

**Social, Economic, and Cultural Rights
International Human Rights Law Seminar
LAW6936 Course #18238
Professor Berta E. Hernández-Truyol**

Fall 2023

**Tuesdays & Thursdays – 1:45 pm- 3:10 pm
Room 285A
Credits (3)**

COURSE DESCRIPTION & SYLLABUS

1. Class Materials:

TEXT - ELECTRONIC

EIDE, KRAUSE, & ROSAS, ECONOMIC, SOCIAL AND CULTURAL RIGHTS

READINGS WILL BE DENOTED AS “TEXT” AND ARE AVAILABLE FROM THE LIBRARY IN ELECTRONIC FORMAT BY CLICKING ON [HTTP://WWW.MYLIBRARY.COM?ID=193744](http://www.mylibrary.com?id=193744)

YOU ARE WELCOME TO PURCHASE A PRINT COPY IF YOU WISH BUT IT IS \$427.00 FROM THE PUBLISHER.

OTHER RESOURCES AND READINGS WILL BE PROVIDED THROUGHOUT THE SEMESTER

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 the additional materials as indicated in the syllabus and as posted on the Canvas page, usually in either pdf or html format. Students should check the Canvas Course page on a regular basis for updates to the online materials and readings.

In order to be informed for the current events discussions that will start some class periods, every student should read a newspaper daily. As the class focus is international, students should read a paper 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 electronically). 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.

2. Course Objective:

The purpose of the seminar is to familiarize students with the international human rights system, social, economic and cultural (SEC) rights, and selected SEC topics of contemporary import. The seminar will focus on human rights law, the source of protection of the rights we will consider, case law that shows how the rights are protected or not, as well as engage in critical analysis of the existing normative protections, and in

conversations of how human rights law – and novel approaches and interpretations – can be deployed to develop, expand, and transform rights of marginalized and vulnerable populations. The seminar will have 3 general parts: 1- a study of the international and regional (Africa, Europe, and Latin America) protections of human rights, particularly SEC rights, including a comparative analysis of the foundations of the international and regional systems; 2- study, protections of SEC rights, and 3- student presentations on the covered topics or on other student driven themes.

3. Student Learning Outcomes:

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

- International and regional human rights systems
 - o The origins of and protections afforded in each system
 - o The processes available in each system
 - o The efficacy of the systems
- Specific SEC human rights concerns, including
 - Culture
 - Food
 - Water
 - Property & Housing
 - Work
 - Social Security
 - Health
 - Education
 - Environment
 - Other topics selected by students
- o PROCESS
 - Anti-subordination, Multidimensionality/Intersectionality

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 Project/Paper

Students will have a choice of doing a project or writing a paper for 50% of their grade.

If a student wants to use this class to satisfy the upper level writing requirement, they must write a paper that meets the upper level writing requirements.

Student projects should be related to the materials covered in the course and can take many forms. These include, but are not limited to

- writing proposed treaties to protect specific human rights;
- making proposals, with explanatory memos, regarding how to resolve a human rights concern (such as trafficking in persons);
- creating a human rights education program and accompanying it with a memo of implementation (for undergraduates, high school, middle school, elementary school, retirement communities);
- doing field work and writing a report on a local human rights issue (safety of farmworkers, education inequality, health disparities);
- presentation and analysis of how a particular state practice (violates human rights);
- creating a poster on human rights with explanatory memo (this can be presented to e.g., a school in town, a retirement community in town, an interest group in town or part of the University).

On week 4 you are to turn in a memo making your selection of a paper or a project. The memo should describe the project and/or provide the theme of the paper with your thesis, if you have one. Students must obtain my approval for projects and paper topics. Weeks 5 and 6 are independent research weeks during which you will focus on working on and developing your project or paper and on week 7 you will hand in a detailed outline of your project/paper.

6. Class Participation:

Class participation is an integral part of the course and students are required to keep up with the reading and be prepared for class discussion. 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. Class participation is 50% of the grade. This is comprised of two components:

- Daily in-class participation (includes reflection pieces): 25%
- Class presentation (as a group exercise): 25%
 - This includes leading the class presentation, with another student (or more), on a class topic for which the student signs up. Students will cover not only the assigned material but also their specific interest in the general topic.
 - Students will:
 - Present the class materials & generate discussion
 - Can use power points, problems
 - Can have debates
 - Assign a short reading on the topic of their specific interest
 - Present material and generate discussion on the topic of their specific interest

Reflection Pieces: Class participation also includes reflection pieces on the week's topic. Each student must turn in *at least one reflection piece every week* starting on week 7 when we start covering substantive subjects over the course of the semester – each of which should be between one and three pages. Students who are presenting will not write a reflection piece on the day of their presentation. Reflection pieces are due at least 36 hours before the class in which the topic is covered to allow the students in charge of class presentations to use them for preparation of the presentation. These pieces, in which students share their insights on the readings and the topic of the class, are invaluable input for the students' preparation of the group presentations

The student presentations will be coordinated with the topic of the student's interest (project/paper). I realize that those presenting in the earlier weeks will have less time to refine their projects/papers than those making presentation in the later-scheduled classes. I will take this into account in evaluating the presentations.

