**International Human Rights Law - Seminar**

**Law 6936, Section 21072**

**Profesor Berta Esperanza Hernández-Truyol**

**Spring 2022**

**WEDNESDAY – 1:15p.m. – 3:15p.m.**

**Room HOL 285A**

**COURSE DESCRIPTION & SYLLABUS**

1. **Class Materials:**

BOOKS

Rhona K.M. Smith, International Human Rights Law (9th Ed. 2020)

this book is available for rent at VitalSource.com

***other resources:***

Handbook on European non-discrimination law <https://www.echr.coe.int/Documents/Handbook_non_discri_law_ENG.pdf>

**InterAmerican Commission Reports**

* The Situation of People of African Descent in the Americas

<http://www.oas.org/en/iachr/afro-descendants/docs/pdf/AFROS_2011_ENG.pdf>

– Violence against lgbti persons <https://www.oas.org/en/iachr/reports/pdfs/ViolenceLGBTIPersons.pdf>

* Legal Standards: Gender Equality and Women’s Rights

<https://www.oas.org/en/iachr/reports/pdfs/LegalStandards.pdf>

* Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean
* <https://www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf>

OAS – Race and Equality

<https://raceandequality.org/oea/>

Unless otherwise indicated, the reading assignments refer to the required textbook.  The cases marked with an asterisk are available through the Textbook at [www.oup.com/he/smith-hr9e/](http://www.oup.com/he/smith-hr9e/)

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.  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 be informed for the current events discussions that will start every class period, 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, Wallstreet 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.

1. **Course Objective**:

The purpose of the seminar is to familiarize students with the international human rights system and selected topics of contemporary importance. 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, including a comparative analysis of the foundations of the international and regional systems; 2- study, primarily through case law analysis, of protections of the selected rights (the specific topics we study will include rights selected by the class – we will discuss the possibilities at our first meeting), and 3- student presentations on the covered topics or on other student driven themes (e.g., race, indigeneity, intersectionality, etc.)

1. **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
  + The origins and purposes of each system
  + The processes available in each system
  + The efficacy of the systems
* Contemporary human rights concerns
  + SUBSTANTIVE
    - Vulnerable populations
    - Race
    - Sex
    - Sexuality
    - Religion
    - Indigeneity
    - Other topics selected by students
  + PROCESS
    - Anti-subordination, Multidimensionality/Intersectionality

1. **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.

1. **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 human rights;
* making proposals, with explanatory memos, regarding how to resolve a human rights concern (such as the refugee crises);
* 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).

Students who wish to do a project must present it to me and must obtain my approval.

1. **Class Participation:**

Class participation is 50% of the grade. This is comprised of two components:

* Daily in-class participation (includes reflection pieces): 25%
* Class presentation: 25%

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.

As you will see from the attached assignment sheet, 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. 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. 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 those that the seminar will cover. The topics may be rearranged for flow of information purposes.

Class participation also includes reflection pieces on the week’s topic. Each student must turn in at least **six** reflection pieces 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 their presentation week.

The student presentations are on the topic of the student’s 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.

1. **Class Preparation**

Given that we meet once per week for a 2-credit-hour course, anticipate spending about 4-6 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 reading of current events on the topic being engaged will enliven the conversation as it will bring contemporary considerations into the discussions.

1. **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/>.

1. **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*.

1. **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.

1. **Class recordings:**

Classes will be recorded. Class recordings will be available only 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.

1. **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.

1. **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*.

1. **Office Hours:**

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. However, during these Covid times, office hours will be held exclusively on Canvas.

My office hours will be 12:30-2:30 on Tuesdays.

1. **Prohibition on Student Recording and Photography and Social Media Posting**:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled.  The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding.  All other purposes are prohibited.  Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide 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. 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.

1. **Requirement to follow campus safety protocols:**

We will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the University and College of Law have implemented the safety policies in order to maintain your learning environment and to enhance the safety of our in-classroom interactions:

**COVID-19 PROTOCOL**

If you have Covid symptoms, complete the screening and schedule a test via [ONE.UF](https://click.info.gator360.ufl.edu/?qs=62992c27c2d2093af81a2646a4841c3a14b58c86d9f232fdaa94009d6db5989bc518357d663a78535313d8b81fa22ddbe4b79abf3a9abd9c92730d8a020fe865).  If you test positive for Covid-19 through a PCR, rapid antigen, or any at-home test, please call the DOH Covid-19 Operations team at 352-273-9790 to report your case.

