



International Human Rights Protection

Code: 104480 ECTS Credits: 6

| Degree | Туре | Year | Semester |
|---------------------------------|------|------|----------|
| 2503778 International Relations | ОТ | 4 | 2 |

Contact

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Other comments on languages

The course will be developed entirely in English

Teachers

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Prerequisites

VERY IMPORTANT !!!!

- 1) A high level of english is required to be able to follow the classes which will be entirely in english. It will be also necessary a certain level of spanish to be able to interact in group work with other students
- 2) ALL written paper or exercise submitted must include the sources from where the information was extracted (bibliography and references). Non-inclusion will lower the grade

Objectives and Contextualisation

Objectives

The course aims to offer students a vision and understanding of the central problems of international criminal law and human rights, as well as the scope and content of the legal responses that the international community has designed for their protection and safeguarding. Concepts such as human rights, war crimes, crimes against humanity, genocide, victims and (transitional) justice will be studied. This seeks to offer a broad and in-depth knowledge of the relevant issues, as well as the development of academic skills through the analysis of internationally recognized (and eventually protected) human rights, international crimes, the responses and care for victims, both theoretically and in recent practice.

Competences

Use of Languages

Principal working language: english (eng)
Some groups entirely in English: Yes
Some groups entirely in Catalan: No

Some groups entirely in Spanish: No

- Act with ethical responsibility and respect for fundamental rights and duties, diversity and democratic values.
- Analyse international society and its structure and understand its importance for real-life problems and professional practice.
- Analyse the behaviour of international actors, both state and non-state.
- Analyse the production and implementation of public policies related to the international sphere, in particular foreign policy and security and defence policy.
- Analyse, establish and argue the legal rules applicable to international phenomena.
- Apply knowledge of the structure and operation of international institutions to problems and/or practical cases, either real or simulated.
- Apply quantitative and qualitative analysis techniques in research processes.
- Identify data sources and carry out rigorous bibliographical and documentary searches.
- Identify the main theories of international relations and their different fields (international theory, conflicts and security, international politics, etc.) to apply them in professional practice.
- Make changes to methods and processes in the area of knowledge in order to provide innovative responses to society's needs and demands.
- Produce and prepare the presentation of intervention reports and/or proposals.
- Students must be capable of applying their knowledge to their work or vocation in a professional way and they should have building arguments and problem resolution skills within their area of study.
- Students must be capable of collecting and interpreting relevant data (usually within their area of study) in order to make statements that reflect social, scientific or ethical relevant issues.
- Students must be capable of communicating information, ideas, problems and solutions to both specialised and non-specialised audiences.
- Students must develop the necessary learning skills to undertake further training with a high degree of autonomy.
- Students must have and understand knowledge of an area of study built on the basis of general secondary education, and while it relies on some advanced textbooks it also includes some aspects coming from the forefront of its field of study.
- Take account of social, economic and environmental impacts when operating within one's own area of knowledge.
- Take sex- or gender-based inequalities into consideration when operating within one's own area of knowledge.
- Use metatheoretical data to argue and establish plausible relation of causality and establish ways of validating or rejecting them.

Learning Outcomes

- 1. Analyse and explain the international agenda management in areas of human rights, environment and cooperation for development and humanitarian aid, and the role of the different actors in it.
- 2. Analyse and explain the role of different actors in the implementation of actions and public policies in areas of human rights, environment and cooperation for development and humanitarian aid.
- 3. Analyse how the operational rules of international society apply to topics related to human rights, environment and cooperation for development and humanitarian aid.
- 4. Analyse the indicators of sustainability of academic and professional activities in the areas of knowledge, integrating social, economic and environmental dimensions.
- 5. Analyse the operation of the main international institutions in areas related to human rights, environment and cooperation for development and humanitarian aid and the application of the respective regimes and regulations.
- 6. Analyse the sex- or gender-based inequalities and the gender biases present in one's own area of knowledge.
- 7. Apply quantitative and qualitative analysis techniques in research processes.
- 8. Apply the bases of international theories and their different focuses to problems related to human rights, cooperation for development, humanitarian aid and international policies for the environment.
- 9. Communicate using language that is not sexist or discriminatory.
- 10. Consider how gender stereotypes and roles impinge on the exercise of the profession.
- 11. Critically analyse the principles, values and procedures that govern the exercise of the profession.
- 12. Evaluate the impact of topics related to human rights, environment, cooperation for development and humanitarian aid in foreign policies and public policies of the main states.

