

HUMAN RIGHTS & SOCIAL INCLUSION

IE University

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Academic year: 23-24

Degree course: SECOND

Semester: 1^o

Category: COMPULSORY

Number of credits: 3.0

Language: English

PREREQUISITES

There are no mandatory prerequisites, it is just needed to have an interest in legal issues and a lot of curiosity as regards human rights!

SUBJECT DESCRIPTION

This course will provide an overview of the structure and standards that govern human rights, covering the international and regional human rights systems and the range of legal instruments and standards that have been developed. Human rights have become necessarily interlinked and dominant in the political language of today, and are a tool for "Good" governance. This latter term is a flexible notion, which encompasses, among other elements, political participation, equity and social inclusion, as well as full respect for human rights.

This implies also that the real challenge for achieving good governance is for political and institutional processes to become tools for sustainable development, and that the use of public policies at the global level have to deliver the promise of realisation of human rights and the fight against abuse and corruption.

The breath of International Human Rights institutions makes no longer possible to understand global governance and general international politics without studying human rights. The objective of this course is therefore to present in an animated and accessible way the construction of human rights by public institutions in the international arena and to discuss the challenges faced by countries in realising human rights. There will be a special focus on the European system of protection of Human Rights, though examples extracted from other systems will also be used for discussions and debates.

OBJECTIVES AND SKILLS

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 thematic issues within the field of human rights and social inclusion will be covered.

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

METHODOLOGY

Readings are a central component of this course. You will be asked to read various sections of the documents listed below, including specific cases, along with a selection of supplementary readings of relevant articles or cases that will be provided when needed.

During the course, the students will work on the readings and will develop individual and group work during class (through assignments, debates or other activities, which will account for 35%). There will be a final exam during session 15, which will account for 50%. Finally, there will be a participation grade based on class attendance, actively taking the floor, class behavior and etiquette, and contributions to class discussions (15%).

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	20.0 %	15 hours
Discussions	13.33 %	10 hours
Exercises	20.0 %	15 hours
Group work	6.67 %	5 hours
Other individual studying	40.0 %	30 hours
TOTAL	100.0 %	75 hours

PROGRAM

SESSION 1 (LIVE IN-PERSON)

Introduction I: Why International Human Rights? The challenge of universal human rights in today's world, its history and notion.

Working Paper: Universal Declaration of Human Rights 1948 (S-C)

Other / Complementary Documentation: Declaration of the Rights of Man and of the Citizen (France, 1789) (Britannica.com)

Other / Complementary Documentation: Virginia Declaration of Rights (June 12, 1776. US Declaration) (thefederalistpapers.org)

Multimedia Documentation: What is the Universal Declaration of Human Rights? (amnesty.org)

You may find a podcasts on legal theories such as utilitarianism useful. They are free to download and can be found on Philosophy Bites <http://philosophybites.com>. It can be downloaded to a computer or MP3 player from the website or is available free on itunes>podcast. Instructions and information re downloading can be found at <http://philosophybites.com/downloading-episodes.html>.

SESSION 2 (LIVE IN-PERSON)

Introduction II Human Rights institutional framework: Universal v.regional mechanisms, Prevention v. Monitoring mechanisms.

Book Chapters: Donnelly, ch. 1. The Concept of Human Rights (See Bibliography)

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

Book Chapters: Chapter 2: United Nations Human Rights Mechanisms in "Advocating for Girls' and Women's Health and Human Rights" (International Federation of Gynecology and Obstetrics (glowm.com))

Other / Complementary Documentation: UN High Commissioner for Human Rights (ohchr.org)

Other / Complementary Documentation: European Court of Human Rights (echr.coe.int)
Other / Complementary Documentation: European Social Charter (Council of Europe)
Other / Complementary Documentation: The Organization of American States (oas.org)
Other / Complementary Documentation: Inter-American Commission on Human Rights (oas.org)
Other / Complementary Documentation: Inter-American Court of Human Rights (corteidh.or.cr)
Other / Complementary Documentation: African Commission on Human and People's Rights (achpr.org)
Other / Complementary Documentation: Interights (interights.org)

SESSION 3 (LIVE IN-PERSON)

HUMAN RIGHTS AND SITUATIONS OF CRISIS (I)

states of emergency

Readings:

- ECtHR case A v United Kingdom
- Debate topic to consider: health crisis and state of emergency

Working Paper: The Court in Brief (ECHR)

Practical Case: Case A v United Kingdom (ECtHR)

SESSION 4 (LIVE IN-PERSON)

HUMAN RIGHTS AND SITUATIONS OF CRISIS (II)

The right to truth

Readings:

- **Inter-American Court of Human Rights, Gelman v Uruguay, 2011**

The relationship between the ECHR and other systems: a comparative approach will be given to students and a debate will follow.

