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COURSE GUIDE

International Human Rights Law (24211C5)

Grado (Bachelor's Degree)	Grado en Derecho	Branch	Social and Legal Sciences				
Module	Jurisdicción y Otros Sistemas de Solución de Conflictos	Subject	Derecho Internacional de los Derechos Humanos				
Year of study	3 ^o	Semester	2 ^o	ECTS Credits	4	Course type	Elective course

PREREQUISITES AND RECOMMENDATIONS

- Students should have previously read the course in “Public International Law” (3rd year, 1st semester).
- Students should regularly follow the media to keep up to date with international current affairs.
- Students are expected to read a variety of sources, including textbooks, supplementary readings, and normative texts.

Bear in mind this is a lecture-based class with as much feedback during each class period as possible. That means you must complete the required reading before the class date to which it is attached. In order to help you keep current on the readings, periodic, in-class reading quizzes shall be used for assessing your progress.

BRIEF DESCRIPTION OF COURSE CONTENT (According to the programme’s verification report)

- The historical process of internationalisation of human rights.
- International instruments for the protection of human rights.
- Promotion and protection of human rights in the United Nations universal system; and in the European, American and African regional systems.
- Repression of certain gross violations of human rights.
- Spain's position with regard to international human rights law.

SKILLS

GENERAL SKILLS

- CG01 - Competencia Instrumental. Capacidad de análisis y síntesis. Buscar, seleccionar, analizar y sintetizar información para poder formular juicios que procedan de una reflexión personal sobre temas académicamente relevantes
- CG02 - Competencia Instrumental. Comunicación oral y escrita. Expresar y transmitir



adecuadamente ideas complejas, problemas y soluciones, de forma oral, a un público tanto especializado, y por escrito, en castellano.

- CG03 - Competencia Instrumental. Resolución de problemas. Aprender a aplicar conocimientos teóricos al trabajo personal de una forma profesional.
- CG04 - Competencia Instrumental. Capacidad de decisión.
- CG05 - Competencia Instrumental. Conocimiento de una lengua extranjera en el ámbito del Derecho. Expresar y transmitir adecuadamente ideas complejas, problemas y soluciones, de forma oral, a un público especializado, y por escrito, en una lengua extranjera.
- CG06 - Competencia Instrumental. Conocimiento de informática. Aprender a utilizar las nuevas tecnologías de la sociedad del conocimiento como instrumento de trabajo.
- CG07 - Competencia Interpersonal. Razonamiento crítico. Mostrar una actitud crítica ante la realidad y las ideas, y de apertura e interés por el trabajo intelectual y sus resultados.
- CG08 - Competencia Interpersonal. Compromiso ético. Analizar críticamente la dimensión ética y política de las instituciones, los problemas y las soluciones jurídicas.
- CG09 - Competencia Interpersonal. Trabajo en equipo. Aprender a trabajar en equipo y a asumir funciones de liderazgo en trabajos colectivos.
- CG10 - Competencia Interpersonal. Trabajo de carácter interdisciplinar.
- CG11 - Competencia Sistémica. Motivación por la calidad.
- CG12 - Competencia Sistémica. Aprendizaje autónomo. Aprender a diseñar, planificar y organizar el trabajo propio, fomentando la iniciativa y el espíritu emprendedor.
- CG13 - Competencia Sistémica. Adaptación a nuevas situaciones.
- CG14 - Competencia Sistémica. Sensibilidad hacia temas de la realidad social, económica y medioambiental.

SUBJECT-SPECIFIC SKILLS

- CE01 - Capacidad de leer e interpretar textos jurídicos.
- CE02 - Capacidad de redactar escritos jurídicos.
- CE03 - Desarrollo de la oratoria jurídica. Capacidad de expresarse apropiadamente ante un auditorio.
- CE06 - Tomar conciencia de la importancia del Derecho como sistema regulador de las relaciones sociales.
- CE07 - Conseguir la percepción del carácter unitario del ordenamiento jurídico y de la necesaria visión interdisciplinaria de los problemas jurídicos.
- CE08 - Capacidad para el manejo de fuentes jurídicas (legales, jurisprudenciales y doctrinales).
- CE10 - Dominio de las técnicas informáticas en la obtención de la información jurídica (Bases de datos de legislación, jurisprudencia, bibliografía).
- CE11 - Capacidad para utilizar la red informática (internet) en la obtención y selección de información y en la comunicación de datos.
- CE12 - Adquisición de una conciencia crítica en el análisis del ordenamiento jurídico.
- CE13 - Adquisición de valores y principios éticos.
- CE14 - Desarrollo de la capacidad de trabajar en equipo.
- CE17 - Comprensión de las distintas formas de creación del derecho en su evolución histórica y en su realidad actual.

