

Program: Doctoral Academic Studies			
Course title: THEORY AND PHILOSOPHY OF HUMAN RIGHTS			
Teachers: Dr. Jasminka Hasanbegović, Full Professor			
Course status: optional			
Number of ECTS: 10			
Requirements: None			
Aims of the course: Students are introduced to the basic theoretical and philosophical conceptions of human rights in the history of western thought and western legal codifications.			
Course result: Students are able to theoretically understand human rights and have knowledge about main contemporary theoretical and philosophical problems regarding human rights.			
Course content:			
<ol style="list-style-type: none"> 1. Philosophy of human rights (Liberal tradition, social contract theories, Hobbes, Locke, Mill, Constant, Kant and others) 2. History of the development of human rights (Declaration on the rights of man and citizen, Declaration of independence) 3. Three generations of human rights (Georg Jellinek): <ol style="list-style-type: none"> a. Negative rights (<i>status negativus</i>) <u>liberal</u> – right to life, movement, privacy, property, freedom of consciousness, speech, religion, press, habeas corpus procedural guaranties. b. Active rights (<i>status activus</i>) <u>participation</u> – active and passive voting rights, freedom of assembly; the right to organize and to bargain collectively. c. Positive rights (<i>status positivus</i>) <u>social and cultural</u> – social welfare and healthcare rights and insurance. d. Ecological rights 4. Key international instruments for the protection of human rights (The Universal Declaration, International Treatises, European Convention etc.) 5. International procedure for the protection of human rights (Reactions to massive breaches of human rights in the UN system – Procedures 1503 and 1235, Human Rights Committee, European Court for Human Rights etc.) 6. Regional Initiatives (OSCE, Council of Europe) and the protection of human rights in the European Union (Charter of Fundamental Rights of the European Union); 7. Universalism and cultural relativism (African Convention on Human and Peoples’ Rights, Declaration on Human Rights in Islam) 8. Minority rights (collective rights v. individual rights, the protection of collective rights in the League of Nations system, relevant international legal instruments, article 27. of the International Covenant on Civil and Political Rights, Framework Convention for the Protection of National Minorities etc.) 9. Culture of human rights (political culture, legal consciousness) 			
Literature: Guy Haarscher, <i>Philosophie des droits de l'homme</i> 2. ed. Editions de l'Université de Bruxelles, 1989; Robert Alexy, <i>Theorie der Grundrechte</i> , Frankfurt a.M. 1994 (A Theory of Constitutional Rights, Oxford University Press, 2002). Beitz, C., <i>The Idea of Human Rights</i> , Oxford, Oxford University Press, 2009; Patrick Hayden, <i>Philosophy of Human Rights: Readings in Context</i> , Paragon House, 2001 (selected chapters); Dinah Shelton (ed.), <i>The Oxford Handbook of International Human Rights Law</i> , Oxford, 2013 (selected chapters). Additional literature in English, German, French, Italian or Spanish will be determined in accordance with the candidate’s knowledge of foreign languages, his country of origin and his knowledge of the topic.			
Number of lectures – active classes	Theoretical classes: 15	Practical classes: None	
Instruction method: Lectures			
Grading system (maximum number of points 100)			
Pre-exam obligations	points	Final Exam	points
Activities during lectures	20	Oral Exam	60
Seminar classes	20		

