter of Fundamental Rights of the European Union 2000/C 364/01 (see web page)</p>



	<p><a href="http://www.europarl.europa.eu/charter/pdf/text_en.pdf">http://www.europarl.europa.eu/charter/pdf/text_en.pdf</a></p> <p>Treaty on European Union article 6(2), as amended by the Lisbon Treaty ([2007] OJ C306/1, in force December 1, 2009)</p> <p>Report of the Committee of Experts on the elaboration of legal instruments for the accession of the EU to the ECHR, CDDH(2011)009 <a href="http://www.coe.int/t/dghl/standardsetting/hrpolicy/CDDH-UE/CDDH-UE_MeetingReports/CDDH_2011_009_en.pdf">http://www.coe.int/t/dghl/standardsetting/hrpolicy/CDDH-UE/CDDH-UE_MeetingReports/CDDH_2011_009_en.pdf</a></p> <p><i>Cases:</i> European Court of Human Rights: Handyside v. the UK, (<i>Application no. 5493/72</i>), Judgment 7 December 1976. Ireland v. the UK, Ser. A, No. 25 (1978) Sejdic and Finci v. Bosnia and Herzegovina (<i>Applications nos. 27996/06 and 34836/06</i>), Judgment 22 December 2009. European Court of Justice: Case C-159/90 Society for the Protection of the Unborn Child v. Grogan</p> <p><i>Recommended reading:</i> Burgenthal (4<sup>th</sup> ed), pp. 160-255 EU to continue accession <a href="http://www.neurope.eu/article/eu-continue-accession-echr">http://www.neurope.eu/article/eu-continue-accession-echr</a></p> <p>EU accession to the ECHR <a href="http://www.coe.int/what-we-do/human-rights/eu-accession-to-the-convention">http://www.coe.int/what-we-do/human-rights/eu-accession-to-the-convention</a></p>
<p><b><u>LECTURE 6</u></b></p> <p><i>Thursday 18 October 09:15 – 12:00 Domus Academica, Auditorium 6</i></p> <p><i>Instructor: Maria Lundberg (NCHR)</i></p>	<p><b>Case study on Norway: Freedom of expression and its regulation - From Rushdie to Mohammed</b></p> <p><b><i>Required reading:</i></b> Smith, pp. 301-313</p> <p><b><i>Selected documents:</i></b> -General Comment- CCPR General Comment 34: Article 19: Freedom of opinion and expression, UN Doc. CCPR/C/GC/34. - -General Comment- CCPR General Comment 24: Issues relating to</p>



	<p>reservations made upon ratification or accession to the Covenant or ..., UN Doc. CCPR/C/21/Rev.1/Add.6</p> <p>-General Comment- CCPR General Comment 29: States of Emergency (Article 4), UN Doc. CCPR/C/21/Rev.1/Add.11</p> <p>The Media Self-Regulation Guidebook, Office of the Representative on Freedom of the Media, OSCE, Vienna, 2008. <a href="http://www.osce.org/fom/31497">http://www.osce.org/fom/31497</a></p> <p>CODE OF ETHICS OF THE NORWEGIAN PRESS, Ethical Code of Practice for the Press (printed press, radio, television and net publications). Adopted by the Norwegian Press Association November 23th, 2007, <a href="http://presse.no/Saker/CODE-OF-ETHICS-OF-THE-NORWEGIAN-PRESS">http://presse.no/Saker/CODE-OF-ETHICS-OF-THE-NORWEGIAN-PRESS</a></p> <p>Rights and Duties of the Editor <a href="http://presse.no/Saker/RIGHTS-AND-DUTIES-OF-THE-EDITOR">http://presse.no/Saker/RIGHTS-AND-DUTIES-OF-THE-EDITOR</a> The Alliance of Independent Press Councils of Europe (AIPCE). <a href="http://www.aipce.net/">http://www.aipce.net/</a></p> <p><b>Cases:</b> (European Court of Human Rights) Handyside v. the UK, (Application no. 5493/72), Judgment, 7 December 1976.</p> <p><b>Recommended reading:</b> Smith, pp. 291-303 -Report of the Special Rapporteur on the promotion and the protection of the right to freedom of opinion and expression, Frank La Rue <a href="http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/132/01/PDF/G1113201.pdf?OpenElement">http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/132/01/PDF/G1113201.pdf?OpenElement</a> - McGonagle, Tarlach, Minority Rights, Freedom of Expression and of the Media: Dynamics and Dilemmas, Cambridge-Antwerp-Portland, Intersentia, 2011.</p>
<p><b><u>LECTURE 7</u></b></p> <p><i>Friday 19 October</i> <i>14:15 – 16:00</i> <i>Domus Academica,</i> <i>Auditorium 6</i></p> <p><i>Instructor: Maria Lundberg (NCHR)</i></p>	<p><b>Freedom from Torture, cruel, inhuman and degrading treatment or punishment</b></p> <p><b>Required reading:</b> Smith, pp. 233-247 Burgenthal (4<sup>th</sup> ed), pp. 399-411 (int. criminal tribunals)</p> <p><b>Selected documents:</b></p>