If you are feeling ill, please stay home and get tested.  Staff should contact their supervisors, who will determine whether you may work remotely or should use sick leave.  Faculty who test positive but feel well may teach their classes remotely.  Faculty who test positive but are sick should cancel or reschedule class.  Please note that it is important that all classes start in person this semester unless the course is designated as an online course.

If you come in close contact with someone who has tested positive, please visit [ONE.UF](https://click.info.gator360.ufl.edu/?qs=62992c27c2d2093af81a2646a4841c3a14b58c86d9f232fdaa94009d6db5989bc518357d663a78535313d8b81fa22ddbe4b79abf3a9abd9c92730d8a020fe865) to report your exposure on the screener.  A close contact remains someone who was within six feet of you for at least 15 minutes during the 48 hours before they began to experience Covid symptoms. The Office of Student Affairs will continue to provide support for students who are sick or withheld from campus. The Office of Student Affairs will provide these students with class recordings.

UF Health strongly encourages everyone to become fully vaccinated against Covid-19.  The CDC recently revised its definition of who is considered fully vaccinated to individuals who (1) received a booster and (2) completed the primary series of the Pfizer or Moderna vaccine within the last six months; or completed the primary series of the Johnson & Johnson vaccine within the last two months.

Free and easy-to-access vaccines remain available through the Student Health Care Center, the health department, UF Health pharmacies, UF Health Physicians practices and over 30 retail pharmacies and health practices in the community.  You may explore vaccine availability [here](https://coronavirus.ufhealth.org/vaccinations-2/vaccine-availability/vaccine-availability-alachua/#uf).

**Masks**

*Masks are expected*. *In addition to being fully vaccinated, UF Health advises everyone to wear an N95 or KN95 mask in indoor settings.  That is the best protection against the Omicron variant.  Students may request masks through the Office of Student Affairs. Everyone is expected to wear masks in all UF Law buildings, including classrooms, hallways, our library, the second floor of Bruton-Geer, and in the Commons when you are not actively eating or drinking.*

1. **Syllabus and assignments:**

The assignment sheet is attached.

