

**International Human Rights Law**  
**LAW 6263, Section 29077**  
**Professor Berta Esperanza Hernández-Truyol**

**Fall 2023**

**TUESDAY, THURSDAY – 10:30a.m. – 12:00p.m.**  
**Room HOL 382**

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**SYLLABUS**

**1. Class Materials**

INTERNATIONAL HUMAN RIGHTS: LAW, Policy and Process, Weissbrodt, et. al.,  
2021  
ISBN:

Unless otherwise indicated, the reading assignments refer to the required textbook. Every student is expected to have completed the assigned readings **prior** to class.

Students also are expected to read additional materials as indicated and as posted on the Canvas page, usually in either pdf or html format. Adobe Reader 6.0 or higher should be used to view pdfs, otherwise you may experience some difficulties. Students should check Prof. Hernández's Canvas course page on a regular basis for updates to the online materials and readings. Dates of last update are given for your convenience.

**Note:** In order to inform the current events discussion with which some classes will start, students should read a newspaper that includes an international slant such as the New York Times, Wall Street Journal, London Financial Times, or some such publication (all of which are available via WestLaw or Lexis/Nexis) on a daily basis. As the class focus is international, students should read a paper that includes an. I encourage students to read foreign papers (they can be English language publications or in other languages) for the current events discussion. Often the same news is reported quite differently around the globe, a difference in perspective that provides insights into perceptions about human rights.

**2. Course Description and Objectives**

The purpose of this course is to provide students an introduction to international human rights law. It starts with a glance at “global snapshots” – a series of current events that will frame the context for the course. We then study historical documents that form the Western foundation for the international human rights framework and familiarize ourselves with the theoretical foundations of human rights as well as with various critiques of the human rights developments, structures, and jurisprudence.

Following, we will study the sources of international law, including human rights, in the U.S. and scrutinize the role of the global norms in local legal systems. This leads to an interrogation of whether the international human rights system has changed the concept of state sovereignty and whether the rights that have evolved constitute a universal conceptualization or whether they are culturally relative.

Finally, move to an analysis of the post-war developments, which includes a study of the types of structures that exist for the implementation and enforcement of rights – both internationally and regionally. Finally, with the substantive and procedural foundation the above provides, we will study several topics in the human rights field, including rights of groups and particular rights. In this part, we also will engage themes of current interest/concern that involve human rights, including human rights and war, trade and human rights, and globalization and human rights.

In order to familiarize students with the actual workings of the human rights legal system, there will be the class exercises -- an experiential component to the course consisting of a series of exercises. Students will be divided into groups that will act as different human rights bodies or represent different constituencies in the human rights community.

### **3. Student Learning Outcomes**

At the conclusion of the course, students will have a basic knowledge of and will be able to analyze:

- History of International Human Rights development
- Sources of International Law
- Classification of Rights
- Structures of Human Rights enforcement – International and Regional
- Role of Non-State Actors
- Role of Human Rights in Domestic Systems
- Role of Culture
- Individual rights in the context of the current global climate

### **4. Attendance**

I take attendance in accordance with University and Law School policy and ABA rules. Law School policy states as follows:

“Class attendance is a primary obligation of each student, whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor.”

The American Bar Association’s standards provide that “regular and punctual class attendance is necessary to satisfy residence and class hour requirements.”

Absences for religious reasons are excused in accordance with university policy.

Please be on time as it is distracting for everyone to have persons coming into the classroom after class starts.

## 5. **Class Participation, Course Group Projects, Problems, & Grading**

**Class Participation & Projects--This portion of the class will be 30% of your grade**

### **Daily Class Participation**

Regular class participation is an integral part of the course that counts for 10% of the final grade. Students are expected to keep up with the reading and be prepared for class discussion. Students should anticipate engaging in discussion and analysis of current events as well as the assigned readings. The most instructive and enjoyable classes are those in which many people take part in the conversation. I understand that some students are eager to speak while others are reluctant to do so. While I will call on volunteers, I will also call on others. If you are not prepared for class on a particular day, please let me know before class and I will not call on you that day. We all have unexpected things happen that can derail our plans. I look forward to everyone contributing their insights in class. Daily class participation accounts for 10% of your grade.

### **Group Projects**

The students will participate in two group projects.

- 1) **Class Presentation:** Students will be divided into groups, based on student interest, that will make a class presentation on the human rights we cover in class. Students should engage the material based on their assigned group. The class presentation should include a presentation of the general topic as well as a presentation focusing on the particular interest in the topic of the members of the group. Students will assign to the class a short reading on their topic of particular interest. The Class Presentation Project accounts for 10% of your grade.
- 2) **Model UN:** Students will be divided into groups, based on the UN's five regions. Each student will select a country from each UN region in which they have an interest. From those lists, I will assign students to a country that they will represent in a meeting of the third committee. Students will work in groups based upon the regions and will negotiate, within the region as well as in full committee. The discussions will center around the drafting of a new treaty to be presented to the General Assembly. The Model UN Project accounts for 10% of your grade.

