

International Human Rights Law
LAW 6263, Section 23349 (Cross-listed LAS6938)
Professor Berta Esperanza Hernández-Truyol

Fall 2019

TUESDAY, WEDNESDAY, THURSDAY – 9:00a.m. – 9:55a.m.
Room HOL 345

SYLLABUS

1. Class Materials

INTERNATIONAL HUMAN RIGHTS, 2nd Ed., Alston & Goodman, 2012.
ISBN: 9780199578726

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 every class will start, students must 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 via WestLaw or Lexis/Nexis). 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 and provide.

It is important that every student be prepared for class. Class participation will be considered in grading.

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 We then study historical documents that form the Western foundation for the international human rights framework and familiarize ourselves with the theoretical foundations of human rights as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. The historical study continues by reviewing the pre-World War II status of human rights, which includes the sources of law and

the Nuremberg case. We then move to an analysis of the post-war developments, which includes a study of the types of rights that evolved. Next, we briefly touch upon the structures that exist for the implementation and enforcement of rights – both internationally and regionally. 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, 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 a **Course Project** -- 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. Throughout the semester, the groups will present an analysis of a current event based upon their respective human rights body's jurisprudence or their clients' interests.

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. Course Project, Examination, & Grading

Course Project

Students will be divided into groups that will either represent different human rights bodies or represent different constituencies in the human rights community. Students will be expected to engage in discussion and analysis of current events, that week's readings, global snapshots, and a fact pattern that will be distributed early during the course. Students should engage the material based on their assigned group. Throughout the semester, groups will present an analysis of a current event based upon their respective human rights body's jurisprudence or their client's interests. Individual reflection pieces and group project preparation memos will be collected throughout the semester. Grading for this portion of the class is based upon preparation, participation, reflections, and group memos. **This portion of the class is worth 30% of the final grade.**

Exam

The exam, which will account for 70% of the grade will be a 24-hour take-home that is based upon the global snapshots and the fact pattern distributed early in the class, well prior to the exam date. The exam will be distributed and collected electronically. Further information regarding the exam will be available later in the semester. A previous year's exam will be made available for review from Prof. Hernández's Canvas course page.

Class participation

Class participation is an integral part of the course and students are expected to keep up with the reading and be prepared for class discussion. Grades are raised for extraordinary performance in class up to a one-half grade "bump." Minus grades will be used in this course. And as noted above, grades may be negatively affected by excessive absences.

Information on the University policy as to assigning grade points is available at: <https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx#averaging>

6. Class Participation

Class participation is an important part of the course. I anticipate that students will 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.

7. 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.

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	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. Accommodation

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

11. 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.

12. 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>.

13. 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. I have an open door policy.

Course Outline

Other information regarding the course is available from the "Course Outline" available on the course Canvas page.

Unless otherwise indicated, the reading assignments refer to the required casebook. 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.

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.

CLASS		ASSIGNMENT
	I. General Introduction & History	
Class 1	Global Snapshots; Universal Declaration of Human Rights	3-17, Canvas
Class 2	Early Documents: General -- Magna Carta, Locke, Rousseau, American Declaration of Independence, French Declaration of the Rights of Man and Citizen, Burke, Paine	Canvas
Class 3	Early Documents: Political Participation -- Bentham, Blanc, Mill, Blanc, Zola, Herzl Early Documents: Economic Rights -- Smith, Babeuf, Marx & Engels, Bebel	Canvas
Class 4	Global Framework: Capital Punishment(<i>Makawanyane, Roper</i>)	17-42
Class 5	Looking at Foreign Law: U.S. exceptionalism	42-57
	II. Sources of International Law and the HR Movement	
Class 6	Background; Law of War(<i>Paquete Habana</i>)	58-72
Class 7	Custom & Reality	72-90 (Ques. 1 & 2)