	<p>-<i>Convention against Torture and Other cruel, Inhuman or degrading Treatment or Punishment</i></p> <p>-<i>Optional protocol to the Convention against Torture and Other cruel, Inhuman or degrading Treatment or Punishment</i></p> <p>- CCPR General Comment 20: <i>Replaces General 7 concerning prohibition of torture and cruel treatment or punishment (Article 7)</i>, UN Doc. CCPR/C/21/Rev.1/Add.3</p> <p>- CAT General Comment 1: <i>Implementation of Article 3 of the Convention I the context of article 22</i>, UN Doc. A/53/44, annex IX</p> <p><b>Cases:</b></p> <p>(European Court of Human Rights): <i>Soering v. the UK</i>, Ser. A, No. 161 (1989)</p> <p>(European Court of Human Rights): <i>Kurt v. Turkey</i>, Vol. 1998-III, No. 74 (1998)</p> <p>(European Court of Human Rights): <i>Selmouni v. France</i> (Appl. 25803/94), Judgment 28 July 1999.</p> <p>(Human Rights Committee), <i>Ng v Canada</i>, UN Doc. CCPR/C/49/469/1991(1994)</p> <p><b>Recommended:</b></p> <p>Nowak, Manfred, <i>U.N. Covenant on Civil and Political Rights. CCPR Commentary. 2<sup>nd</sup> revised edition</i>, Kehl, Germany : N.P.Engel Verlag, 2005, pp.157-192.</p> <p>Ovey, Claire and White, Robin, <i>Jacobs and White, The European Convention on Human Rights, Fourth Edition</i>, Oxford: Oxford University Press, 2006, pp.74-109.</p> <p>On the Convention Against Torture: Nowak, Manfred and McArthur, Elisabeth, <i>The United Nations Convention Against Torture. A Commentary</i>, Oxford: Oxford University Press, 2008.</p>
<p><b><u>LECTURE 8</u></b></p> <p><i>Thursday 25 October</i> <i>10:15 – 12:00</i> <i>Domus Academica,</i> <i>Auditorium 6</i></p> <p><i>Instructors: Cecilia</i> <i>Bailliet(PIL)</i></p>	<p><b>Regional systems: Africa and America</b></p> <p><b>Required reading:</b> Smith, pp. 119-152, 366-371,376-383</p> <p><b>Selected documents Africa:</b> AFRICAN UNION CONVENTION FOR THE PROTECTION AND ASSISTANCE OF INTERNALLY DISPLACED PERSONS IN AFRICA (KAMPALA CONVENTION) (See AU IDP Convention web page) African Charter on Human and Peoples' Rights (1981) (ACHPR) Protocol to the ACHPR on the establishment of an African Court on Human</p>



