JUS276-2-A Human Rights Law: Special focus on economic, social and cultural rights

Course coordinator: Henriette Sinding Aasen

Overview fall 2014

Lectures: Weeks 37-39
Paper presentations by students: Week 43 (22-24 October)
Paper submission: Week 44 (one week after your presentation)
School exam:

Lectures are provided by professor Henriette Sinding Aasen (University of Bergen),
dr. Amanda Jane Cahill-Ripley (Lancaster University)
and professor Asbjørn Eide (Norwegian Centre for Human Rights)

Week 37 Lectures by Henriette Sinding Aasen

Introduction
8/9: 12.15-14.00 International human rights and the relationship between them. Conceptual framework and the significance of the Universal Declaration of Human Rights (Aasen, 2 hrs)

Literature: Donnelly, J. (2013) Universal Human Rights in Theory and Practice, pp. 1-72 (72 pp.)

Universality of human rights: Ideas, dilemmas and the relevance of culture
9/9: 12.15-14.00 Theories of universalism and cultural relativism (Aasen, 2 hrs)

Literature: Donnelly, J. (2013) Universal Human Rights in Theory and Practice, pp. 75-119 (44 pp.)

10/9: 12.15-14.00 Culture and traditions: Comparative perspectives, focus on women (Aasen, 2 hrs)

Literature: Donnelly, J. (2013) Universal Human Rights in Theory and Practice, pp. 121-158; Ssenyonjo, M. (2009), Economic, Social and Cultural Rights in International Law, pp. 245-281 (73 pp.)

Right to health
11/9: 12.15-14.00 General overview, content and state obligations (Aasen, 2 hrs)

Literature: Ssenyonjo, M. (2009), Economic, Social and Cultural Rights in International Law, pp. 1-105, 313-355 (147 pp.)

12/9: 12.15-14.00 Women and children´s right to health: Special challenges (Aasen, 2 hrs)

Literature: Ssenyonjo, M. (2009) Economic, Social and Cultural Rights in International Law, pp. 1-105, 313-355 (147 pp.)

Week 38 Lectures by Asbjørn Eide

Economic, Social and Cultural Rights: History and challenges

15/9: 14.15-16.00 Background, historical development, current challenges (Eide 2 hrs)

Literature: Eide, A. (2001) Economic, social and cultural rights as human rights, Chapter 2 in Eide, Krause and Rosas: Economic, social and cultural rights, a textbook, Martinus Nijhoof 2001 (pp. 9-29, 407-421) (32 pp.)

Ssenyonjo, M. (2009) Economic, Social and Cultural Rights in International Law, pp. 1-104 (further discussion of material also covered by Henriette Sinding Aasen on 11/9)

Right to an adequate standard of living
16/9: 10.15-12.00 Right to an adequate standard of living – its components and its preconditions. The right to food and the right to housing

Eide, A. (2010) Freedom from need: The universal right to an adequate standard of living, in Scandinavian Studies in Law, 2010 (pp. 157-180) (23 pp.). General Comment of the Committee on Economic, Social and Cultural Rights numbers 4, 7 and 12

Right to work
17/9: 10.15-12.00 Right to work and rights in work (Eide, 2 hrs)

Literature: Ssenyonjo, M. (2009), Economic, Social and Cultural Rights in International Law, pp. 283-313(30 pp). General Comment of the Committee on Economic, Social and Cultural Rights number 18

Right to social security
18/9: 10.15-12.00 Right to social security (Eide, 2 hrs)

Literature: Martin Scheinin: The right to social security. In in Eide, Krause and Rosas: Economic, social and cultural rights, a textbook, Martinus Nijhoof 2001 (pp. 211-223)
General Comment of the Committee on Economic, Social and Cultural Rights number 19

Mel Cousins: Social Security as Possession. In: Mel Cousins: The European Convention on Social Rights, Chapter 3, pp. 17-46 (39 pp.)

Economic, social and economic rights in regional and global context
19/9: 10.15-12.00 Impact of regionalisation and globalisation on economic, social and cultural rights.

Literature: Eide, A. (2010) Human rights-based development in the age of economic globalisation. In Bård Anders Andreassen and Stephen Marks: "Development as a human right", 2nd edition, Intersentia 2010 (pp 275-315) (40 pp.)

Week 39 Lectures by Amanda Cahill-Ripley

Adequate standard of living (water and sanitation)
22/9: 13.15-16.00 Adequate Standard of Living focus on water and sanitation under ICESCR (Cahill-Ripley, 3 hrs)

Literature: Cahill-Ripley, A. (2011), The human right to water – legal status and normative content, pp. 21-53; Eide, A. (2010), 'Freedom from Need: The Universal Right to an Adequate Standard Of Living – Origins, Obstacles and Prospects', Scandinavian Studies in Law, pp.157-180 (55 pp).

Right to education
23/9: 13.15-16.00 Right to Education under ICESCR and ECHR (Cahill-Ripley, 3 hrs)

Literature: Ssenyonjo, M. (2009) Economic, Social and Cultural Rights in International Law, pp. 355-398; Halvorsen, K. (1990), 'Notes On The Realization Of The Human Right To Education', Human Rights Quarterly, pp. 341-364 (66 pp.)

