

HUMAN RIGHTS

Bachelor of Laws LLB [2504110] SEP-2023 HR-NLL.2.S.A

Area Public Law and Global Governance

Number of sessions: 15

Academic year: 23-24

Degree course: SECOND

Number of credits: 3.0

Semester: 2^o

Category: COMPULSORY

Language: English

Professor: **SERGIO VERDUGO**

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SERGIO VERDUGO Academic Background

Sergio Verdugo is a Professor of Law at IE University. He holds a Doctor of Laws degree (JSD) from New York University, a Master of Laws (LLM) from the University of California, Berkeley School of Law, a Master in Public Law from P. Universidad Católica de Chile, and a Bachelor's degree in Law (LLB) from Universidad del Desarrollo (Chile). He is also the Secretary General of the International Society of Public Law (ICON-S), and an Editor of the International Journal of Constitutional Law (ICON). Prof. Verdugo's research interests are situated in the fields of democratic and constitutional theory, comparative politics, and human rights. He has published widely in international and peer-reviewed journals on themes such as constitutional courts, constitution-making processes, and constituent power.

See Professor Verdugo's publications at the following link: https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1856424

Office Hours

Office hours will be on request. Please contact at:

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SUBJECT DESCRIPTION

This course will provide an introduction to International Human Rights Law by examining selected landmark judicial decisions from the European Court of Human Rights, and addressing them in a contextualized way that also considers the moral implications and political debates around human rights. Even though there will be a particular focus on the European system of protection of Human Rights, examples extracted from other systems will also be used for discussions and debates.

The course will start with an explanation about what is International Human Rights Law, its history, and its rationale. A special focus will be given to the philosophical foundations of Human Rights Law. Then, the course will focus on specific rights and selected cases. The purpose is to develop critical legal thinking about different topics and learn how to read and interpret judicial decisions from the European Court of Human Rights. The limits of human rights and possible derogations will also be addressed.

LEARNING OBJECTIVES

Students will become familiar with the main international and regional systems of human rights law, with a special focus on the European system of Human Rights. Key cases and thematic issues within the field of international human rights law and the ways in which human rights are promoted and protected.

Through a series of case-studies students will explore the tensions at play in the current practice of human rights and identify opportunities and challenges in human rights theory and practice.

TEACHING METHODOLOGY

IE University teaching method is defined by its collaborative, active, and applied nature. Students actively participate in the process to build their knowledge and sharpen their skills. Professor's main role is to lead and guide students to achieve the course's learning objectives.

The course will combine lectures, class discussions, and guided debates. Students must study the reading materials in advance, and be prepared for the class discussion and for cold calling.

Learning Activity	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	60.0 %	45.0 hours
Discussions	13.33 %	10.0 hours
Individual studying	26.67 %	20.0 hours
TOTAL	100.0 %	75.0 hours

PROGRAM

SESSION 1 (LIVE IN-PERSON)

Introduction I: Why International Human Rights? What are human rights? What are the challenges of universal human rights in today's world?

Read pp. 1-56 of Chapman's book.

Other / Complementary Documentation: Human Rights: A Very Short Introduction, chapters 1 & 2 (ced)

SESSION 2 (LIVE IN-PERSON)

Introduction II: Deepening human rights challenges in the context of political and moral disagreement.

Read:

- Chapman's book: pp. 1-56 (reading material assigned for the previous session)
- Gráinne de Búrca's review of Samuel Moyn's book
- Take a look at the links provided

Article: Book review: Gráinne de Búrca on Moyn's book (J•CON (2018), Vol. 16 No. 4, 1347–1380 (ced))

Other / Complementary Documentation: On International Human Rights terminology (International Human Rights)

Other / Complementary Documentation: UN High Commissioner for Human Rights (UNHCR)

Other / Complementary Documentation: European Court of Human Rights (ECHR)

Other / Complementary Documentation: European Social Charter (Council of Europe (COE))

Other / Complementary Documentation: The Organization of American States (OAS)

Other / Complementary Documentation: Inter-American Commission on Human Rights (OAS)

Other / Complementary Documentation: Inter-American Court of Human Rights (CorteIDH)

Other / Complementary Documentation: African Commission on Human and People's Rights (ACHPR)

SESSION 3 (LIVE IN-PERSON)

Introduction III: The Challenges of Interpreting Human Rights Law - Regional models

Read:

- The European Convention of Human Rights and its mechanism.
- The American Convention of Human Rights.
- Banketas and Oette, "The European Human Rights System," pp. 237-246

Book Chapters: Banketas and Oette, The European Human Rights System, pp. 237-246 (ced)

Other / Complementary Documentation: European Convention of Human Rights

Other / Complementary Documentation: American Convention on Human Rights

SESSION 4 (LIVE IN-PERSON)

The ECHR as a living instrument and LBGTQ+ rights

- Nussberger, Living Instrument, pp. 76-84
- Fedotova and Others v. Russia

Book Chapters: Nussberger: The European Court of Human Rights; Living Instrument, pp. 76-84 (ced)