7. Class Preparation

We meet twice per week for a 3-credit-hour course, anticipate spending about 2-4 hours preparing for *each* class meeting. Prep time includes reading the materials, thinking critically about the materials and asking questions about what you have read (Does the decision make sense?, Is the decision correct in light of human rights principles?, Does the law make sense?, Why or why not?, Are all the relevant principles being considered?, Is the topic being considered with an appropriate perspective? etc.) as well as synthesizing your learning and knowledge of, and questions about, the assigned materials (the reflection pieces are a useful tool for synthesizing). The reading of current events on the topic being engaged will enliven the conversation as it will bring contemporary considerations into the discussions.

8. 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/>.

9. 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 (average)	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>.

10. Accommodations:

Students with needs for accommodations should see Dean Rachel Inman in Student Affairs whose staff will work with students according to College of Law and University policy.

11. Class recordings:

Classes will be recorded. Class recordings will be available to students who have an ADA accommodation or to students who are required to miss class because of illness. Eligible students should contact Dean Inman for access to recordings.

12. 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.

13. 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>.

14. Office Hours:

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

My office hours are 12-1 Tuesdays and Thursdays.

15. Prohibition on Student Recording and Photography and Social Media Posting:

Students may not “publish” recorded lectures without the written consent of the instructor. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code. “Publish” is defined as sharing, transmitting, circulating, distributing, or providing access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services.

16. Syllabus and assignments:

The assignment sheet is attached.

The assignment sheet *will not be final* until after our first day of class when we have a conversation about topics that are of interest to you in addition to, or different from, those included in the syllabus. The topics may be rearranged for flow of information purposes.

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SYLLABUS

Week 1 – Introduction:

- Course Requirements
- Format
- Student interests
- Human Rights Legal Framework – The International System
 - Readings:
 - Chapter 1
 - UN Charter <https://www.un.org/en/charter-united-nations/>
 - Universal Declaration of Human Rights <https://www.un.org/en/universal-declaration-human-rights/>
 - International Covenant on Civil and Political Rights <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
 - International Covenant on Social, Economic, and Cultural Rights <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Week 2 – Regional Systems

- Readings
 - Chapters 6, 7
 - American Convention on Human Rights – Protocol of San Salvador http://www.oas.org/en/iachr/mandate/basic_documents.asp
 - Banjul Charter <http://hrlibrary.umn.edu/instree/z1afchar.htm>
 - European Convention on Human Rights https://www.echr.coe.int/Documents/Convention_ENG.pdf

Week 3 – ESC as Human Rights and Legal Rights

- Chapters 2, 3

Week 4 – ESC Rights in Domestic Systems

- Chapter 4
- DUE: Paper Topic/Project Selection

Weeks 5 & 6 – Reading Period

- You are to start research for your paper and develop an outline that is to be handed in by Oct. 3, the Tuesday after the reading period.
- If you are doing a project, a project outline or abstract is due by Oct. 3.

Week 7 – Cultural Rights

- Chapters 5, 16

Week 8 – Food, Housing, Property

- Chapters 8, 9, 11

Week 9 – Work, Social Security, Health

- Chapters 10, 12, 13
- ILO & Work

Week 10 – Migrant Workers
○ Chapter 21

Week 11 – Trafficking

- UNO A Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants - http://www.unodc.org/documents/human-trafficking/UNODC_Strategy_on_Human_Trafficking_and_Migrant_Smuggling.pdf
- UNO Action Against Transnational Organized Crime and Illicit Trafficking including Drug Trafficking (2011-2013) - http://www.unodc.org/res/human-trafficking/2012/strategy-on-human-trafficking-and-migrant-smuggling_html/Thematic_Programme_on_Transitional_Threats.pdf
- Protocol to Prevent, Suppress and Punish Trafficking in Persons ... - <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>
- USDOS – International and Domestic Law – Office to Monitor and Combat Trafficking in Persons: <https://www.state.gov/international-and-domestic-law/>
- USDOS Trafficking in Persons Report 2020: <https://www.state.gov/trafficking-in-persons-report-2020/>
- DOS – International Programs to Combat Trafficking in Persons Fact Sheet: <https://www.state.gov/international-programs-to-combat-trafficking-in-persons-4/>
- Office for Victims of Crime – Human Trafficking Task force e-guide: <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/>
- Combatting Trafficking in Persons, USDOD – US laws & Policies: <https://ctip.defense.gov/Resources/US-Laws-and-Policies-on-Trafficking-in-Persons/>
- Human Trafficking Legislation - US: https://www.americanbar.org/groups/human_rights/human-trafficking/trafficking-legislation/
- National Conference of State (NCSL) Legislatures. Human Trafficking Overview: <https://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking.aspx#state>
- NCSL Human Trafficking State Laws: <https://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-laws.aspx>
- Hernandez-Truyol & Powell, Just Trade, Chapter 9, pp. 170-191 (Canvas)
- Milano, Human Trafficking by regional Human Rights Courts: an Analysis in Light of Hacienda Brasil Verde, the First InterAmerican Court’s ruling in this area: <file:///C:/Users/truyol/Downloads/SSRN-id3518377.pdf>
- IACHR Petition for Domestic Workers Trafficked by Diplomats: <https://www.aclu.org/cases/iachr-petition-domestic-workers-trafficked-diplomats>
- 2019 Data Report – US National Human Trafficking Hotline - <https://humantraffickinghotline.org/sites/default/files/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf>

Week 12 – Education and Children

- Chapters 14, 15, 19

Week 13 – The Environment

- Chapter 17