



NATIONAL UNIVERSITY HANOI

SCHOOL OF LAW

COURSE SYLLABUS

Đề cương môn học

**MASTER
PROGRAMME
ON HUMAN
RIGHTS
LAWS**

**Thạc sỹ Pháp
Luật về Quyền
con người**

Class

2012-2014

CAL 6001

*History and Political Philosophy
of Human Rights in the world
state and law*

**Triết học, chính trị và tư tưởng
về quyền con người trong lịch
sử nhà nước và pháp luật thế
giới**

With the support of

**Norwegian Center for Human Rights of
University of Oslo**



NỘI DUNG MÔN HỌC/ COURSE SYLLABUS

Mã/Code	CAL 6001
Tên Course title	Triết học, Chính trị về Quyền con người và sự phát triển của tư tưởng về quyền con người trong lịch sử nhà nước và pháp luật thế giới <i>History and Political Philosophy of Human Rights in the world state and law</i>
Số tín chỉ/# of credits	3 credits
Số thời gian lên lớp / Lecturing hours	Lecture: 3 hours x 10 teaching sessions = 30 hours 2 seminars (with lecturer) + 1 seminar (for students) = 3 seminars x 2 hours = 6 hours
Class time	04/2013 From 3-12 April: Dr. Bard Andreassen From 22-26 April Dr. Sriprapha
Name of course instructors/lecturers	Prof. Dr. Bard Andreassen – University of Oslo Dr.Sriprapha Petcharamesree – Mahidol University

1. Mục tiêu đào tạo/ Course Objective

Introduction of terminology and basic concepts of human rights especially through the development of histories of state and law in the world. Analysis of human rights theories and their impacts on political, social and legal development of states and vice versa. Inquiries into on going human rights and different perceptions of human rights in different parts of the world, in Asia in particular.

2. Nội dung/ Course content

1. Hiểu và có thể thảo luận về khái niệm quyền con người ở nhiều khía cạnh
2. Xem xét có luận điểm các tranh luận về khái niệm về quyền con người
3. Thảo luận về các phát triển mới về quyền con người
4. Có khả năng lồng ghép khái niệm về quyền con người trong công việc

1. to provide students with clear understanding of political and legal philosophy as conceptual basis of human rights as well as current development ;
2. to equip students with conceptual and normative tools to critically analyze human rights situation in their own country and to be able to apply to their works;
3. to encourage students to discuss openly the current debates on the concepts of human rights ;
4. to facilitate students to explore human rights conceptual challenges

3. Lịch học/ Course Schedule

STT Lecture	Ngày giảng	Nội dung chuyên đề Topics	Ghi chú về giảng viên/Lecturers
	Date and time		
1	03.04.2013 (14:00 – 17:00)	Lecture 1: Introduction and Basic Concepts and principles of human rights	BAA
2	04.04.2013 (14:00 – 17:00)	Lecture 2: Human Rights in political theory	BAA
3	08.04.2013 (14:00 – 17:00)	Lecture 3: History of modern human rights	BAA
4	09.04.2013	Lecture 4/Seminar 1:	BAA

	(14:00 – 17:00)	The interdisciplinary nature of human rights in practice. Assigned student presentations	
5	11.04.2013 (14:00 – 17:00)	Lecture 5: Categories of human rights (including the right to development, and business and human rights)	BAA
6	12.04.2013 (14:00 – 16:00)	Reflections and mid-way wrap up. Hand in of short synopsis	BAA
7	22.4 (14:00 – 17:00)	Lecture 6: Human Rights and religions	SRIP
8	23.4 (14:00 – 17:00)	Lecture 7: Universality of human rights and practice	SRIP
9	24.4 (14:00 – 17:00)	Lecture 8: The concepts of human rights and human security	SRIP
10	25.4 (9:30- 12:30)	Lecture 9: Third generation of rights and its debate	SRIP
11	25.4 (14:00 – 17:00)	Lecture 10: Human Rights in context	SRIP
12	26.4 (9:30-11:00)	Seminar 3: Debating human rights / Human rights in Asia, Asian Values etc.	SRIP
13	26.4 (11:00 – 12:30)	Seminar 3: Wrap up and discussion	SRIP

4. Criteria for Evaluation and Exam

Two synopsis hand-in English; one mid-way, the other at the end	10 % each
Two class presentations (group work), and class participation	10% each
Final exam (take home paper)	40 %.
An academic paper of around 3-4000 word	

5. Tài liệu/ Reading

Lecture 1. Introduction and Basic Concepts and principles of human rights

The session is firstly designed to share with students the structure and outlines of the whole course. It will also go through the different readings assigned and how to read them. Students will be invited to give inputs to the course. Secondly, the session will look into historical context of human rights and some parameters of contemporary human rights concepts and practices. It will look into the nature and principles of human rights and fundamental freedoms.