| DATE | WK | TOPIC | READINGS |
| --- | --- | --- | --- |
|  | 1 | INTRO BASICS |  |
|  | 2 | UN | pp. 29-54; 56-70; 144-169; 171-182 |
|  | 3 | African, European and Latin American Systems | Regional (general introduction) 72-80; Europe 83-96; 99-105;  Americas 108-123; case – Interpretation of Am. Decl. Adv. Op.\* OC-10/89 Ser. A No 10 (1989)  Africa 126-142 |
|  | 4 |  | Week 4: Due date for project/  paper topic |
|  | 5 | Independent Research |  |
| 2/23 | 6 | General Economic Rights  Presentations Begin | Smith Readings: pp.66-69 (4.2.3.1-4); 86-7 (6.1.2.3.1)  EK& R Readings: Chapters 1, 2, 3, 8, 9  Other Readings: Universal Declaration, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>;  Intl Covenant on SEC Rights, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>;  Protocol of San Salvador, <https://www.oas.org/juridico/english/treaties/a-52.html> |
| 3/2 | 7 | Work & Gender | Smith Readings: 36-37 (3.5.1), 52 (3.10.1.3), 88 (6.1.2.3.6), 112 (7.2.4.3), 117 (7.3.5), 130-131 (8.2.5), 185-192,  210-211, 220-226, 241-42, Chapter 16 (pp. 296-311)  EK&R Readings: Chapters 12, 13, 18  Other Readings: International Labor Organizational [www.ilo.org](http://www.ilo.org) (about labour standards)  - 36-37 (3.5.1), 52 (3.10.1.3), 88 (6.1.2.3.6), 112 (7.2.4.3), 117 (7.3.5), 130-131 (8.2.5), 185-192,  210-211, 220-226, 241-42  - UN – Gender Equality <https://www.un.org/en/global-issues/gender-equality/>  - CEDAW plus additional information <https://www.un.org/womenwatch/daw/cedaw/>  - “Mexico femicide statistics lead to women’s strike”  <https://www.jurist.org/news/2020/03/mexico-femicide-statistics-lead-to-womens-strike/>  - IACHR Legal Standards: Gender Equality and Women’s Rights  <https://www.oas.org/en/iachr/reports/pdfs/LegalStandards.pdf> |
| 3/16 | 8 | Health & Sexuality | Smith Readings: pp. 206-08; 220-238 (added to files); 240-41 (13.1.1.3); 385-86 (20.4.4)  EK&R Readings: Ch. 10  Other Readings: Evans, A Human Right to health?, <https://www.tandfonline.com/doi/abs/10.1080/01436590220126595>;  Alter, Health Care as a Civil Right, (https://www.realclearpolitics.com/2009/08/16/health\_care\_as\_a\_civil\_right\_219638.html);  Yogyakarta Principles ([www.Yogyakartaprinciples.org](http://www.Yogyakartaprinciples.org));  organizations working in global health (<https://www.albany.edu/globalhealth/organizations-working-global-health>);  UN engagement (<https://www.un.org/en/global-issues/health>);  WHO (<https://www.who.int/about> ; <https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health>);  - Cases: [Toonen v. Australia](http://hrlibrary.umn.edu/undocs/html/vws488.htm), Vehjeland & Ors v. Sweden,\* [Obergefell v. Hodges](https://www.oyez.org/cases/2014/14-556), [Bostock](https://www.oyez.org/cases/2019/17-1618)  Atala Riffo v. Chile\*  ECHR on SSM  <https://eclj.org/marriage/the-echr-unanimously-confirms-the-non-existence-of-a-right-to-gay-marriage>  <https://www.france24.com/en/20190716-europes-rights-court-rules-against-russia-lgbt-case>  <https://www.elevenjournals.com/tijdschrift/ELR/2017/3/ELR_2017_010_003_006>  <https://strasbourgobservers.com/category/by-topic/lgbt-rights/>  IACHR on LGBTI  <https://www.oas.org/en/iachr/reports/pdfs/ViolenceLGBTIPersons.pdf> (Commission Report)  <https://www.oas.org/en/iachr/lgtbi/>  <https://www.atlanticcouncil.org/blogs/new-atlanticist/costa-rica-legalized-same-sex-marriage-where-does-the-rest-of-latin-america-stand-on-marriage-equality/>  ILGA State-Sponsored Homophobia (2020)  <https://ilga.org/state-sponsored-homophobia-report-2020-global-legislation-overview> |
| 3/23 | 9 | Independent Research and Writing | Due date for detailed outline of project/  paper |