LEARNING OUTCOMES

On successful completion of the course the student will be able to:
Knowledge:



- Understand the sources, nature, scope, and institutional architecture of international and regional human rights law.
- Critically evaluate the value and limits of human rights law as a framework for addressing different societal challenges.

Skills:

- Apply legal research and writing skills to a topical issue or case in the field of international and regional human rights law.
- Critically examine, orally present and nurture discussions on tensions and challenges related to the application of international regional human rights law in practice.

PLANNED LEARNING ACTIVITIES

THEORY SYLLABUS

GENERAL APPROACHES TO THE INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

Topic 1. Historical overview

1. International law before the 20th century.
2. Early 20th century precedents.
3. The post-war human rights revolution:
 1. The United Nations Charter and the International Bill of Rights.
 2. Regional organizations.

Topic 2. Legal overview

1. The law of human rights.
2. Human rights obligations.
3. Promotion and protection of human rights:
 1. Promotion mechanisms.
 2. Compliance and monitoring mechanisms.
 3. Complaint procedures.
4. Enforcement.

UNIVERSAL AND REGIONAL SYSTEMS OF PROMOTING AND PROTECTING HUMAN RIGHTS

Topic 3. The United Nations system

1. Principal organs.
2. Charter-based mechanisms. The Human Rights Council and other subsidiary UN Charter-based bodies.
3. Treaty-based mechanisms. UN Treaty bodies.

Topic 4. Regional protection of human rights (I): the European system

1. Protection of human rights at the Council of Europe:
 1. The European Convention on Human Rights system.
 2. Other mechanisms for the protection of human rights.
2. Human rights and freedoms in the European Union: the Charter of Fundamental Rights of the EU.

Topic 5. Regional protection of human rights (II): the American and African systems.

1. The Organization of American States (OAS) and the protection of human rights: the



- American Convention on Human Rights system.
2. The African Union (AU) and the protection of human rights: the African Charter on Human and People's Rights system.

Topic 6. The repression of certain gross violations of human rights

1. The universal jurisdiction principle. Universal jurisdiction in selected domestic legal orders.
2. International criminal courts and tribunals. The International Criminal Court.

Topic 7. Spain and the International Human Rights Law

1. The Spanish Constitution and IHRL.
2. Spain before the international monitoring bodies.
3. Enforcement of ECtHR judgements in Spain.
4. The universal jurisdiction principle and its effects on the Spanish judicial system.

PRACTICAL SYLLABUS

Students who opt for the continuous assessment system will have to participate in one of the practical activities that will be organised throughout the semester. These may include:

1. Elaboration of a poster with the graphic representation of a theme (assigned or chosen) from a list provided by the teachers at the beginning of the semester. In addition, the students will make an oral presentation of their work.
2. Written commentary of a judgement or decision of an international (quasi-) judicial body. In addition, the students will make an oral presentation of their work.
3. A moot court case before the Inter-American Court of Human Rights or the European Court of Human Rights. The hypothetical case would be announced in the first week of class. Students participating in this activity will be organised in groups of a maximum of 4 members. Each group will have to draft and hand in the written memoirs of the plaintiff and the defendant, and then compete in the oral competition with the other teams.

RECOMMENDED READING

ESSENTIAL READING

There is no doctrinal work that covers the entire syllabus. Therefore, the following textbooks and supplementary readings are recommended.

1. Textbooks

- ALSTON, Ph.; GOODMAN, R.: International Human Rights. The successor to International Human Rights in context, Oxford University Press, Oxford, 2012.
- BINDER, C, et al. (eds), Elgar Encyclopedia of Human Rights, Edward Elgar, 2022.
- DE BÚRCA, G., Reframing Human Rights in a Turbulent Era, Oxford University Press, 2021.
- DE SCHUTTER, O.: International Human Rights Law. Cases, Materials, Commentary, 3rd., Cambridge University Press, Cambridge, 2019.
- MÉGRET, F. and ALSTON, Ph.: The United Nations and Human Rights: A Critical Appraisal, Oxford University Press, 2020.
- MOECKLI, D. et al. (eds.), International Human Rights Law, 4th ed, Oxford University Press, 2022.



- SHELTON, D.: Advanced Introduction to International Human Rights Law, 2^a ed., Ed. Edward Elgar, Cheltenham/Northampton, 2020.
- SHELTON, D.: Remedies in international human rights law, 3th. ed., Oxford University Press, 2015.