Other / Complementary Documentation: Fedotova case

SESSION 5 (LIVE IN-PERSON)

Proportionality test and freedom of association

- Nussberger, Proportionality, pp. 96-98
- Gorzelik and Others v. Poland
- Oršuš and Others v. Croatia

Book Chapters: Nussberger: The European Court of Human Rights; Proportionality, pp. 96-98 (ced)

Other / Complementary Documentation: Orsus v Croatia

Other / Complementary Documentation: Gorzelik case

SESSION 6 (LIVE IN-PERSON)

The right to life and the end of life

- McCann and Others v. the United Kingdom
- Haas v. Switzerland

Other / Complementary Documentation: McCann case

Other / Complementary Documentation: Hass case

SESSION 7 (LIVE IN-PERSON)

Reproductive rights, abortion, and European consensus

- Nussberger, European Consensus, pp. 84-88
- A, B and C v. Ireland

Book Chapters: Nussberger: The European Court of Human Rights; European Consensus, pp. 84-88 (ced)

Other / Complementary Documentation: A, B and C case

SESSIONS 8 - 9 (LIVE IN-PERSON)

Secularism, religion, freedom and subsidiarity

- Nussberger, Subsidiarity, p. 95
- Lautsi and Others v. Italy
- S.A.S. v. France

Book Chapters: Nussberger: The European Court of Human Rights; Subsidiarity, p. 95 (ced)

Other / Complementary Documentation: SAS case

Other / Complementary Documentation: Lautsi case

SESSION 10 (LIVE IN-PERSON)

Freedom of Expression:

- Axel Springer AG v. Germany
- Von Hannover v. Germany

Other / Complementary Documentation: Springer case

Other / Complementary Documentation: Von Hannover case

SESSION 11 (LIVE IN-PERSON)

Session 11 – Non-discrimination on the basis of gender

- Carvalho Pinto de Sousa Morais v. Portugal
- Konstantin Markin v. Russia

Other / Complementary Documentation: Markin case
Other / Complementary Documentation: Carvalho case

SESSION 12 (LIVE IN-PERSON)

Political rights

- Anchugov and Gladkov v. Russia

Other / Complementary Documentation: Anchugov case

SESSION 13 (LIVE IN-PERSON)

Derogation, liberty, fair trial, and security. Review session

- A. and Others v. the United Kingdom

Other / Complementary Documentation: A and others v. the UK

SESSION 14 (LIVE IN-PERSON)

Debate about the Margin of Appreciation and Review Session

Article: Andreas Follesdal, "Exporting the Margin of Appreciation: Lessons for the Inter-American Court of Human Rights," (ICON, vol. 15 No 2, pp. 359-371 (ced))

SESSION 15 (LIVE IN-PERSON)

Exam

EVALUATION CRITERIA

criteria	percentage	Learning Objectives	Comments
Individual/Group work, debates, etc.	25 %		Individual assignments, individual work, debates and possible group work
Class Participation	25 %		Responding to cold calling
Final Exam	50 %		

RE-SIT / RE-TAKE POLICY

6.1. GENERAL OBSERVATIONS

Each student has four attempts over two consecutive academic years to pass this course.

Dates and location of the final exam will be posted in advance and will not be changed.

Students must attend at least 80% of the sessions. Students who do not comply with the 80% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year).

Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

6.2. EVALUATION AND WEIGHTING CRITERIA

The final grade for the course will be based on :

- A. Class participation (cold-calling) 25%
- B. Assignments, presentations and practical exercises based on individual and/or group work 25%
- C. Final exam 50%
- TOTAL 100%

During the course, the students will learn and work on the basis of the readings, preparing when needed written individual assignments and/or oral presentations, and participation in debates, which may be organised also as group work (this will account for 25%); they are also expected to participate in class actively, take the floor and read the materials (cold calling will account for a 25%); there will be a final exam during session 15, which will account for 50%.

6.3 RETAKE POLICY

Any student whose weighted final grade is below 5 will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes will be subject to the following rules:

The retakes will consist of a comprehensive exam or a final paper. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.

The exam/final paper will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is 8 out of 10.

The third attempt will require the student to complete:

- individual assignments (50%);
- a final exam (50%).

This is also applicable to students who do not have required attendance, e.g. sickness.

- Dates and location of the retakes will be posted in advance and will not be changed.

BIBLIOGRAPHY

Recommended

- Daniel Moeckli (Editor), Sangeeta Shah (Editor). *International Human Rights Law*. 3rd Edition.. Oxford University Press. ISBN 9780198767237 (Printed)

BEHAVIOR RULES

Please, check the University's Code of Conduct [here](#). The Program Director may provide further indications.

ATTENDANCE POLICY

Please, check the University's Attendance Policy [here](#). The Program Director may provide further indications.

ETHICAL POLICY

Please, check the University's Ethics Code [here](#). The Program Director may provide further indications.