Class 8	State Responsibility (<i>Chattin</i>); General Principles; Resolutions	90-102,
Class 9	Treaties; (<i>Minority Schools</i>) Vienna Convention on the Law of Treaties	102-120
Class 10	Nuremberg	120-138
Class 11	Birth of the Human Rights Regime	139-154, 78-84
	III. Types and Nature of Rights: Normative Foundations of IHR	
	A. Generally	
Class 12 & 13	Civil and Political Rights; ICCPR and Torture (Israel)	157-165, 238-276
Class 14	Social and Economic Rights; ICESCR	277-282; 284-295; 303-306; 308-310
Class 15	Indivisibility and Interdependence of Rights (IIR): India (<i>Olga Tellis</i>)	310-313; 315-317; 320-325; 330-333; 344-350
Class 16	IIR (cont.): South Africa (<i>Soobramoney, Grootboom, Treatment Action Campaign, Mazibuko</i>)	353-375
	IV. Process and Structure of the Human Rights System	
	A. The United Nations	
Class 17	Sovereignty; Enforcement; Overview of System; Human Rights Council	685-704
Class 18	Human Rights Council continued (Country Reports)	704-708; 712-719; 729-740
Class 19	High Commissioner; Security Council: Duty to Protect; World Court for Human Rights & Criminal Adjudication; (<i>Akayesu</i>)	742-753; 759-761; 1312-1327
Class 20	Treaty Organs: ICCPR Committee; Powers & Functions; State Reporting(U.S.)	762-785
Class 21	Comments; Individual Communications (<i>Warsame</i>); Interim Measures (<i>Piandong, Mansour Ahani</i>); Overall Human Rights System	791-805; 808-813; 818-820; 823-827; 838-843
	B. Regional Arrangements	
Class 22 & 23	Regional v. Universal Systems: Overview; European System (<i>Cyprus, Bankovic, Issa, Al-Skeini, Osman, Turkey, Refah Partisi, Hirst, Scopploa</i>)	889-912; 912-922; 930-932; 933-955

Class 24	Inter-American System (<i>PM-Belo Monte</i>)	978-1003
Class 25	Inter-American System continued (<i>Velazquez, Sawhoyamaxa, Peru</i>)	1003-1024; BEHT Excerpts from <i>Latinas, Culture and Human Rights: A Model for Making Change, Saving Soul</i> (Canvas)
Class 26	African System (<i>Swaziland, Egypt</i>)	1025-1043
	C. Non-State Actors & Human Rights	
Class 27	General; Trans-National Corporations (TNCs)	1461-1479
Class 28	TNC (cont.); Armed Opposition Groups	1479-1503
Class 29	Non-Governmental Organizations	1503-1515
	V. The Global in the Local	
	A. Vertical Interpenetration: International Human Rights Law within States' Legal and Political Order	
Class 30	Domestic Internalization of International Law (<i>Teoh</i>)	1047-1073
Class 31	Treaties: Reservations (<i>Kennedy</i>)	1073-1076; 1080-1099; 1105-1109; 1115-1116
	B. Horizontal Interpenetration	
Class 32	Generally (<i>Eichmann, Pinochet, Congo</i>)	1117-1118; 1122-1126; 1128-1144
Class 33	The U.S. (<i>Sosa</i>) Kiobel	1144-1173
Class 34	The U.S. continued (<i>Exxon Mobil, Joo, Sarei</i>); Sovereign Immunity (<i>Samantar</i>)	1173-1199
Class 35	Sovereign Immunity continued (<i>Pinochet, Al-Adsani, Germany, Congo, Taylor Malawi</i>)	1199-1224
	VII. Specific Concerns: Human Rights	
Class 36	Universalism and Relativism: The Debate	531-556
Class 37	Universalism and Relativism (cont.): Dress & Symbols(<i>Sahin, Lautsi</i>)	590-595; 627-651
Class 38	Speech (<i>Jersild, Vejdeland, Faurisson, Preminger, Wingrove</i>)	651-681

Class 39	Sex/Gender (Velazquez, MSAT, Hungary Szijarto, Peru)	166-220
Class 40 & 41	S.O. (<i>Toonen</i>)	220-238; 816-818
Class 42	Review	