### **Problems**

**There will be two problems. Each problem accounts for 35% of the grade. The two problems account for 70% of the grade**

**Problem 1** will be handed out after the "structure" part of the course is completed (after Week 7). This problem will concern an analysis/critique of the existing structures we have studied.

**Problem 2** will be handed out at the end of the course. It will concern an analysis/critique of the human rights issues covered in class.

## 6. Class Preparation

Anticipate spending about 3-4 hours preparing for each class meeting. Prep time includes reading the materials, briefing the cases, thinking about the materials, and synthesizing your learning and knowledge of the assigned materials.

## 7. Course Evaluations

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

## 8. Grades

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

Grading is in accordance with Law School policy, which is available at:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>.

## 9. Accommodation

Students with needs for accommodations should see Student Affairs whose staff will work with students according to Law School and University policy.

**10. Internet Policy and Related Issues**

The internet, and more generally your laptop, is a great learning tool and invaluable asset to effective advocates. It should be used during class time as you will use it in practice: responsibly and ethically, consistent with the high professional standards that will be expected of you by your clients and by those who will employ you. This is important not only to you, but also to all the students around you who are affected by how you use your computer. It can be distracting to your classmates if you use your computer for activities unrelated to class. When you are talking, you should lower your laptop to facilitate communication.

Cell phones, tablets, and other electronic equipment should be turned off and not used during class. If you need to leave your phone on vibrate to receive an emergency call, please feel free to do so.

**11. Academic Misconduct**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**12. Office Hours**

TBA or by appointment.

My office is 319-A, my office number is 273-0928, and my email is [hernandez@law.ufl.edu](mailto:hernandez@law.ufl.edu). I have an open door policy.

# SYLLABUS

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**Note:** In order to inform the current events discussion with which every class will start, students must read a newspaper daily. As the class focus is international, it is suggested that students read the New York Times, Wall Street Journal, London Financial Times, or some such publication (all of which are available via WestLaw or Lexis/Nexis). It is important every student be prepared, and class participation will be considered in grading.

## SECTION I - BRIEF HISTORY OF HR THOUGHT

### WEEK 1 - General Introduction and History

**Global Snapshots** – read and prepare to report on a presently ongoing human rights matter anywhere in the world. Also be prepared to discuss your interest in IHR, including topics/themes and region (if any).

#### Universal Declaration on Human Rights

##### Canvas:

Early Documents: General

-- Magna Carta, Locke, Rousseau, American Declaration of Independence, French Declaration of the Rights of Man and Citizen, Burke, Paine

Early Documents: Political Participation -- Bentham, Blanc, Mill, Blanc, Zola, Herzl

Early Documents: Economic Rights

-- Smith, Babeuf, Marx & Engels, Bebel

### WEEK 2 - DEFINING PRINCIPLES AND CONCEPTS:

Positive, Negative, and Collective Rights - Chapter 2 pp. 9-24

Four Schools of HR Thought - Chapter 3 pp. 25-27 (top)

Critiques of Traditional Concepts - Chapter 4 pp. 47-70

## SECTION II – SOURCES OF HR IN INTERNATIONAL LAW

### WEEK 3 - Defining Principles and Concepts “Universal, Indivisible, and Interdependent – Chapter 5 pp. 73-102

Cases (Canvas) – Olga Tellis, Soobramoney, Grootboom, Treatment Action Campaign

Relevant Instruments – Chapter 6 pp. 103-120

Cases (Canvas): Paquete Habana, Israel

### **SECTION III – EFFECTUATING AND ENFORCING HUMAN RIGHTS**

**WEEK 4** – Overview HR System - Chapter 7 pp. 121-146

**WEEK 5** – Regional Systems: InterAmerican HR System – Chapter 8 pp. 147-192  
Cases (Canvas) – Belo Monte, Velazquez, Sawhoyamaya, Peru

**WEEK 6** – African HR System – Chapter 9 pp. 193-230  
Cases (Canvas) – Swaziland, Egypt

**WEEK 7** – European System – Chapter 10 pp. 231-278

### **SECTION IV – SELECT HUMAN RIGHTS**

**WEEK 8** – Right to Life – Chapter 12 pp. 343-394  
Cases (Canvas) – Dobbs, Makawanyane, Roper (others TBA)

**WEEK 9** – Right to Equality and Non-Discrimination – Chapter 13 pp. 395-435  
Cases (Canvas) - TBA  
Protection of Vulnerable Groups – Minorities – Chapter 19 pp. 621-654  
Cases (Canvas) – Minority Schools (Greece v. Albania)

**WEEK 10** – Protection of Vulnerable Groups: Women – Chapter 18 pp. 583-619  
Trafficking – Chapter 23 pp. 836-863

**WEEK 11** – Freedom from Torture – Chapter 16 pp. 505-546  
Cases (Canvas) – Israel

**WEEK 12&13** – Model UN