- 13. Evaluate the impact on the policies and actions of the main states and international actors of the main treaties and legal rulings, of different types, which regulate areas of human rights, environment, cooperation for development and humanitarian aid.
- 14. Explain the explicit or implicit code of practice of one's own area of knowledge.
- 15. Identify data sources and carry out rigorous bibliographical and documentary searches.
- 16. Identify the principal forms of sex- or gender-based inequality and discrimination present in society.
- Identify the social, economic and environmental implications of academic and professional activities within the area of your own knowledge.
- 18. Produce and prepare the presentation of intervention reports and/or proposals.
- 19. Propose new experience-based methods or alternative solutions.
- Propose new ways to measure success or failure when implementing ground-breaking proposals or ideas.
- 21. Propose projects and actions in accordance with the principles of ethical responsibility and respect for fundamental rights, diversity and democratic values.
- 22. Propose projects and actions that incorporate the gender perspective.
- 23. Propose viable projects and actions that promote social, economic and environmental benefits.
- 24. Propose ways to evaluate projects and actions for improving sustainability.
- 25. Students must be capable of applying their knowledge to their work or vocation in a professional way and they should have building arguments and problem resolution skills within their area of study.
- 26. Students must be capable of collecting and interpreting relevant data (usually within their area of study) in order to make statements that reflect social, scientific or ethical relevant issues.
- 27. Students must be capable of communicating information, ideas, problems and solutions to both specialised and non-specialised audiences.
- 28. Students must develop the necessary learning skills to undertake further training with a high degree of autonomy.
- 29. Students must have and understand knowledge of an area of study built on the basis of general secondary education, and while it relies on some advanced textbooks it also includes some aspects coming from the forefront of its field of study.
- 30. Use analytical tools for international regimes for problems such as human rights, environment and cooperation for development and humanitarian aid.
- 31. Use metatheoretical data to argue and establish plausible relation of causality and establish ways of validating or rejecting them.
- 32. Weigh up the impact of any long- or short-term difficulty, harm or discrimination that could be caused to certain persons or groups by the actions or projects.
- 33. Weigh up the risks and opportunities of one's own ideas for improvement and proposals made by others.

Content

NOTE: the compulsory readings to prepare the sessions, as well as the topics and / or questions will be announced at the virtual campus (moodle). All documentation will be in English.

HUMAN RIGHTS AND INTERNATIONAL CRIMES

2022-23

PART ONE: GENERAL FRAMEWORK

Topic 1 (introductory): The individual in front of the international system

- Some misunderstandings about international society and its legal system
- The main actors at the international level and their role in the development of international standards
- Individuals. From object to subject in the international system

Topic 2: Conceptualization, synergies and differences of international regimes that directly address the individual and their integration in Public International Law

- The regimes of lus in bello and lus ad bellum until the world wars
- The transformation of the international legal system towards people after the 2nd World War:
 - a) From lus in bello to current International Humanitarian Law (IHL)
 - b) The birth of International Criminal Law (DPI) and International Human Rights Law (IHRL): rights and obligations of individuals in the international sphere.
- · Distinction, coexistence and synergies between regimes:
 - a) international protection of human rights
 - b) international humanitarian law
 - c) international criminal law
 - d) international criminal cooperation

Topic 3: The different nature of responsibility for the violation of human rightsand for the commission of international crimes

- The distinction between persecution mechanisms (for crimes) and protection mechanisms (for human rights): two independent but complementary courses of action
- Human Rights: From recognition to international protection. Evolution and political logic behind existing mechanisms
- International Criminal Law: from impunity to prosecution (limited). Evolution and political logic behind existing mechanisms

Topic 4: The determination of the victim in the face of international crimes and/or human rights violations

- The different conceptions of the victim and their relationship with the locus standi to obtain reparation
- International principles on reparation for human rights violations: definition, characteristics and evolution.
- Differences and similarities between victims of human rights violations and international crimes.