COMPLEMENTARY READING

2. Supplementary readings

- AN-NAIM, A.A.: Decolonising Human Rights, Cambridge University Press, 2021.
- ANTKOWIAK, TH & GONZA, A.: The American Convention on Human Rights. Essential Rights, Cambridge University Press, 2017.
- BURGORGUE-LARSEN, L.: La Convention européenne des droits de l'homme, L.G.D.J. – Textenso Éditions, Paris, 2012.
- DE SOUSA SANTOS, B. and MARTINS, B.S. (eds), The Pluriverse of Human Rights: The Diversity of Struggles for Dignity, Routledge, 2021.
- DZEHTSIAROU, K.; DE LONDRAS, F.: Great Debates on the European Convention on Human Rights, Palgrave, 2018.
- EVANS, M.D.; MURRAY, R. (eds.) The African Charter on Human and People's Rights. The System in Practice, 1986–2000, Cambridge University Press, 2002.
- GIBNEY, M. et al. (eds.), Routledge Handbook on Extraterritorial Human Rights Obligations, Taylor and Francis Group, 2021.
- GREER, S.; GERARDS, J.; SLOWE, R: Human Rights in the Council of Europe and the European Union. Achievements, Trends and Challenges, Cambridge University Press, 2018.
- SICILIANOS, L.-A.; KOSTOPOULOU, M.-A.: The individual application under the European Convention on Human Rights. Procedural Guide, Council of Europe, Strasbourg, 2019.
- The implementation of judgments of the European Court of Human Rights, Council of Europe, Strasbourg, 2018.
- VILJOEN, F: International Human Rights Law in Africa, Oxford University Press, Oxford, 2007.

3. Compilation of normative texts

All the necessary normative texts for the study of the subject can be found on the internet and will also be available on the Prado teaching platform.

RECOMMENDED LEARNING RESOURCES/TOOLS

UN SYSTEM

- UN: <http://www.un.org>
- UNHCHR: <http://www.unhchr.ch/>

REGIONAL SYSTEMS: EUROPE

COUNCIL OF EUROPE: <http://www.coe.int/>

- Treaty Office: <http://conventions.coe.int>
- HUDOC (case-law): <http://hudoc.echr.coe.int>
- Torture: <http://www.cpt.coe.int/en>
- Minorities: http://www.coe.int/T/E/human_rights/minorities

EUROPEAN UNION: https://european-union.europa.eu/index_en

- Fundamental Rights Agency (FRA): <http://fra.europa.eu/es>
- Court of Justice of the EU (case-law): https://curia.europa.eu/jcms/jcms/j_6/en/

REGIONAL SYSTEMS: AMERICA

ORGANIZATION OF AMERICAN STATES (OAS): <http://www.oas.org>

- Human Rights: https://www.oas.org/en/topics/human_rights.asp



- Inter-American Commission on Human Rights: <https://www.oas.org/en/iachr/>
- Inter-American Court of Human Rights: https://www.oas.org/en/topics/human_rights.asp

REGIONAL SYSTEMS: AFRICA

AFRICAN UNION: <https://au.int/>

- Law, democracy and human rights: <https://au.int/en/democracy-law-human-rights>
- Treaties: <https://au.int/en/treaties>
- African Commission on Human and Peoples' Rights: www.achpr.org
- African Court on Human and Peoples' Rights: <http://en.african-court.org>

INTERNATIONAL CRIMINAL COURT: <https://www.icc-cpi.int>

TEACHING METHODS

- MD01 - Lección magistral (Clases teóricas-expositivas). Presentación en el aula de los conceptos fundamentales y desarrollo de los contenidos propuestos
- MD02 - Actividades prácticas (Clases prácticas). Actividades a través de las cuales se pretende mostrar al alumnado cómo debe actuar a partir de la aplicación de los conocimientos adquiridos
- MD03 - Seminarios. Modalidad organizativa de los procesos de enseñanza y aprendizaje donde tratar en profundidad una temática relacionada con la materia
- MD04 - Actividades individuales (Estudio y trabajo autónomo). 1) Actividades (guiadas y no guiadas) propuestas por el profesor para profundizar en aspectos concretos de la materia para que el estudiante avance en la adquisición conocimientos y procedimientos de la materia, 2) Estudio individualizado de los contenidos de la materia 3) Actividades evaluativas (informes, exámenes,...)
- MD06 - Tutorías académicas. Manera de organizar los procesos de enseñanza y aprendizaje que se basa en la interacción entre el estudiante y el profesor

ASSESSMENT METHODS (Instruments, criteria and percentages)

ORDINARY EXAMINATION DIET

The preferred system is that of continuous assessment. All students will be part of the continuous assessment system, with the exception of those students who have been granted the so-called "single assessment system" (or "Evaluación Única Final"), upon telematic application within the period established by the University. The continuous assessment system of student learning is based on a combination of the following activities:

- Eliminary exams (60%) along the semester, on the dates indicated in the course schedule.

or

- A final written or oral exam (60%) on the official date established by the Faculty of Law ("Convocatoria ordinaria" or Finals). A minimum mark of 5 out of 10 is required to pass the exam, a sine qua non condition to sum the practical activities and to be able to pass the course.

and

- Participation in one of the proposed practical activities (40%): the moot court, the elaboration and presentation of a poster or the elaboration and presentation of a case-law commentary.