Practical Case: Gelman v Uruguay (Inter-American Court of Human Rights)

SESSION 5 (LIVE IN-PERSON)

PRACTICAL DEBATE: ON THE EFFECTIVENESS OF HUMAN RIGHTS

An exercise and questions will be circulated and prepared in advance for an assessment in class.

Multimedia Documentation: The Case against Human Rights (The Guardian, Thu 4 Dec 2014)

Book Chapters: Chapter 1 The Problem of Human Rights in "Making Human Rights a Reality" (Princeton University Press) (CED)

SESSION 6 (LIVE IN-PERSON)

HUMAN RIGHTS AND SITUATIONS OF CRISIS (III)

The migratory crisis

Readings:

- ECtHR, Hirsi Jamaa v. Italy

Practical Case: CASE OF HIRSI JAMAA AND OTHERS v. ITALY (European Court of Human Rights)

SESSION 7 (LIVE IN-PERSON)

HUMAN RIGHTS AND SITUATIONS OF CRISIS (IV)

Fighting corruption

Readings:

- Venice Commission, Amicus curiae brief in the case of Berlusconi v. Italy

Technical note: Venice Commission, Amicus curiae brief in the case of Berlusconi v. Italy (Council of Europe, Venice Commission)

SESSION 8 (LIVE IN-PERSON)

HUMAN RIGHTS ARE SOCIAL RIGHTS : THE CHALLENGE OF SOCIAL INCLUSION

Social rights in action

Readings

- International Covenant on Economic, Civil and Political Rights
- Article: Justiciability and social, economic and cultural rights

Other / Complementary Documentation: Chronology of UN Milestones for Human Rights and Development (UN Sustainable Development Group)

Article: Human Rights and Development – An International Political Economy Perspective (Brazilian Political Science Review 7(3):145-160) (CED)

Book Chapters: Justiciability and Social Rights in "Research Handbook on International Law and Social Rights" (Research Handbook on International Law and Social Rights, Edward Elgar Publishing) (CED)

SESSION 9 (LIVE IN-PERSON)

HUMAN RIGHTS ARE SOCIAL RIGHTS : THE CHALLENGE OF SOCIAL INCLUSION (II)

The principle of equality

Technical note: Handbook on European non-discrimination Law, Read point 1 of the Handbook (European Union Agency for Fundamental Rights)

SESSION 10 (LIVE IN-PERSON)

A debate on access to electricity and energy supplies and its link to Human Rights will be organised in class

A simulation on a case and a class debate in groups will be organised

SESSION 11 (LIVE IN-PERSON)

HUMAN RIGHTS ARE SOCIAL RIGHTS : THE CHALLENGE OF SOCIAL INCLUSION (III)

The environmental challenge

Readings:

- Rio Declaration on Environment and Development (1992) and the Kyoto Protocol
- Inter-American Court of Human Rights advisory opinion 23/2017: Environment and Human Rights

Technical note: Rio Declaration (United Nations)

Technical note: Kyoto Protocol (United Nations Climate Change)

Practical Case: Advisory opinion environment (INTER-AMERICAN COURT OF HUMAN RIGHTS)

SESSION 12 (LIVE IN-PERSON)

THREATS TO SOCIAL INCLUSION: THE RIGHTS OF MINORITIES

Practical Case: Leyla Sahin v. Turkey (Grand Chamber, 2011. ECtHR)

Freedom of religion in context.

Practical Case: ECtHR, Leyla Sahin v. Turkey (Grand Chamber, 2011. ECtHR)

SESSION 13 (LIVE IN-PERSON)

Simulation and discussion

The principle of equality and non-discrimination.

SESSION 14 (LIVE IN-PERSON)

Wrap-up session

The limits of human rights: restrictions, the margin of appreciation of the Member-States and derogations.

Practical Case: Case A v United Kingdom (ECtHR)

Technical note: Guide on Article 15 of the European Convention on Human Rights (Derogation in time of emergency) (ECHR)

SESSION 15 (LIVE IN-PERSON)

FINAL EXAM

Final exercise-exam.