| 3/30 | 10 | Access to Justice | Smith Readings: Chapters 9, pp. 243-44 (13.2.1 - Death Penalty), 15  EK& G Readings: pp. 35-36; 592-95  Other Readings: USDOJ Access to Justice (<https://www.justice.gov/atj>);  International Access to Justice (<https://www.biicl.org/documents/485_iba_report_060215.pdf?showdocument=1>);  Global Insights on Access to Justice (<https://worldjusticeproject.org/sites/default/files/documents/WJP-A2J-2019.pdf>);  Death penalty in 2020 (<https://www.amnesty.org/en/latest/news/2021/04/death-penalty-in-2020-facts-and-figures/#:~:text=Amnesty%20International%20recorded%20that%201%2C477,be%20under%20sentence%20of%20death>);  death penalty information center (<https://deathpenaltyinfo.org/policy-issues/international/executions-around-the-world>);  2022 Papua New Guinea Abolishes DP (<https://deathpenaltyinfo.org/news/citing-christian-values-papua-new-guinea-abolishes-the-death-penalty>);  UN Rules for Treatment of Prisoners (<https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf>) |
| 4/6 | 11 | Migration | Smith Readings: pp. 50-52 (3.10.1 – 3.10.1.2), 394-95 (21.1.2.1)  EK&G Readings: Ch. 21, pp. 187-89, 151, 152, 161-62, 215  Other Readings: Recommended Principles and Guidelines of JR at International Borders (<https://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf> );  US treatment of prisoners at the border (<https://foreignpolicy.com/2019/07/26/the-united-states-treats-migrants-worse-than-prisoners-of-war/> );  US detention of Child Migrants (<https://www.cfr.org/backgrounder/us-detention-child-migrants> );  Southern Border Humanitarian Crisis (<https://disasterphilanthropy.org/disaster/southern-border-humanitarian-crisis/>);  Migration to the Gulf (<https://gulfmigration.grc.net/media/pubs/book/GRM%202017%20-%20Volume%20-%20Definitive%20-%202018-06-15.pdf> ) [NOTE THIS IS AN ENTIRE BOOK **READ CHAPTERS 1&11]** |
| 4/13 | 12 | Minorities | Smith Readings: Ch. 19, 21  Cases: Minority Schools in Albania, <http://www.worldcourts.com/pcij/eng/decisions/1935.04.06_albania.htm>  pp. 18-27  p. 92(6.1.4.3), 177 (10.2.4.1), 192-197, 204 (11.6 discussion topic: Intersectionality,257-264, Case of Haitians & Dominicans of Haitian Origin, <https://www.corteidh.or.cr/docs/medidas/haitianos_se_02_ing.pdf>  p. 123.  pp. 271-272 (14.3), 308-309 (16.3), 348-372, 382-383 (20.4.1)  - the Floyd resolution  <https://undocs.org/A/HRC/RES/43/1>  - Inter American court uphold indigenous rights in Argentina [https://aida-americas.org/en/blog/inter-american-court-upholds-indigenous-rights-in-argentina?emci=ad45415e-698a-ea11-86e9-00155d03b5dd&emdi=8cb303ee-ea8a-ea11-86e9-00155d03b5dd&ceid=876548](https://urldefense.proofpoint.com/v2/url?u=https-3A__aida-2Damericas.org_en_blog_inter-2Damerican-2Dcourt-2Dupholds-2Dindigenous-2Drights-2Din-2Dargentina-3Femci-3Dad45415e-2D698a-2Dea11-2D86e9-2D00155d03b5dd-26emdi-3D8cb303ee-2Dea8a-2Dea11-2D86e9-2D00155d03b5dd-26ceid-3D876548&d=DwMFaQ&c=sJ6xIWYx-zLMB3EPkvcnVg&r=6BgJnPDyvdezKb307gDghZEQs6ZrRaYYbkFbc63lRow&m=lBsVCbldk2jueFJe708GnJR7ohTuCUUr_B2KJne8Tfw&s=W1vflK6I3XtpLVduwydPgP-eWSIKGOZm5pLlmhakSPc&e=)  EK&G Readings: Chapters 14, 15, 20  Other Readings: Myanmar Rohingya Crisis (<https://www.nationalgeographic.com/culture/article/rohingya-refugee-crisis-myanmar-burma-spd>);  Myanmar events of 2021 (<https://www.hrw.org/world-report/2022/country-chapters/myanmar-burma#fd9352>). |
| 4/20 | 13 | Freedom of Expression & Religion  Project/  Paper due | Smith Readings: pp. 197-203 (11.5.1-.7), 358-59(19.1.4.2 and discussion topic), Ch. 20, p. 397 (Example).  Other Readings: Is China Committing Genocide Against the Uyghurs? (<https://www.smithsonianmag.com/history/is-china-committing-genocide-against-the-uyghurs-180979490/>);  China Primer: Uyghurs (<https://sgp.fas.org/crs/row/IF10281.pdf>);  Chinese Persecution (<https://www.ushmm.org/genocide-prevention/countries/china/case-study/current-risks/chinese-persecution-of-the-uyghurs>);  OAS Report on Freedom of Expression in Cuba (<http://www.oas.org/en/iachr/expression/docs/reports/Cuba-en.pdf>);  Freedom of Speech in Cuba (<https://borgenproject.org/tag/freedom-of-speech-in-cuba/>);  Cuba: Telecomm Decree Curtails Free Speech (<https://www.hrw.org/news/2021/08/25/cuba-telecommunications-decree-curtails-free-speech>);  Freedom in the World 2021 – Cuba (<https://freedomhouse.org/country/cuba/freedom-world/2021>)  - A closer look at how religious restrictions have risen around the world  <https://www.pewforum.org/2019/07/15/a-closer-look-at-how-religious-restrictions-have-risen-around-the-world/>  AND <https://apnews.com/3f554ea6fe6a42c08c0618745eee8c2b> |