The overall grade will correspond to the pondered score of the different aspects and activities that integrate the evaluation system. This weighted score will be detailed with more precision in



the course Didactic Guide. Therefore, the Didactic Guide will specify the assessment criteria in the continuous assessment and single final assessment modalities, both for the Finals (“convocatoria ordinaria”) and the Resit exams (“convocatoria extraordinaria”). The grading system will be expressed by means of a numerical grade in accordance with the provisions of art. 5 of R.D. 1125/2003, of 5 September, which establishes the European credit system and the grading system for official university degrees valid in Spain.

EXTRAORDINARY EXAMINATION DIET

Assessment at the extraordinary session (Finals) will consist of:

- A written exam of the course practical content (a case study), identical for all students, to be assessed out of 10 points, with a maximum duration of 60 minutes; and,
- An oral exam of the course theoretical contents, consisting of 2 essay questions. Each question is worth 10 points. The teachers may ask additional short questions in order to adjust the mark. Students will have time to write a brief outline of the oral questions before the oral presentation. The student must answer all questions. A blank question is equivalent to failing the exam.

Each question and the case study are worth 10 points. In order to pass the exam, the student must obtain at least 50% of the total points (i.e. a minimum of 15 points out of a possible 30 points). The exam mark will be 100% of the final grade.

SINGLE FINAL ASSESSMENT (evaluación única final)

Students that have not followed the continuous assessment and have been granted the right to sit the final exam shall be assessed by means of an exam as described below. The single final assessment will take place on the official date set by the Faculty of Law. The exam will consist of:

- A written exam of the course practical content (a case study), identical for all students, to be assessed out of 10 points, with a maximum duration of 60 minutes; and,
- An oral exam of the course theoretical contents, consisting of 2 essay questions. Each question is worth 10 points. The teachers may ask additional short questions in order to adjust the mark. Students will have time to write a brief outline of the oral questions before the oral presentation. The student must answer all questions. A blank question is equivalent to failing the exam.

Each question and the case study are worth 10 points. In order to pass the exam, the student must obtain at least 50% of the total points (i.e. a minimum of 15 points out of a possible 30 points). The exam mark will be 100% of the final grade.

ADDITIONAL INFORMATION

Examination dates

The exams will take place on the dates set by the Faculty for the academic year 2023-2024. Students are reminded that the exam call, specifying the place and time of the exam shall be published on PRADO. It is the responsibility of each student to consult this information. The modification of the assessment system (extraordinary evaluation by Tribunal) or of the date of the exams (coincidence with other subjects, mobility reasons or incidents) that students can request according to the Regulations of evaluation and qualification of the students of the University of Granada will take place online in accordance with the calendar and the procedure established by the University of Granada for this purpose (<https://sede.ugr.es/procs/Gestion-Academica-Solicitud-de-evaluacion-por-incidencias/>); and in accordance with the general regulations of examinations of the Department, which is published on PRADO and on the Department's website: www.dipri.org. Students admitted to take any of the aforementioned "non-



ordinary" exams should bear in mind that the type of exam may not coincide with that of the group in which they are enrolled, as it will be, as a general rule, a written exam with essay questions.

Students with disabilities or other specific educational support needs

In compliance with the corresponding regulations of the University of Granada, the teaching staff of the Department of International Public Law and International Relations will ensure that assessment is adapted to the needs of said students, in accordance with the recommendations of the Secretariat of Inclusion and Diversity of the UGR, by establishing as many methodological, temporal and/or spatial adaptations as necessary for this purpose.

Mentoring and counselling

The University of Granada has created several organisms tailored to respond to specific issues of interest:

- Prevention of and Response to Harassment Office (OPRA): <https://www.ugr.es/info/perfil-es/estudiantes/atencion-social-igualdad-inclusion-sostenibilidad/igualdad-prevencion-respuesta-acoso>
- Equality and Conciliation Unit: <https://viis.ugr.es/areas/igualdad-conciliacion>
- Psychopedagogical Office / Academic Guidance Unit: <https://ve.ugr.es/secretariados-y-unidades/orientacion>
- Student Support Service: <https://ve.ugr.es/servicios/asistencia-estudiantil/>

