

Degree	Type	Year
2500786 Law	OB	4

## Contact

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## Teachers

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Bárbara Lirios Monllor Taltavull

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## Teaching groups languages

You can view this information at the [end](#) of this document.

## Prerequisites

The teaching of the subject will be taught taking into account the perspective of the Sustainable Development Goals.

Grup 1.

Teoria: Rocío Medina (Spanish) + Sonia Güell (Catalan)

Seminaris: Ana Lucía Correia (Spanish), Rocío Medina (Spanish), Maria Barcons (Catalan) + Anna Capellà (Catalan), Sonia Güell (Catalan), Manuela Hock Medina (Spanish).

Grup 2 (anglès).

Teoria: Marc Puig + Adrà Reyes.

Seminaris: Bárbara Monllor, Marc Puig, Martí Colom + Anna Capellà, Adrià Reyes, To determine

Grup 51.

Teoria: Luisa Moreno (Spanish) + Patricia Toro (Catalan)

Seminaris: Bárbara Monllor, Luisa Moreno (Spanish), Ana Correia (Spanish) + Anna Capellà (Catalan), Patricia Toro (Catalan), To determine

Grup 70.

Teoria: Bárbara Monllor (Catalan) + Sonnia Güell (Catalan)

Seminaris: To determine, Bárbara Monllor (Catalan) + Manuela Hock, Sonnia Güell (Catalan)

## Objectives and Contextualisation

- Develop tools for a reflection on the role of HRH, its consecration and its guarantees in the face of possible violations.
- Acquire knowledge of mechanisms for the protection of human rights as a form of expression of equality before the law.
- Familiarization with the theoretical instruments necessary to understand the importance and impact of HRH and its link with the rule of law.
- Acquire knowledge of basic theoretical questions of international and constitutional human rights law to provide instruments that address its practical aspect.
- Acquire basic knowledge about the concepts of human rights, historical evolution, justification and evolution from a critical and reflective perspective.
- To know examples of judicial issues in which the characteristics and scope of the protection of human rights have been debated.
- Know the limits and opportunities of HRH and its protection as an instrument of legal equality.
- Familiarization with the mechanisms of International Protection of Human Rights.
- Knowledge of practice in the field of International Protection of Human Rights.

## Competences

- Apprehending the necessary mechanisms in order to know, assess, and apply the legislative reforms as well as to follow the changes produced in a concrete subject.
- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Identifying and solving problems.
- Identifying the underlying conflicts of interest in disputes and real cases.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Memorising and utilising legal terminology.
- Present information in a way that is appropriate to the type of audience.

- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
- Working in multidisciplinary and interdisciplinary fields.

## Learning Outcomes

1. Applying an interdisciplinary and integrated vision of the legal problems in an international environment.
2. Assessing legislative changes and reforms in a context of plurality of systems.
3. Assessing the underlying conflicts of interest in the legal problems proposed in an international environment.
4. Building a legal reasoning or discourse in the field of Public International Law, Private International Law and European Union Law.
5. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
6. Identifying and assessing the changes and evolution of jurisprudence in a context of plurality of systems.
7. Identifying and knowing the basic contents of every stipulated speciality.
8. Identifying and solving problems.
9. Integrating the importance of Law as a regulatory system of social relations, and the contextualisation of the legal phenomenon in the international environment.
10. Managing bibliographic and documentary resources: databases, browsing, etc.
11. Memorising and using the specific terminology of Public International Law, Private International Law and European Union Law.
12. Present information in a way that is appropriate to the type of audience.
13. Students must be capable of learning autonomously and having an entrepreneurial spirit.
14. Using the constitutional values as a criterion for interpretation and solution of conflicts, specially in case of a contradiction between the main fundamental principles of several legal systems.
15. Working in multidisciplinary and interdisciplinary fields.