BIBLIOGRAPHY

Compulsory

- Jack Donnelly. (2013). *Universal Human Rights in Theory and Practice*. 3rd edition. Cornell Univ. Press. ISBN 9780801477706 (Printed)

Recommended

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

EVALUATION CRITERIA

Criteria	Percentage	Comments
Individual/Group work, debates, etc.	40 %	Individual assignments, individual work, debates and possible group work
Class Participation	10 %	Taking the floor in class, quality of interventions

Final Exam	50 %	
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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 70% of the sessions. Students who do not comply with the 70% 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 10%
- B. Assignments, presentations and practical exercises based on individual and/or group work 40%
- 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 40%); they are also expected to participate in class actively, take the floor and read the materials (this will account for a 10%); 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.

GENERAL OBSERVATIONS

Each student has four attempts over two consecutive academic years to pass this course. For every BIR Program mandatory class aside from the IR Unplugged and BIR Electives, students are required to obtain the minimum grade of 5 required to pass the course. Students whose grade in the Final Exam (or the largest assignment) is below 5 will fail the course. The rule applies to whichever assignment carries the greatest weight to the final grade. Dates and location of the final exam will be posted in advance and will not be changed. Students must attend at least 70% of the sessions. Students who do not comply with the 70% 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 must contact the professor during the first two weeks of the course. The Bachelor's in International Relations pursues to develop the knowledge, skills and attitudes for bringing transformative and sustainable change in today's world. Therefore, all the courses follow the principles of sustainability and diversity. Firstly, this course considers the agenda 2030 and builds upon the Sustainable Development Goals 5, 10, 13 and 16, mainly. Secondly, this course is committed to an inclusive learning environment and looks to be enriched and enhanced by diversity along numerous dimensions, including race, ethnicity and national origins, gender and gender identity, sexuality, class and religion.

ATTENDANCE

In-person attendance is mandatory at IE University, as it is an essential factor of IE's learning methodology. While we do closely monitor attendance in each course, we also consider our students responsible for their own agenda and commitments, as adult university students. With that in mind, each student may miss up to 30% of the sessions within a given course and still maintain the possibility of passing that given course. This 30% "buffer" is to be used for any absences, such as: illnesses, personal emergencies, commitments, official/governmental matters, business and/or medical appointments, family situations, etc. Students should manage their various needs, and situations that may arise, within that 30% buffer. If a student is absent to more than the allowed 30% of the sessions (regardless of the reason), s/he will obtain a 0.0 grade for that course in both the ordinary and extraordinary calls of the current academic year, and s/he will have to retake the course during the following academic year.

Please pay close attention to your attendance. The program strongly encourages attending 100% of the sessions as it will improve your learning outcomes, it will increase the class performance and it will benefit your participation grade. Noncompliance with deadlines for Non-Classroom Learning activities or assignments will result in an absence for the session. Extreme cases involving emergencies such as: extended hospitalizations, accidents, serious illnesses and other cases of force majeure, are to be consulted with the Program Management (bir.madridoffice@ie.edu) for assessment of the situation and corresponding documentation, in order to support and guide each student optimally. For more information about the university attendance policy, please check; <https://www.ie.edu/student-guide/bir/policies-and-guidelines/attendance/>

THIRD CALL RETAKE POLICY

Any student in their third call of a course, also known as a "Retaker", is obliged to observe the following rules:

- Third call students must contact their professors before or during the first session to ask which work and or *sessions will be required to obtain a passing grade. The professor will determine which work will be required in their course.
*(e.g. when presenting group work, sitting for examinations or other work done in class)
- Retakers are exempt from failing the call due to absences; however, they are not exempt from work the professor designates as necessary to obtain a passing grade. This means some sessions may be mandatory to attend in order to complete the work within.
- Students in their third call are responsible for managing the conflicts in their schedule, should students need advice on how to manage their conflicts they should visit the program office.

EXTRAORDINARY EXAMINATION 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 equivalent assignment. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.
- Dates and location of the retakes will be posted in advance and will not be changed.
- The exam/assignment 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.

PLAGIARISM / ACADEMIC HONESTY

Plagiarism is the dishonest act of presenting another person's ideas, texts or words as your own. This includes in order of seriousness of the offense:

- providing faulty sources;
- copy-pasting material from your own past assignments (self-plagiarism) without the instructor's permission;
- copy-pasting material from external sources even while citing them;
- using verbatim translations from sources in other languages without citing them;
- copy-pasting material from external sources without citing them;
- and buying or commissioning essays from other parties.