Readings:

- Hayden, Patrick, The Philosophy of Human Rights, Paragon House & St.Paul, 2001, Chapters 1-3.
- E-document on Human Rights

Supplementary readings

- Khoa Luật-Đại học Quốc gia Hà Nội, *Giáo trình Lý luận và Pháp luật về quyền con người*, NXB CTQG, Hà Nội, 2009.
- Khoa Luật-Đại học Quốc gia Hà Nội *Tư tưởng về Quyền con người*. NXB Lao động-Xã hội. 2011
- Department of Foreign Affairs and Trade, *Human Rights Manual*, 1998, Chapter 1.
- Symonides, Janusz, Human Rights : Concepts and Standards, UNESCO Publishing, 2000, Chapter 1.

Lecture 2: Human Rights in political theory

The session will take the students through different political ideology, liberalism and socialism in particular. It will clarify how different political ideology have influenced the understanding and practice of human rights after the II World War.

Readings

- Hayden, Patrick, The Philosophy of Human Rights, Paragon House & St.Paul, 2001, Chapters 1-3.
- Symonides, Janusz, Human Rights: Concepts and Standards, UNESCO Publishing, 2000, Chapter 2.
- E-document on Human Rights

Supplementary readings

- C.Mác – Ph.Ăng-ghe-n, *Về quyền con người*, NXB Chính trị quốc gia, Hà Nội, 1998.
 - Phạm Hồng Thái, Lưu Kiếm Thanh, *Lịch sử các học thuyết chính trị trên thế giới*, Nxb Văn hóa Thông tin, 2001. (History of political theories in the world)
 - John S.Mill, *Bàn về Tự do* (Nguyễn Văn Trọng dịch và chú giải), NXB Tri thức, 2006 (On Liberty)
 - John Locke, *Khảo luận thứ hai về chính quyền - Chính quyền Dân sự* (T.S. Lê Tuấn Huy dịch), NXB Tri thức, 2007
 - James Nickel, *Making Sense of Human Rights*, Blackwell Publishers, 2007, pp 7-189 (182 pp). Philip Alston, Ryan Goodman và Henry J. Steiner, *International Human Rights in Context: Law, Politics, Morals*, Oxford University Press, 3rd edition, 2007
 - [Montesquieu](#), *Bàn về tinh thần pháp luật* (Hoàng Thanh Đạm dịch), NXB Lý luận Chính trị, 2004
 - Jean-Jacques [Rousseau](#), *Bàn về Khế ước Xã hội* (Hoàng Thanh Đạm dịch), NXB Lý luận Chính trị, 2004.
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Lecture 3: The History of Modern of Human Rights

Readings:

- Michelin Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, Berkeley: University of California Press, 2004. Chapter Introduction, chs. 2 and 3.
- Samuel Moyn. *The Last Utopia, Human Rights in History*. Cambridge: Harvard University Press, 2010. Ch 1 and 2.

Supplementary readings:

- David P. Forsythe, *Human rights in International Relations*, Cambridge University Press, 2006 (2nd edition).
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Lecture 4/Seminar 1: The interdisciplinary nature of human rights in practice

This lecture will reflect on human rights as law, and its limits, and will address on how human rights are part of politics and policies (in civil society and public policies).

The Seminar part will be in form of presentation of student assignments in class

Readings:

- Meckled-Garcia, Saladin and Basak Cali, (eds), *The Legalization of Human Rights*, Routledge, 2006 Introduction, Chapter 1, 2
- Todd Landman, *Studying Human Rights*, Routledge, London & New York, 2006. Chapter 3,5,8

Lecture 5: Categories of rights (including the right to development, and business and human rights). Assigned student presentations

The session will examine development of different categories of rights including political and civil rights, economic, social and cultural rights, as well as rights to solidarity or collective rights.