## Content

### FIRST PART (I & II)

#### I Part: HUMAN RIGHTS AND JUSTICE. FOUNDATION PROBLEMS

1. Classical theories of justice: utilitarianism and Kantian critiques
2. Liberal egalitarianism and equal opportunities.
3. Communitarianism and the multiculturalism debate

#### II Part: CURRENT PROBLEMS THE PROTECTION OF HR:

1. Neoliberal theories and human rights violations
2. Feminist critiques: the principle of non-discrimination, affirmative action, and intersectionality.

### SECOND PART (III & IV)

#### III Part: THE MECHANISMS OF UNIVERSAL PROTECTION OF HUMAN RIGHTS:

- 1.- Non-jurisdictional universal mechanisms for the protection of Human Rights
- 2.- Universal jurisdictional mechanisms for the protection of Human Rights

### 3.- The performance of the International Criminal Tribunals

## IV Part: THE MECHANISMS OF REGIONAL PROTECTION OF HUMAN RIGHTS

1.- Non-judicial regional mechanisms for the protection of Human Rights. Inter-American System for the Protection of Human Rights and other regional systems

2.- Judicial regional Mechanisms for the protection of Human Rights. The action of the European Court of Human Rights, the performance of the Inter-American Court of Human Rights

3.- The protection of Human Rights within the framework of the European Union

## Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Practice session	11	0.44	1, 4, 5, 10, 7, 6, 8, 15, 14, 3
master class	11	0.44	1, 5, 10, 6, 9, 15, 2, 3
Type: Supervised			
Tutorials	10	0.4	1, 4, 5, 10, 8, 13
Type: Autonomous			
Study	9	0.36	4, 7, 9, 11, 12, 8, 13, 14
previous working for sessions	14.34	0.57	4, 7, 6, 11, 8, 15, 2
reading texts and documents	16.66	0.67	7, 6, 13, 15, 2, 3

The sessions of blocks I and II will alternate between theoretical classes (3) and practical sessions (3). The sessions of block III will be arranged into theoretical (2) and practical (1) sessions. Finally, the sessions of block IV will be divided into theoretical (1) and practical (2) sessions.

The practical sessions will be characterized by the study of a previously prepared case following a reading guide, which will be the subject of face-to-face debate. Class attendance is an essential requirement for continuous assessment, which students will have to take into account when calculating the course load. In addition to classroom hours, students will also have to dedicate part of their time to reading texts and preparing for sessions.

PS: 15 minutes of a class will be reserved for the students to complete the surveys to assess the performance of the teaching staff and the subject, within the calendar established by the faculty/degree.

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.

## Assessment

### Continous Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Active participation in class: part I and II	5%	0	0	1, 4, 5, 10, 7, 8, 14
Active participation in class: part III and IV	5%	0	0	4, 5, 10, 7, 6, 11, 8, 14, 3
Activities regarding Part III and IV (3 x 15% each)	45%	1.5	0.06	1, 4, 5, 9, 11, 8, 3
On-class assessment work corresponding to blocks I and II	45%	1.5	0.06	1, 4, 5, 6, 9, 12, 8, 13, 15, 2, 3

For the continuous evaluation, the final grade is:

- 50% blocks I and II + 50% blocks III and IV = 100% of the grade.
- To make the average of each block, the minimum mark will be 4.

The final grade for the single assessment will be completed on the exam date.

- 25% first activity + 25% second activity + 50% common test Exam.

Students who fail to pass the subject (those who achieve a score of less than 4 in one of the two parts or whose average does not reach the minimum of 5) will be required to retake the failed part by taking a test on the day designated for second-chance exam.

Cheating in an exam or test, or using any tool (smartwatch, GPT Chat, computers, mobiles, etc.) will result in a "0" on the test and fail the subject. Students who present a practice or activity in which there is plagiarism will receive a zero and will receive a warning. If the behaviour is repeated, the student will fail the subject.

Active participation of the students is essential for the proper functioning of the subject and is a very relevant element in the evaluation. For this reason, regular and punctual attendance at the face-to-face sessions is required, including reading the bibliography required for each session, participating in the debates, and preparing the activities indicated for each topic.