SECOND PART: THE INTERNATIONAL STANDARDIZATION OF HUMAN RIGHTS

Topic 5: Origin and evolution of the international standardization of Human Rights

- Background: the passage from the domestic sphere to its internationalization. The role of the Universal Declaration of Human Rights
- Universal conventional crystallization: the PDCyP and the PDESC
- The uneven regional crystallization: comparison of (in)existent regimes

Topic 6: The development of some specific rights at the universal level

- The map of specific rights recognized (and protected) conventionally
- The relevance of the geopolitical context in the development of certain rights at the international level
- The material content of the rights developed at the international level

Topic 7: The uneven development of some specific rights at the regional level

• The map of specific rights conventionally recognized (and protected) at the regional level

- The relevance of the geopolitical context in its development
- Comparison of the material content of regionally developed rights among themselves and with the material scope.

PART THREE: INTERNATIONAL CRIMES

Topic 8: Difficulties surrounding the crime of Genocide

- The concept of genocide: The 1948 Convention
- The specificity of the crime of genocide
- Evolution: the role played by Jurisprudential practice

Topic 9: The special case of crime against humanity

- The origin and nature of the crime against humanity
- The concept of crime against humanity: general characteristics and the evolution of its specific subtypes
- · Crime against humanity in practice: the importance of jurisprudence

Topic 10: War crimes today

- What is and what is not a war crime?
- The importance of the concept of "armed conflict" and individual international responsibility for determining the crime
- · Prosecution of war crimes: jurisprudential practice.

Topic 11: The dual nature of the crime of aggression

- The concept of aggression in International Law: the distinction between State aggression and the crime of aggression
- Difficulties surrounding the definition of the crime of aggression
- The current status of the crime of aggression

FOURTH PART. MECHANISMS FOR THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS

Topic 12: Non-jurisdictional protection mechanisms for human rights

- •Universal control mechanisms
- · Universal protection mechanisms
- · Regional control and protection mechanisms and their comparison with the universal ones

Topic 13: Jurisdictional protection mechanisms for human rights

- · The absence of universal direct jurisdictional mechanisms
- · Regional jurisdictional mechanisms: ECHR; IACHR; ACHR
- The role of domestic jurisdictions

PART FIVE: THE MECHANISMS FOR PROSECUTING INTERNATIONAL CRIMES

Topic 14: The ad hoc international judicial solution: Ad hoc tribunals and hybrid tribunals

- · The importance of the sociopolitical framework for the creation of ad hoc and hybrid courts
- · General characteristics of ad hoc tribunals
- The distinction between ad hoc tribunals and hybrid tribunals

Topic 15: The permanent international proposal: The International Criminal Court

- · Origin, nature and structure of the ICC
- · Limited jurisdiction and its jurisprudence: from the beginning to the present
- · Victims at the ICC:
 - a) The presence of victims at the ICC
 - b) Reparation vs. assistance to the ICC: the role of the Trust Fund
 - c) practice

Topic 16: The prosecution of international crimes in domestic systems and transitional justice: case studies

- Conceptual problems regarding the prosecution of those responsible for international crimes:
 - a) The debate in society about justice and/or peace
 - b) The conflict between the immunities regime, impunity and the duty to prosecute
 - c) Transitional justice asan ad hoc model of justice: concept and purpose
- The recognition/non-recognition of international crimes in national legislation; its regulatory status and the obligation to process
- The role of international human rights courts in domestic legal action
- · The practice

Methodology

COURSE PROGRESS

The subject is entirely continuous assessment. This means that each week the student must have prepared the session in advance using the recommended readings in the Moodle. Hence, in each session there will be a preparation verification test.