Readings

- Symonides, Janusz, *Human Rights: Concepts and Standards*, UNESCO Publishing, 2000, Chapters 4-5

Supplementary readings:

- Bård A. Andreassen and Stephen P. Marks (eds) *Development as A Human Rights. Legal, Political and Economic Dimensions*. Antwerp: Intersentia. 2010. 2nd Edition
Chapter 14: The role of International Financial Institutions in a Rights Based approach to the process of development Asbjørn Eide. Chapter 11: Human Rights Based Development in the age of economic globalization: Background and Process.

Additional gathering: Reflections and mid-way wrap up

This session will sum up and discuss the previous sessions. All students are expected to prepare questions and comments for plenary discussion

Two hours

Lecture 6: Human Rights and religions

The session addresses the issues of human rights seen from different religions and how religions impact the understanding and practices of human rights in different societies.

Readings

- Hayden, Patrick, The Philosophy of Human Rights, Paragon House & St.Paul, 2001, Chapters 4.
 - Reiffer ,Barbara Ann, Religion, politics and human rights: Understanding the role of Christianity in the promotion of human rights, Human rights & Human Welfare, Vol.6, 2006 (paper provided);
 - Traer, Robert, Religions and human rights : <http://religionhumanrights.com/Religion/Islamic/muslims.fhr.htm> visited 18/4/13
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Lecture 7: Universality of human rights and debates over the issues

Look into the on going debates on universality and relativisms especially the Asian values debates. The session will also try to look into the current conceptual differences in Asia when compared with the rest of the world.

Readings

Jack Donnelly, 'The relative universality of Human Rights', Human Rights Quarterly 29, 2007, pp 89-103 (14 pp).

- Jack Donnelly, 'Both universal and relative. A reply to Goodhart', Human Rights Quarterly 30, 2008, pp 194-204 (20 pp).
 - Michael Goodhart, 'Neither relative nor universal. A response to Donnelly', Human Rights Quarterly 30, 2008, pp 183-193 (10 pp).
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Lecture 8: The concepts of human rights and human security

The session aims to discuss the concepts of human rights and human security especially the nexus of the two concepts and how the two concepts are interpreted by different actors including ASEAN.

Readings

- Aravena, Francisco Rojas, Human security: Emerging concept of security in the 21st century, paper provided
 - King Gary and Christopher, J.L. Murray, Rethinking human security, paper provided.
 - Bertrand Ramcharan, Human rights and human security, paper provided.
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Seminar 2: Seminar on human rights in Asia and Asian Values

- Sen, Amartya, Human Rights and Asian values, 16th Morgenthau memorial lecture on Ethics&Foreign Policy, 1997.
 - De Bary, Theodore and Tu Weiming, (eds.), Confucianism and human rights, Columbia University Press, 1998
 - Leena Evonius and Damien Kingsbury (ed.), *Human Rights in Asia, A Reassessment of the Asian Values Debate*. Palgrave Macmillan.2008.
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Lecture 9: Third generation of rights and debates

The session will discuss the concept of third generation of human rights which refers to the group/collective rights and the debates surrounding the issue of whether or not this category of rights is human rights.

Readings

- UN Declaration on the rights to development of 1986 (basic text)
 - CIEL, Human rights, environment and economic development:Existing and emerging international standards in international law and global society, <http://www.ciel.org/Publications/olp3vii.html>
 - **Buyant Algan**, Rethinking “third generation “ human rights, Ankara law Review, Vol 1, No.1, Summer 2004, pp.121-155, paper provided
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Lecture 10 : Human rights in context

This last session will address the conceptual problems of human rights in the ASEAN –Southeast Asian context by assessing the different documents of ASEAN.

Readings:

- ASEAN Human rights Declaration
- ASEAN Charter
- The TORs of AICHR

Other recommended books in Vietnamese/Các tài liệu khác đọc thêm

1. Khoa Luật-Đại học Quốc gia Hà Nội, *Giáo trình Lý luận và Pháp luật về quyền con người*, NXB CTQG, Hà Nội, 2009.
2. Khoa Luật-Đại học Quốc gia Hà Nội – Trung tâm nghiên cứu quyền con người và quyền công dân. *Luật nhân quyền quốc tế - Những vấn đề cơ bản*. NXB Lao động xã hội, 2010.