The evaluation of blocks I and II will comprise a written test (45%) and active participation in classes (5%).

Three practical activities will be evaluated for blocks III and IV (45%), as well as class participation (5%).

Students will be assessable as long as they have completed a set of activities whose weight is equivalent to a minimum of 2/3 of the total grade for the subject. If the value of the activities carried out does not reach this threshold, the subject teacher may consider the student as "non-evaluable". In case of continuous assessment, the same non-evaluable criterion will be applied as for continuous assessment.

## Bibliography

First Part

AÑÓN, M.<sup>a</sup> José (2013). "Principio antidiscriminatorio y determinación de la desventaja". *Isonomía: Revista de teoría y filosofía del derecho*, n.<sup>o</sup> 39.

<https://dialnet.unirioja.es/servlet/articulo?codigo=7135100&orden=0&info=link>

La BARBERA, M.<sup>a</sup> Caterina (2017). "Interseccionalidad = Intersectionality". *EUNOMÍA. Revista en Cultura de la Legalidad*, n.<sup>o</sup> 12. <https://e-revistas.uc3m.es/index.php/EUNOM/article/view/3651/2221>

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FERRAJOLI, Luigi (2019). *Manifiesto por la igualdad*. Trotta: Madrid.

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KYMLICKA, Will (2002). *Filosofía Política Contemporánea: Una introducción*, Ariel: Barcelona.

RODRÍGUEZ PALOP, M.<sup>a</sup> Eugenia (2003). "¿Nuevos derechos a debate? Razones para no resistir". *Anuario de Filosofía del Derecho*, n.<sup>o</sup> 20. <https://dialnet.unirioja.es/descarga/articulo/909373.pdf>

SANDEL, Michael J. (2011). *Justicia: ¿hacemos lo que debemos?* Debate: Barcelona. (Disponible edición de butxaca de l'editorial Debolsillo, 2012).

SANDEL, Michael J. (2021). *La tiranía del mérito: ¿qué ha sido del bien común?* Debate: Barcelona.

SANDEL, Michael J. (2023). *El descontento democrático*. Debate: Barcelona.

SHUTE, Stephen and HURLEY, Susan (eds.) (1993). *On Human Rights*. BasicBooks: New York.

## Second Part

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[Andrés Sáenz de Santa María, Paz](#), 2011, *Sistema de derecho internacional público*, Civitas Thomson Reuters, Madrid.

BONET PÉREZ, Jordi y SÁNCHEZ, Victor M. (coordinadores). 2008. *Derechos Humanos*. Barcelona: Huygens.

CARRILLO SALCEDO, Juan Antonio. 2001. *Soberanía de los Estados y Derechos Humanos en Derecho internacional contemporáneo*. 2<sup>a</sup> edición, Madrid: Tecnos.

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FERNÁNDEZ DE CASADEVANTE, Carlos (Coord.). 2007. *Derecho Internacional de los Derechos Humanos*, 3<sup>a</sup> edición, Madrid: Ed. DILEX, S.L.

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PIÑOL RULL, Joan, 2000, Dret internacional públic, UOC, Barcelona.

VILLAN DURAN, Carlos. 2002. *Curso de Derechos Humanos*. Madrid: Trotta.

Links de interés:

Documentación de naciones Unidas:

<https://www.un.org/Depts/dhl/spanish/resguids/spechrsp.htm>

Cuadro de normas y mecanismos para la Protección de los Derechos Humanos

<http://www.derechoshumanos.net>

Legislación UE

[http://europa.eu/legislation\\_summaries/human\\_rights/index\\_es.htm](http://europa.eu/legislation_summaries/human_rights/index_es.htm)

## Software

*The course does not require any specific software.*

## Language list

Name	Group	Language	Semester	Turn
(TE) Theory	1	Catalan/Spanish	first semester	morning-mixed
(TE) Theory	2	English	first semester	morning-mixed
(TE) Theory	51	Catalan/Spanish	first semester	afternoon
(TE) Theory	70	Catalan	second semester	morning-mixed