	<p>and Peoples' Rights (1998) (entered into force 2004)</p> <p><b>Selected documents America:</b> The American Convention on Human Rights "Pact of San José, Costa Rica" (1969), <a href="http://www.oas.org/juridico/english/treaties/b-32.html">http://www.oas.org/juridico/english/treaties/b-32.html</a> INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN "CONVENTION OF BELÉM DO PARÁ" <a href="http://www.cidh.oas.org/women/convention.htm">http://www.cidh.oas.org/women/convention.htm</a></p> <p><b>Cases:</b> <i>on women in the Inter-American Court of Human Rights</i> <i>See the Miguel Castro Castro</i> <i>case (in particular examining Judge Cancado Trindade's separate opinion):</i> <a href="http://www.lawschool.cornell.edu/womenandjustice/legalresources/Inter-American-Court-of-Human-Rights.cfm">http://www.lawschool.cornell.edu/womenandjustice/legalresources/Inter-American-Court-of-Human-Rights.cfm</a></p> <p><b>Recommended reading:</b> Burgethal (4<sup>th</sup> ed.), pp. 256-366 Ouguergouz, F., <i>The African Charter on Human and Peoples' Rights. A Comprehensive Agenda for Human Dignity and Sustainable Democracy in Africa</i>, The Hague: Kluwer Law International, 2003. Steiner, <i>et.al.</i>, <i>International Human Rights in Context</i>, 3<sup>rd</sup> ed., pp. 1020-1062</p>
<p><b>LECTURE  9</b></p> <p><i>Wednesday 31 October</i> <i>12:15 – 14:00</i> <i>Domus Academica,</i> <i>Auditorium 4</i></p> <p><i>Instructor: Maria</i> <i>Lundberg (NCHR)</i></p>	<p><b>Minority Rights of Indigenous Peoples</b> <b>Right to Development and Rights-based Development</b></p> <p><b>Required reading:</b> - <i>Smith</i>, pp. 348-358, <i>Economic, Social and Cultural Rights</i>, pp. 29- 54, 119-130</p> <p><b>Selected documents:</b></p> <ul style="list-style-type: none"><li>- ILO (C169) Indigenous and Tribal peoples Convention (1989) <a href="http://www2.ohchr.org/english/law/indigenous.htm">http://www2.ohchr.org/english/law/indigenous.htm</a></li><li>- GA Resolution Declaration on the Rights of Indigenous Peoples (2007) <a href="http://www2.ohchr.org/english/issues/indigenous/declaration.htm">http://www2.ohchr.org/english/issues/indigenous/declaration.htm</a></li><li>- CERD General Recommendation 23: The Rights of Indigenous Peoples (1997)</li><li>- CERD General Recommendation 27: Discrimination Against Roma (2000)</li></ul> <p>For General Recommendations by the Committee against Racial Discrimination For General Recommendations by the Committee against Racial</p>



	<p>Discrimination <a href="http://www2.ohchr.org/english/bodies/cerd/comments.htm">http://www2.ohchr.org/english/bodies/cerd/comments.htm</a> - GA resolution 41/128 of 4 December 1986, Declaration on the Right to development <a href="http://www2.ohchr.org/english/law/rtd.htm">http://www2.ohchr.org/english/law/rtd.htm</a> Text of the draft Nordic Sami Convention (English) <a href="http://www.regjeringen.no/upload/BLD/Nordic%20Sami%20Convention.pdf">http://www.regjeringen.no/upload/BLD/Nordic%20Sami%20Convention.pdf</a> <a href="http://www2.ohchr.org/english/bodies/cerd/comments.htm">http://www2.ohchr.org/english/bodies/cerd/comments.htm</a> -Independent Expert on Minority Issues: UN Expert urges Bulgaria to turn policy commitments into concrete action for Roma <a href="http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11222&amp;LangID=E">http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11222&amp;LangID=E</a></p> <p><i>Cases:</i> (Human Rights Committee) Ilmari Länsman et. al. v. Finland, UN Doc. CCPR/C/52/D/511/1992 (1994) Apirana Mahuika et al. v. New Zealand, UN Doc. CCPR/C/70/D/547/1993 (2000) (Human Rights Committee) Ángela Poma Poma v. Peru, UN Doc. CCPR/C/95/D/1457/2006(2009)</p> <p><b>Recommended reading:</b></p> <p>Steiner, <i>et.al.</i>, <i>International Human Rights in Context</i>, 3<sup>rd</sup> ed., pp. 1433-1462 “The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions”, Galdú Cála, <i>Journal of Indigenous Peoples Rights</i> No.3/2007</p>
<p><b><u>LECTURE 10</u></b></p> <p><i>Thursday 1 November 10:15 – 12:00 Domus Academica, Auditorium 6</i></p> <p><i>Instructors: Odd Isungset (journalist) and Maria Lundberg (NCHR)</i></p>	<p><b>The Right to Life</b></p> <p><b>Required reading:</b> -Smith, pp. 217-232 -Burgenthal (4th ed), pp. 374-398 (int. humanitarian.law) -(JUS5710)Economic, Social and Cultural Rights, pp. 407-421</p> <p><b>Selected documents:</b> CCPR General Comment 6: The right to life (Article 6), UN Doc. HRI/GEN/1/Rev.9 (Vol. I), p. 176. CCPR General Comment 14: Nuclear weapons and the right to life (Article 6), UN Doc. HRI/GEN/1/Rev.9 (Vol. I), p. 188. CCPR General Comment 29: States of Emergency (Article 4), UN Doc. CCPR/C/21/Rev.1/Add.11</p>



