



BSAS INTR 3321 International Human Rights Law

CAPA Buenos Aires Program

Course Description

The aim of this course is to provide participants with a broad understanding of modern international human rights law and politics.

The first part of the course examines the origins and development of international human rights law and the basic key principles that underlie this body of international law. During the first part of the course we examine the rights and duties set out in the International Bill of Rights. We further explore some of the tensions, problems and challenges involved in translating the theory of human rights into practice.

The second part of this course deals with the politics of human rights at the international level. It examines the relations among states based on the human rights discourse, and the intervention of other non-State actors. In this section we also study the history of human rights and we will discuss the current crisis of human rights as well as the future direction of them. The third part of the course examines the work and effectiveness of the international and regional human rights laws and enforcement machinery. We evaluate the United Nation's (UN) Charter and Treaty-based human rights machinery and regional human rights systems. During this part of the course particular emphasis will be placed upon an examination of the regional systems in the Americas and Europe. In order to better appreciate the workings of these systems, we may also consider their standards and mechanisms in relation to selected substantive rights.

The final part of this course examines a number of selected topics in international human rights law. During this section of the course we review another branch of international law that intersect with international human rights law (namely international humanitarian law and international criminal law) and we give attention to the rights of a number of particular groups.

Requirements and Prerequisites

Basic knowledge of International Law is helpful but not required.

Learning Outcomes

By the end of this course students should be able to:

1. Demonstrate basic knowledge and understanding of the concepts, principles and rules of International Human Rights Law;
2. Demonstrate knowledge and understanding of the current theoretical and doctrinal debates within of International Human Rights Law;
3. Demonstrate familiarity with the operations of the institutions of International Human Rights Law;
4. Critically apply international legal methods to international legal problems;
5. Demonstrate a critical awareness of the significance of International Human Rights Law.

Developmental Outcomes

Students should demonstrate: responsibility & accountability, independence & interdependence, goal orientation, self-confidence, resilience, appreciation of differences.

Class Methodology

All the sessions of the course will be delivered in a lecture/seminar style, combining a range of methods, from interactive discussions about doctrines and institutions, to in-class debates around op- eds, opinion pieces, videos or documentaries, and in-class exercises.

Important Note: ACTIVE participation is essential in this course! Please pay attention to the topics and the readings and reading questions assigned for each session.

Field Components

CAPA provides the unique opportunity to learn about the city through direct, guided experience. Participation in field activities for this course is required. You will actively explore the Global City in which you are currently living. Furthermore, you will have the chance to collect useful information that will be an invaluable resource for the essays/papers/projects assigned in this course.

Students are also strongly encouraged to participate in **co-curricular** program activities.

Assessment/Grading Policy

Descriptor	Alpha	UK	US	GPA
Excellent	A	75+	93+	4.0
	A-	70-74	90-92	3.7
Good	B+	66-69	87-89	3.3
	B	63-65	83-86	3.0
	B-	60-62	80-82	2.7
Average	C+	56-59	77-79	2.3
	C	53-55	73-76	2.0
Below Average / Poor	C-	50-52	70-72	1.7
	D+	46-49	67-69	1.3
	D	40-45	60-66	0.7
			1.0	
Fail	F	<40	<60	0

Grade Breakdown and Assessment of Learning Outcomes

Assessment Task	Grade %
Class participation	10%
Presentation	20%
In-class exercises	10%
Final Exam	60%

Assignments

Evaluation will be based on a combination of class participation, written assignments, and an open book final exam.

Students may also be required to prepare and give a brief presentation in class on some topic of their interest related to the syllabus, to be agreed with the instructor.

Dress Code

None.

Required Readings:

- Arredondo, Ricardo, Responsibility to Protect: A Latin American Perspective. 20 Southwestern Journal of International Law. 2013-2014, February 1, 2014.