There will be presentations of situations or case studies by students - of five minutes each - with the help of a poster (NO PP) designed for the occasion. The cases or situations will serve to help to bring theoretical concepts closer to practice. Therefore, after the presentations, a round of questions and debate will be open around the key concepts.

On the other hand, at the end of each of the three blocks of the syllabus (general (part I), material (parts II and III) and procedural (parts IV and V)), a comprehensive activity will be carried out with real or invented assumptions of fac to ensure that the knowledge worked up until then has been achieved. In addition, throughout the course, each student will have to prepare a brief research paper based on a court decision or an official report. For the elaboration of the essay the student, with the tutoring of the teaching staff, must ask him/herself a question inspired by the judicial decision or the official document to which he/she will have to answer. The topic, the question and the structure of the paper will require the prior approval of the teaching staff.

Finally, in the first third of the course group seminars will be scheduled in the Department's office during tutoring hours to discuss the book chosen as compulsory reading.

Students are reminded that, given the proposed methodology, the ACTIVE participation continously throughout the course (NOT the mere presence in class) is essential and will, therefore, be a fundamental part of the final grade.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

| Title | Hours | ECTS | Learning Outcomes |
|---|-------|------|---|
| Type: Directed | | | |
| Class participation | 26 | 1.04 | 11, 2, 8, 31, 9, 17, 33, 24, 19, 23, 29, 27, 25, 26, 10, 13 |
| Class, pactivities and seminars | 60 | 2.4 | 5, 3, 4, 2, 1, 7, 31, 9, 16, 19, 20, 21, 22, 23, 29, 28, 25, 26 |
| Type: Supervised | | | |
| Essay (using as a primary source a case law decision/official report) | 21 | 0.84 | 5, 3, 2, 1, 7, 31, 15, 17, 24, 21, 22, 23, 28, 25, 12, 13 |
| Preparation and presentation, poster | 8 | 0.32 | 6, 8, 31, 9, 18, 17, 21, 23, 29, 27, 25, 30 |
| tutorial | 7 | 0.28 | |
| Type: Autonomous | | | |
| Book | 8 | 0.32 | 6, 9, 14, 17, 29, 28, 26, 30, 10, 12 |
| class preparation | 20 | 0.8 | 3, 4, 7, 15, 17, 16, 29, 28, 26, 30, 12, 13 |

Assessment

EVALUABLE ACTIVITIES

1.- ESSAY. (30% of the final grade) Preparation of a theoretical review work based on an official document (sentence/report) related to a specific case. To determine the topic, structure and question to be analyzed, it is essential to have previously had the approval of the teaching staff.

The extension of the work will be 3,500-4,000 words and for the format the same criteria are applied as those dictated for the preparation of the TFG of criminology. It will be delivered in Spanish, Catalan or English before May 17.

NOTE: to be considered evaluable, the work must obtain a grade greater than 3.6

The criteria from which the work will be evaluated are:

Structure: 1 Bibliography: 0,5 Quotes: 0,5 Writting: 1

Managment of concepts: 2 Evaluative content: 2

Analysis: 3

2.- PREPARATION OF THE SESSIONS. (25% of the final grade)

Being a subject of continuous evaluation, -without final exam-, each week the session must be prepared according to what is indicated for each occasion in the virtual campus.

For its evaluation, a preparation verification test will be carried out during the session and at the end of the course the grade will be calculated (25%) using as a reference the average of 80% of the tests that have been carried out throughout the course. That is, it will be calculated on the best 8 grades of the 10 scheduled tests.

COMPREHENSIVE PRACTICAL SESSIONS (preparation and participation) (15% of the final grade).