	<p>Convention on the Prevention and Punishment of the Crime of Genocide, UN 1948, <a href="http://www2.ohchr.org/english/law/genocide.htm">http://www2.ohchr.org/english/law/genocide.htm</a></p> <p>Protection of the human rights of civilians in armed conflict, HRC Resolution 9/9 (24 September 2008).</p> <p>Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) , 1977. <a href="http://www2.ohchr.org/english/law/protocol1.htm">http://www2.ohchr.org/english/law/protocol1.htm</a></p> <p>Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977. <a href="http://www2.ohchr.org/english/law/protocol2.htm">http://www2.ohchr.org/english/law/protocol2.htm</a></p> <p><b>Cases:</b> European Court of Human Rights: McCann and others v. The United Kingdom (17/1994/464/545) Judgment 5 September 1995 Osman v. The United Kingdom (87/1997/871/10183) Judgment 28 October 1998 Isayeva v. Russia (Appl. 57950/00) Judgment 24 February 2005</p> <p>Human Rights Committee: EHP v. Canada , Communication No. 67/1980, 2 Selected Decisions of the Human Rights Committee (1990), 20. Judge v. Canada, UN Doc. CCPR/C/78/D/829/1998 (13 August 2003)</p> <p><b>Recommended reading:</b> Nowak, Manfred, U.N. Covenant on Civil and Political Rights. CCPR Commentary. 2nd revised edition, N.P.Engel Verlag, Kehl, Germany, 2005, pp. 120-156. Ovey, Claire and White, Robin, Jacobs and White, The European Convention on Human Rights, Fourth Edition, Oxford: Oxford University Press, 2006, pp. 56-73. The rule of law and the prevention of genocide, <a href="http://www2.ohchr.org/english/issues/rule_of_law/prevgenocide.htm">http://www2.ohchr.org/english/issues/rule_of_law/prevgenocide.htm</a> International legal Protection of Human Rights in Armed Conflict, <a href="http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf">http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf</a></p>
<p><b>LECTURE 11</b> <i>Thursday 8 November</i></p>	<p><b>The limits to the system of human rights protection</b> <b>The right to self determination</b></p>