Vulnerable groups
24/9: 14.15-16.00 Indigenous Peoples (Cahill-Ripley, 2 hrs)

Literature: Rehman, J. (2010) (2nd ed) International Human Rights Law, Harlow: Pearson Education, The rights of 'peoples' and 'indigenous peoples' pp. 472-510;
Engle, K. (2011) 'On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights', European Journal of International Law, pp. 141-163 (60 pp.)

ESCR and conflict
25/9: 08.15-10.00 ESCR and conflict (Cahill-Ripley, 2hrs)

Literature: Rehman, J. (2010) (2nd ed) International Human Rights Law, Harlow: Pearson Education, International human rights law and international humanitarian law, pp. 764-806;
Mottershaw, E. (2008) 'Economic, Social and Cultural Rights in Armed Conflict: International Human Rights Law and International Humanitarian Law', The International Journal of Human Rights, pp. 449-470 (63 pp.)

Part Four: Paper presentations and submissions (weeks 43-44)

An individually written paper must be submitted for evaluation as part of the course. Students may freely choose the theme of their papers, as long as they are related to the course and are approved by the course coordinator. The topic of the paper must be communicated in writing to Henriette Sinding Aasen (henriette.aasen@jur.uib.no) within October 13, 2014. **The papers cannot be more than 2000 words** (references and literature list are not included).

Seminars will be held in order for the students to present and discuss their papers and get feedback concerning content, structure and method. Students should prepare ca 10 min. presentation. You may use powerpoint, but this is not a requirement. The paper presentations will take place on October 22-24 (3 days). Students are supposed to attend all or most of the paper presentations, since most of the supervision related to paper writing will take place during the seminar sessions. *Paper presentation will only take place if less than 35 students are attending the course at the time of the planned presentation.*

The students will have one additional week after his/her presentation to finalize the paper for final evaluation. The written paper will be given a grade on the scale from A-E for passed and F for failed, which will count ca 50 % of the final grade. It is assumed that the paper is each student's own, original work. All papers handed in (use KARK) as (part of) an exam, will be subject to electronic control of originality. Lack of references may lead to a non-approval of the paper (for further information, see http://www.jur.uib.no/English/Studieplanen%20ENGELSK-20080905.mht)

Part Five: School exam (week 49)

The final school exam (4 hours) will be held at the end of the semester. The school exam will count 50 % of the final grade; the paper will count 50 %.

Jus 276-2-A Core literature, fall 2014

Course coordinator: Henriette Sinding Aasen

The basic course literature is in line with the research frontiers in the field of socio-economic human rights. The students will have to buy two books (Ssenyonjo and Donnelly), the other material will be made available as copies on My Space (book chapters), or the students may take their own copies (articles). All copying of book chapters are in accordance with the 15 per cent rule in the Kopinor agreement.

In addition to the basic literature, the students will be provided with relevant additional reading suggestions.

Cahill-Ripley. A, *The Human Right to Water and its Application in the Occupied Palestinian Territories,* Routledge, 2011, Chapter 2 The human right to water – legal status and normative content , pp. 21-53. (32 pages)

Cousins. M, Social Security as Possession. In: Mel Cousins: *The European Convention on Social Rights*, Chapter 3, pp. 17-46 (39 pages)

Donnelly. J, *Universal Human Rights in Theory and Practice*, Cornell University Press 2013, Chapters 1-10 (158 pages)

Eide. A, 'Freedom from Need: The Universal Right to an Adequate Standard Of Living – Origins, Obstacles and Prospects', Scandinavian Studies in Law, 2010, pp. 157-180. (23 pages)

Eide. A,Human rights-based development in the age of economic globalisation. In Bård Anders Andreassen and Stephen Marks: "Development as a human right", 2nd edition, Intersentia 2010 (pp. 275-315). (40 pages)

Eide. A, (2001) Economic, social and cultural rights as human rights, Chapter 2 in Eide, Krause and Rosas: *Economic, social and cultural rights, a textbook*, Martinus Nijhoof 2001 pp. 9-29, 407-421. (32 pages)

Engle. K, 'On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights', European Journal of International Law, 2011, Vol. 22(1), pp.141-163. (22 pages)

Halvorsen. K, 'Notes On The Realization Of The Human Right To Education', Human Rights Quarterly, 1990 AUG, Vol.12 (3), pp.341-364 (23 pages)

Mottershaw. E, 'Economic, Social and Cultural Rights in Armed Conflict: International Human Rights Law and International Humanitarian Law', The International Journal of Human Rights, Vol.12:3, 2008, pp.449-470. (21 pages)

Rehman. J, (2nd ed) *International Human Rights Law*, Harlow: Pearson Education, 2010, Chapter 14 The rights of 'peoples' and 'indigenous peoples' pp. 472-510. (38 pages)

Rehman. J, (2nd ed) International Human Rights Law, Harlow: Pearson Education, 2010, Chapter 21 International human rights law and international humanitarian law, pp. 764-806. (42 pages)

Scheinin. M, (2001) The right to social security. In in Eide, Krause and Rosas: Economic, social and cultural rights, a textbook, Martinus Nijhoof 2001 (pp. 211-223) (10 pages)

Ssenyonjo. M, (2009) *Economic, Social and Cultural Rights in International Law*, pp. 1-105, 245-281, 283-313, 313-355, 355-398. (292 pages)

Ca 772 pages