There will be 3 assessable practices (5% each) that will correspond to the end of each thematic block (part I; parts II & III; parts IV & V). The specific details of each practice will be specified on campus.

4.- POSTER.(15% of the final grade). Preparation and oral presentation of a situation or case study with the help of a poster (10%) + active participation the other students' presentations (5%)

At the beginning of the course, it will be possible to choose -or it will be assigned- a real situation or case that must be presented to the rest of the class by explaining a poster. As the course progresses, the concepts that have been worked on should be integrated. The poster and the presentation will account for 10% of the final grade and will be evaluated independently of the questions and debate session that will be opened from the presentations. The other 5% will correspond to the quality of the participation, questions and interventions that each person makes as an audience in the other presentations.

- 5.- LITERARY SEMINAR. (10% of the final grade). Reading, file and participation in a thematic seminar on ONE of the following books:
- a) East-West Street. On the origins of genocide and crimes against humanity. Philippe Sands, Weindenfeld & Nicolson, London, 2016 (387 pp.) (Historical Essay. The legal gestation of international crimes: Nazism and the crimes of Genocide and Crime against Humanity)
- b) Half of a Yellow Sun. Chimamanda Ngozi Adichie, Collins, 2007 (448 pp.) (Historical novel set in Africa: the Biafran war 1967-70)
- c) The Reader, Bernhard Schlink, Random House, 2011 (224 pages) (romantic novel with historical content, Nazism) + Small Country, Gael Faye, Random House, 2019 (194 pages) (historical novel that tells the childhood of a boy in the middle of genocide gestation)
- 6.- PARTICIPATION IN THE CLASSES (5% of the final grade).

The active attitude of the student and the interventions throughout the sessions (in English or Spanish) will represent 5% of the final grade. Attention: the mere "attendance" or "presence" in class without contributions IS NOT participation.

Warning:

- 1) The copying of works among the students will be scored with a 0 of that part of the evaluation for the people involved.
- 2) Students who plagiarize practices, comments or work will be rated with a "0" final grade for the course, and therefore without the right to re-evaluation.

Re-evaluation (pass / fail):

For students who have not obtained a minimum grade of 5 during the course, but have obtained more than 4, there is the possibility of an exam that will take place on the date assigned by the faculty for the re-evaluation.

The structure of the exam will be 10 short questions related to the contents of the course and the maximum final grade that can be obtained from the subject will be 6.5

Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|--|--------------------|-------|------|---|
| ACTIVITIES AT THE END OF EACH BLOC (preparation and participation) | 15% of final grade | 0 | 0 | 3, 4, 2, 31, 9, 24, 19, 20, 21, 22, 23, 29, 27, 25 |
| CLASS PARTICIPATION | 5% of final grade | 0 | 0 | 11, 31, 9, 16, 19, 27, 25, 30, 12, 13 |
| ESSAY (30% final grade) | 30% | 0 | 0 | 5, 2, 1, 8, 7, 9, 18, 14, 15, 19, 29, 28, 26, 30, 10 |
| LITERARY SEMINAR | 10% of final grade | 0 | 0 | 5, 3, 6, 31, 9, 16, 27, 25, 10, 12, 13 |
| POSTER | 15% | 0 | 0 | 3, 18, 15, 33, 19, 23, 29, 27, 25, 26, 30, 32, 12 |
| Preparation of the sessions | 25% of final grade | 0 | 0 | 1, 7, 31, 9, 17, 33, 29, 28, 27, 30, 12, 13 |

Bibliography

Basic Legislation:

International Criminal Law

Rome Statute of the International Criminal Court & Elements of the Crime. Adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, UN-Dok. A/Conf. 183/9.