<p>10:15 – 12:00 <i>Domus Academica, Auditorium 6</i></p> <p><i>Instructor: Maria Lundberg (NCHR)</i></p>	<p>- Smith, pp. 162-180, 285-300 - (JUS5710) Nowak, M. “The Need for a World Court of Human Rights”, Human Rights Law Review, Vol. 7, Issue 1, pp. 251-259 - (JUS5710) Economic, Social and Cultural Rights, pp. 111-118 - (JUS5710) “Righting Historic Wrongs; The First session of the Human Rights Council; “Neither Mountain nor Molehill – Un Human Rights Council One Year On”; “Digging Foundations or Trenches – UN Human Rights Council Year 2”; “A Curate’s Egg. UN Human Rights Council: Year 3”, all reports by R. Brett. These reports can be found on <a href="http://www.quono.org">www.quono.org</a></p> <p><i>Selected documents on the right to self-determination: see lecture 2</i></p> <p>-</p> <p><b>Cases:</b> (Human Rights Committee) Chief Bernard Ominayak and the Lubicon Lake Band v. Canada, UN Doc. ICCPR/C/38/D/167/1984 (1990) <a href="http://www.unhchr.ch/tbs/doc.nsf/0/c316bb134879a76fc125696f0053d379?Opendocument">http://www.unhchr.ch/tbs/doc.nsf/0/c316bb134879a76fc125696f0053d379?Opendocument</a></p> <p>(International Court of Justice) Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276(1970), Advisory Opinion, I.C.J. Reports 1971, p.16 <a href="http://www.icj-cij.org/docket/files/53/5595.pdf">http://www.icj-cij.org/docket/files/53/5595.pdf</a></p>
<p><b><u>LECTURE 12(JUS5710)</u></b></p> <p><i>Tuesday 13 November 08:15 – 10:00 Domus Academica, Auditorium 6</i></p>	<p>Discussions on cases</p>
<p><b><u>LECTURE 13 (JUS5710)</u></b></p> <p><i>Thursday 15 November 10:15 – 12:00 Domus Academica, Auditorium 6</i></p>	<p>Discussions on cases</p>
	<ul style="list-style-type: none"> <li>• <i>Mock exam will be posted on the net.</i></li> <li>• <i>Mock exam shall be handed in 14 October 2012</i></li> </ul>



<b>“MOCK EXAM” - DISCUSSION</b>	<ul style="list-style-type: none"><li>• <i>Discussion of the mock exam in class</i></li></ul>
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### **OTHER READING**

#### **Relevant Documents from Reference Texts**

Students are responsible to have read and be familiar with all documents from the reference texts which are relevant to the subject of the lecture and to the corresponding pages of the reading list.

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**Lars Løvold** is Director of Rainforest Foundation Norway. As the organization’s Director since 1990, he has been instrumental in transforming Rainforest Foundation Norway from a fledgling initiative to a medium sized, broadly respected professional organization which plays a leading role within rainforest protection and support to indigenous peoples on the European continent. Løvold’s academic background is a Social Anthropologist from the University of Oslo with long term field work (1980 and 1981) among the Gavião and Zoró indigenous peoples of the Western Brazilian Amazon.

Løvold has repeatedly represented Norwegian non-governmental organizations on the official Norwegian delegations to the Conference of the Parties of the Convention on Biological Diversity (CBD) and the UN Framework Convention on Climate Change (UNFCCC). Previous to his engagement for Rainforest Foundation Norway, Løvold was a research assistant at the Peace Research Institute of Oslo, managing editor of the Journal of Peace Research, a lecturer in environment and development at the Center for Environment and Development, University of Oslo, and an independent consultant.

**Odd Isungset** is an awarded Norwegian journalist and documentary film-maker. He studied journalism at Høgskulen i Volda, and he worked in NRK (Norwegian Broadcasting Company) for ten years and TV 2 (the largest commercial channel in Norway) for 17 years. In TV 2 he was working as a documentary director and for five years as head of the Documentary section. He is now an independent journalist mainly working with TV-documentaries and writes books based on investigative journalism.

In 2011 he received "Den store journalistprisen" (The Great Journalism Award) for his investigative book about the assassination attempt of the Norwegian publisher William Nygaard.



Nygaard is known as the publisher of Salman Rushdie's books in Norway, and he was shot outside his house in Oslo in 1993. Isungset is also awarded for his documentaries about the Muhammed-cartoons conflict and the documentary about the disaster of the submarine Kursk in the Barents Sea.

Isungset was a member of the Press Complaints Commission in Norway for 10 years, six of them as its leader. He has been working with different issues regarding freedom of expression and self-regulation as an important guarantee for a free and independent press.

**Stian Øby Johansen** graduated from the University of Oslo in 2012 with a norwegian professional master's degree in law. He wrote a 60 ECTS credit thesis on the European Union's accession to the ECHR while working as a research assistant at the UiO's Centre for European law. He has also worked as a research assistant on the "MultiRights" project at the Norwegian Centre for Human Rights.