

COURSE CONTENTS: "INTERNATIONAL HUMAN RIGHTS" SECOND SEMESTER OF 2014

FIRST PART: Introduction to Human Rights

I. Unit 1: Basic concepts.

- a) Concept of public ethics.
- b) Ethics and the law.
- c) Democracy and citizenry.
- d) Concept of international order.
- e) Concept of international humanitarian order.
- f) Concept of international law.

II. Unit 2: Historical evolution.

- a) Ancient historical precedents.
- b) The Enlightenment, the revolutions of the late XVIII century.
- c) Evolution during the XIX century.

III. Unit 3: The internationalization of human rights post-1945. Main covenants.

- a) Universal Declaration of Human Rights.
- b) Convention on Genocide.
- c) Convention on the Statute of Refugees.
- d) International Covenant on Civil and Political Rights.
- e) International Covenant on Economic, Social and Cultural Rights.
- f) Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).
- g) Rome Statute.

IV. Unit 4: Civil and Political Rights.

- a) The language of generations of rights.
- b) The International Covenant on Civil and Political Rights.
- c) Categories of civil and political rights:
 - c.1) Immunities: life, personal security, individual liberty, prohibition of slavery, honor and privacy, name, and freedom of conscience.
 - c.2) Civil liberties: freedom of expression, assembly, association, and movement.
 - c.3) Political rights: the right to vote and to run for public office.
 - c.4) Equality: protection of the law against arbitrary discrimination before public burdens.
 - c.5) Acknowledgement of legal status vis-à-vis the State: Right to legal personality, and name. Rights associated to the status of national, citizen, and refugee.
- d) Illustration: Freedom of expression.

V. Unit 5: The overarching principles of equality and non discrimination.

- a) Principle of equality.
- b) Principle of non discrimination.
- c) Sources and categories of discrimination.
- d) Affirmative action.

VI. Unit 6: Economic, social and cultural rights (ESCR). Collective rights.

- a) Concept of ESCR.
- b) ESCR enforcement.
- c) International Covenant on Economic, Social and Cultural Rights.
- d) Main ESCR:
 - d.1) Health.
 - d.2) Education.
 - d.3) Labor rights and social security.

- e) Concept of collective rights.
- f) Main collective rights:
 - f.1) Right to peace.
 - f.2) Right to development.
 - f.3) People's self-determination.
 - f.4) Environmental rights.

VII. Unit 7: Absolute rights and rights subject to limitations.

- a) Absolute rights: dignity, non discrimination, freedom of conscience, legal personality, no slavery, personal integrity, nationality, and judicial protection.
- b) Limits: rights of others, common security, and the common good, in a democratic society.
- c) Criteria for restricting certain rights: national security, public order, public morals, and public health.
- d) Causes for suspending rights: war, public peril or other such grave emergency.
- e) Conditions for restrictions and suspensions: legality, necessity, and proportionality.

VIII. Unit 8: Human rights violations.

- a) Obligations of States: respect, guarantee, promote, cooperate, and progressively fulfilling.
- b) States of normality and states of exception.
- c) Human rights violations criminology.
 - c.1) Complex crimes: enforced disappearances, ethnic cleansing, apartheid.
 - c.2) Other crimes.
- d) Kinds of responsibilities for human rights violations: legal, moral, political, and historical.

IX. Unit 9: Human rights protection mechanisms.

- a) Domestic protection systems: habeas corpus and other domestic recourses.

- b) Regional protection systems: Europe, America, and Africa.
- c) Universal protection systems: UN Human Rights Council.
- d) Nongovernmental organization for the protection of human rights.

X. Unit 10: International criminal law

- a) Awarding systems: Ad-hoc tribunals, domestic tribunals (universal jurisdiction), international tribunals (International Criminal Court), hybrid tribunals.
- b) Crimes under international law: Genocide, crimes against humanity, war crimes, and crime of aggression.
- c) Procedural criminal law: International Criminal Court. Rome Statute. Competence. Competence triggering mechanisms.

SECOND PART: Specific Topics on Human Rights.

I. Unit 1: Rights of women.

- a) Main covenants: CEDAW, Belém do Pará.
- b) Woman and family.
- c) Gender violence.
- d) Reproductive rights.
- e) Affirmative action.

II. Unit 2: Rights of the child.

- a) From protected object to subject of rights.
- b) Concept of progressive autonomy.
- c) Convention on the Rights of the Child.
- d) Children labor.
- e) Children soldiers.
- f) Sexual abuses.

III. Unit 3: Rights of indigenous peoples.

- a) What are indigenous people?
- b) Categories of indigenous peoples.
- c) 169 Covenant of the World Labor Organization.
- d) International Convention to Eliminate all Forms of Racial Discrimination.
- e) UN Declaration on Indigenous People´s Rights.
- f) Alternative solutions: assimilation, partial autonomy, complete autonomy.

IV. Unit 4: Migrants.

- a) Human displacement.
- b) Statute of refugees.

c) Political Asylum.

V. Unit 5: Armed conflicts.

a) Jus ad bellum and jus in bello.

b) Jus ad bellum: Jus contra bellum, collective security system and the use of force under the UN Charter.

c) Jus in bello: International humanitarian law.

c.1) Principles: military necessity, proportionality, and distinction.

c.2) Geneva Law and Hague Law.

c.3) Types of conflict under international humanitarian law: before and after WWII.

c.4) Main documents: Geneva Conventions of 1949 and Additional Protocols I y II.

c.5) Relationship with international human rights law.

VI. Unit 6: Terrorism and human rights.

a) Political violence.

b) Concept of terrorism.

c) Historical review.

d) Terrorism after 9/11.

e) Critique to the main current responses: War on terror and criminal law of the enemy.

VII. Unit 7: Environment and human rights.

a) Main international documents.

b) Environmental principles:

b.1) Sovereignty over natural resources.

b.2) Sustainable development.

b.3) Justice between generations.

b.4) Common but distinct responsibilities between States.

- b.5) Participation of the citizenry.
- b.6) Preventive principle.
- b.7) Precautionary principle.
- b.8) Indemnification for damages and polluter-pays principle.
- c) Right to water.

VIII. Unit 8: Anti-corruption and human rights.

- a) Concept of corruption.
- b) Types of corrupt conducts.
- c) Main international documents.
- d) Main institutions.
- e) Free access to public information.
- f) Criteria for the education in transparency and anti-corruption.

IX. Unit 9: Transitional Justice.

- a) Periods of a political community: foundation, sustainable functioning, crisis, and re-foundation.
- b) Types of transitions to democracy.
- c) Approaches to transition to democracy: judicial, political, moral, social, historical, and international.
- d) Truth, acknowledgement, reparations, justice, and guarantees of non repetition.

X. Unit 10: Intellectual property and human rights.

- a) Property rights and intellectual property.
- b) World Intellectual Property Organization (WIPO).
- c) Human rights and intellectual property.
- d) Technology.
- e) Pharmaceutical market.

f) Traditional knowledge.

XI. Unit 11: Sexual minorities.

- a) Heteronormativity.
- b) Equal marriage.

XII. Unit 12: Bioethics.

- a) Beginning and ending of the human being as subject of human rights.
- b) The human being as exclusive fundamental rights holder: "specism" vs. "animalism".