Basic Principles and Guidelines on the right to a remedy and reparation for victims of gross violations of IHRL and serious violations of IHL, Res. 60/147, 16 December 2005

https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx

International Human Rights Law

Universal Treaties: https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx

European Convention for the protection of Human Rights and Fundamental Freedoms https://www.ohchr.org/EN/Issues/ESCR/Pages/RegionalHRTreaties.aspx

American Convention on Human Rights

https://www.ohchr.org/EN/Issues/ESCR/Pages/RegionalHRTreaties.aspx

African Charter on human and Peoples Rights

https://www.ohchr.org/EN/Issues/ESCR/Pages/RegionalHRTreaties.aspx

Other Legislation:

- Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY-Statute) UN Doc. S/RES/827 (1993)
- Statute of the International Criminal Tribunal for Rwanda (ICTR-Statute), UN Doc. S/RES/955 (1994).
- Rome Statute of the International Criminal Court. Adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, UN-Dok. A/Conf. 183/9.
- UNTAET (United Nations Transitional Administration for East Timor) Regulation 15/2000 http://www.un.org/peace/etimor/untaetR/r-2000.htmç

- Special Court Statute for the Special Court for Sierra Leone (22, January, 2002) < http://www.specialcourt.org/documents/Statute.html.
- Coalition Provisional Authority, Statute of the Iraqi Special Tribunal, 10 December 2003,
 www.cpa-iraq.org/audio/20031210_Dec10_Special_Tribunal.htm
- The four Geneva Conventions, 12 August 1949
- Protocol I and II additional to the Geneva Convention, 8 June 1977
- Protocol II additional to the Geneva Convention, 2005
- Convention on the Prevention and Punishment of the Crime of Genocide, 9, December 1948

Webs:

International Organisations and Related Human Rights and ICL Websites:

The United Nations

United Nations Human Rights Council

United Nations Treaty Bodies

United Nations Special Procedures

United Nations Security Council

United Nations Economic and Social Council

International Labour Organisation (LBO), Geneva, Switzerland

www.icc-cpi.int/Menus/ICC

World Health Organisation

UN Children's Fund (UNICEF)

UN Environmental Programme

OHCHR United Nations Office of the High Commissioner for Human Rights

United Nations Commission for the Status of Women

Un High Commissioner for Refugees, Geneva, Switzerland

UN Development Programme

UN Division for the Advancement of Women

OHCHR International Law Link to UN Human Rights instruments

www.echr.coe.int/hudoc.htm The European Court of Human Rights Case law

Non-Governmental Organizations:

<u>Global Rights</u> A human rights advocacy group that partners with local activists to challenge injustice and amplify new voices within the global discourse

Human Rights Watch A global independent organization dedicated to defending and protecting human rights.

Amnesty International A global charity which campaigns for internationally recognised human rights for all

Save the Children International Charity which campaigns on behalf of children

<u>The International Committee of the Red Cross</u> An organisation dedicated to the protection of the lives and dignity of victims of armed conflict and other violence.

Index on Censorship Organisation promoting freedomof expression

<u>Minority Rights Group, International</u> International organisation working to secure the rights of minorities and indigenous peoples

<u>World Organisation against Torture</u> A coalition of non-governmental organisations fighting against torture, summary executions and other inhumane treatment

<u>www.iccnow.org/</u> coalition for the International Criminal Court coalition of non-governmental organizations lobbying in favour of the ICC

International Women's Rights Action Watch (IWRAW) organized in 1985 at the Third World Conference on Women in Nairobi, Kenya, to promote recognition of women's human rights under the United Nation's Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention), an international human rights treaty

<u>Freedom House</u> Independent nongovernmental organization that supports the expansion of freedom in the world.

<u>http://www.bayefsky.com/bystate.php</u> This free website includes an extensive documents library organized by country and subject matter. You can find information on ratification, reservations and declarations, state reports, and other key documents.

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General International Public Law:

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Bassiouni. Crimes against Humanity in International Criminal Law, 2ª ed., 1999

Boot, Genocide, Crimes against Humanity, War Crimes nullum Crimen sine Lege and the Subject Matter Jurisdiction of the ICC, 2002, par. 415 ss

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