- Barreiros, Lucas, "Emerging Voices: Freedom or Restraint? On the Comparison Between the European and Inter-American Human Rights Courts", *Opinio Iuris* (Blog).
- Bates, Ed, "History", in Moeckli, Daniel (et al.), *International Human Rights Law*, (OUP, 2014), pp. 15-33.
- Beitz, Charles, *The Idea of Human Rights* (OUP 2009), pp. 13-47 (Chapter 2).
- Besson, Samantha, "Justifications", in Moeckli, Daniel (et al.), *International Human Rights Law*, OUP, 2014, pp. 34-52.
- Boulin, Ignacio A., De Casas, Ignacio, and Gómez, Lucas E., *Human Rights Standards Applicable to Extractive Industries. Requirements in Relation to Indigenous Peoples Arising From the Jurisprudence of the Inter-American Human Rights System*, *RMMLF International Mining and Oil & Gas Law, Development, and Investment*, Cartagena (22 April 2013), pp. 12-28 and 31-33.
- Carnota, Walter, "The Inter-American Court of Human Rights and Conventionality Control" (July 24, 2012). Available at SSRN: <https://ssrn.com/abstract=2116599>
- Carozza, Paolo, (Excerpts) "Subsidiarity as a Structural Principle of International Human Rights Law", 97 *AJIL* 38 (2003), and from Yuval Shany, *Toward a General Margin of Appreciation Doctrine in International Law?*, 16 *EJIL* 907, 909-14, 927, 929 (2006)
- Clapham, Andrew, "Human rights obligations of non-state actors in conflict situations", *International Review of the Red Cross*, Volume 88, Issue 863, pp. 491-523.
- Clapham, Andrew, "Non-State Actors", in Moeckli, Daniel (et al.), *International Human Rights Law*, (OUP, 2014), pp. 531-549
- Clapham, Andrew, *Human Rights and International Criminal Law* (April 20, 2015). *The Cambridge Companion to International Criminal Law*, edited by William Schabas, and has been reproduced by permission of Cambridge University Press. Available at SSRN: <https://ssrn.com/abstract=2596659>.
- Connors, Jane and Schmidt, Markus, "United Nations" (chapter 18) in Moeckli, Shah y Sivakumaran, *International Human Rights Law* (OUP 2014).
- De Casas, C. Ignacio, "The corporate responsibility to respect consultation rights in the Americas. How the Inter-American System can better promote Free, Prior and Informed Consent", chapter in Isabel Feichtner, Markus Krajewski, and Ricarda Roesch (Eds.), *Human Rights in the Extractive Industries: Transparency, Participation, Resistance* (Springer-Verlag, Berlin-Heidelberg, 2019).
- De Casas, C. Ignacio, "What are human rights standards?", *The New Collection*, Vol. 11, Trinity 2016, pp. 16-22.
- De Schutter, Olivier, "Towards a New Treaty on Business and Human Rights", *Business and Human Rights Journal*, Volume 1, Issue 1, January 2016, pp. 41-67.
- Dembour, Marie Bénédicte, "Critiques", in Moeckli, Daniel (et al.), *International Human Rights Law*, (OUP, 2014), pp. 53-74.
- Donnelly, Jack, "The Relative Universality of Human Rights", 29 *Human Rights Quarterly* 281 (2007).
- Gaer, Felice D., "A Voice Not an Echo: Universal Periodic Review and the UN Treaty Body System", 7 *Human Rights Law Review* (2007) pp. 109-139.
- Gray, Christine, "The use of force for humanitarian purposes", in Henderson and White (eds), *Research Handbook on International Conflict and Security Law* (2013).
- Greer, Steven, "Europe" (chapter 22) in Moeckli, Shah y Sivakumaran, *International Human Rights Law* (OUP 2017)
- Hessbruegge, Jan Arno, "Human Rights Violations Arising from Conduct of Non-State Actors", 11 *Buffalo Human Rights Law Review* 21 (2005).
- Heyns, Christof and Killander, Magnus, "Universality and the Growth of Regional Systems", in Dinah Shelton (ed), *The Oxford Handbook of International Human Rights Law* (OUP 2013), Chapter 28.
- IACHR, "Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities" OEA/Ser.L/V/II. Doc. 47/15 (31 December 2015), Read paragraphs 55 to 106.
- IACHR, "Missing and Murdered Indigenous Women in British Columbia, Canada", OEA/Ser.L/V/II. Doc. 30/14, 21 December 2014, ONLY pp. 10-13 (Executive Summary)
- IACHR, Report on the 157th Session of the IACHR, June 13, 2016.
- IACtHR, Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Judgment of June 27, 2012 (Merits and reparations), Series C No. 245. Summary.
- IACtHR, Case of the Xákmok Kásek Indigenous Community v. Paraguay, Judgment of August 24, 2010 (Merits, Reparations And Costs) Series C No. 214, Concurring Vote of Judge Eduardo Vio Grossi.
- ICC, Al Bashir Case (The Prosecutor v. Omar Hassan Ahmad Al Bashir), ICC-02/05-01/09).
- ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43.
- ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports 2004, p. 136.
- Moeckli, Daniel (et al.), *International Human Rights Law*, (OUP, 2014), pp. 496-512.
- Nollkaemper, André, "Failures to Protect' In International Law", *Amsterdam Law School Legal Studies Research Paper No. 2013-46*.
- OHCHR website section on 'Human Rights Bodies': <https://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