IEU students must contact the professor if they don't know whether the use of a document constitutes plagiarism. For help with your academic writing, contact the Writing Center (writingcenter@faculty.ie.edu). The professor will also advise the student on how to present said material. All written assignments must be submitted through Turn-it-in, which produces a similarity report and detects cases of plagiarism. Professors are required to check each student's academic work in order to guarantee its originality. If the originality of the academic work is not clear, the professor will contact the student in order to clarify any doubts. Students using external tutorial support should report it to the professor and the BIR Program from the moment they began receiving this support. In the event that the meeting with the student fails to clarify the originality of the academic work, the professor will inform the Director of the Bachelor Program about the case, who will then decide whether to bring the case forward to the BIR Academic Review Panel. Very high similarity scores will be automatically flagged and forwarded to the Academic Review Panel. Plagiarism constitutes a very serious offense and may carry penalties ranging from getting a zero for the assignment to expulsion from the university depending on the severity of the case and the number of times the student has committed plagiarism in the past.

PROFESSOR BIO

Professor: **AMAYA UBEDA DE TORRES**

E-mail: aubeda@faculty.ie.edu

AMAYA UBEDA DE TORRES

Academic Background

- Ph.D., Universities Robert Schuman of Strasbourg and Complutense of Madrid
- Diploma of Advanced Studies, European Studies, Instituto Ortega y Gasset
- Diploma of Advanced Studies, International Law, University Robert Schuman, Strasbourg

- Law Degree, University Complutense of Madrid

Teaching and research experience

Lecturer and researcher since 2003 in different Universities and Centres, such as Free University of Brussels, London School of Economics, University College of London, Centre for Political and Constitutional Studies of Madrid, etc. She works as Lecturer at IE University since 2012.

Professional Experience

Since 2010, Senior Legal Officer, Council of Europe

Main Publications

Among her books, she has authored, with Professor Burgorgue-Larsen, *The Inter-American Court of Human Rights: case-law and commentary* (Oxford University Press: 2011, 800p.). She has also published *Democracia y derechos Humanos en Europa y en América* (Reus: 2007) as well as many articles and chapters in books and specialized Journals in the field of human rights, International Public Law, dialogue of courts and anti-discrimination policies, as well as on social rights and democracy.

Office Hours: The professor is available for meeting students following an appointment made in advance by e-mail (amaya.ubeda@coe.int).

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. Be on time. Students arriving more than 5 minutes late will be marked as "Absent". Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor). Students attending online must always have their cameras on during the session or risk being marked absent.
2. If applicable, bring your name card and strictly follow the seating chart. It helps faculty members and fellow students learn your names.
3. Do not leave the room during the lecture: Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as "Absent". Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).
4. Do not engage in side conversation. As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. If you do not want to ask it during the lecture, feel free to approach your teacher after class. If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".
5. Use your laptop for course-related purposes only. The use of laptops during lectures must be
6. authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".
7. No cellular phones: IE University implements a "Phone-free Classroom" policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.
8. Escalation policy: 1/3/5. Items 4, 5, and 6 above entail expulsion from the classroom and the

consequent marking of the student as “Absent.” IE University implements an “escalation policy”: The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.

ADDITIONAL MATERIALS:

OTHER RECOMMENDED BIBLIOGRAPHY ON INTERNATIONAL HUMAN RIGHTS

- P. Alston and R. Goodman, International Human Rights (2013).
- R. K. M. Smith, Texts and Materials on International Human Rights (3rd edn., Routledge 2013).

LINKS TO ONLINE HUMAN RIGHTS MATERIALS AND HUMAN RIGHTS INSTITUTIONS

- www.asil.org/resource/humrts1.htm
- www.internationalhumanrightslexicon.org
- UN High Commissioner for Human Rights: www.unhchr.ch
- European Court of Human Rights: www.echr.coe.int/echr
- European Court of Human Rights’s database: <http://hudoc.echr.coe.int/>
- Please use particularly the general information documents on the Court available at the website of the European Court of Human Rights:
https://www.echr.coe.int/Pages/home.aspx?p=court&c=#newComponent_1346149514608_pointer
- European Social Charter: <https://www.coe.int/en/web/turin-european-social-charter>
- European Committee on Social Rights database: <http://hudoc.esc.coe.int/>
- Interights: www.interights.org

ON THE EUROPEAN CONVENTION ON HUMAN RIGHTS

- Harris, O’Boyle and Warbrick, Law of the European Convention on Human Rights, (Oxford, 2018).
- Jacobs, White and Ovey, The European Convention on Human Rights 6th edn (OUP, 2014)
- Mowbray, Cases and Materials on the European Convention on Human Rights 3rd edn (Oxford, 2012).
- Brems and Gerards (eds), Shaping Rights in the ECHR (Cambridge, 2013)
- Follesdal, Peters and Ulfstein (eds), Constituting Europe (Cambridge 2013).