- Pasqualucci, Jo, "The Americas", (chapter 19) in Moeckli, Shah y Sivakumaran, *International Human Rights Law* (OUP 2014).
- Posner, Eric, "Martii Koskenniemi on Human Rights: An Empirical Perspective", *University of Chicago Public Law & Legal Theory Working Paper No. 467*, 2014.
- Sivakumaran, Sandesh, "International Humanitarian Law", in Moeckli, Daniel (et al.), *International Human Rights Law*, (OUP, 2014), pp. 479–495.
- Tomuschat, Christian, "Human Rights and International Humanitarian Law", *EJIL* (2010), Vol. 21 No. 1, 15–23, doi: 10.1093/ejil/chq003.
- United Nations (UN), *The UN "Protect, Respect and Remedy" Framework for Business and Human Rights*, available at <http://www.reports-and-materials.org/Ruggie-protect-respect-remedy-framework.pdf>.

Recommended Readings:

- Boulín Victoria, Ignacio A., "Back to Politics: Lessons from the Crisis of the Inter-American Commission on Human Rights", *22 Buffalo Human Rights Law Review* 21 (2016), ONLY PAGES 36-66.
- Brunner, Lisl, and Quintana, Karla, "The Duty to Consult in the Inter-American System: Legal Standards after Sarayaku" (2012) 16:35 *ASIL Insights*.
- Bukovská, Barbora, "Perpetrating Good: Unintended Consequences of International Human Rights Advocacy", *Sur – International Journal on Human Rights*, N. 9 - 2008, pp. 6-20.
- Doswald-Beck, Louise & Vité, Sylvain, "International Humanitarian Law and Human Rights Law", *International Review of the Red Cross*, N° 293, 1993.
- Dupuy, Pierre-Marie, "From a Community of States Towards a Universal Community?", in Riccardo Pisillo Mazzeschi and Pasquale De Sena (eds.), *Global Justice, Human Rights and the Modernization of International Law*, Springer, 2018, pp. 47-68.
- Evans, Gareth, "R2P and RWP After Libya and Syria", Address at GCR2P/FGV/Stanley Foundation Workshop, Responsibility While Protecting: What's Next?, Rio de Janeiro, 23 August 2012.
- Gonza, Alejandra, "Integrating Business and Human Rights in the Inter-American Human Rights System", *Business and Human Rights Journal*, Volume 1, Issue 2, July 2016, pp. 357-365.
- Happold, Matthew, "International Humanitarian Law and Human Rights Law", in Christian Henderson and Nigel White, eds., *Research Handbook on International Conflict and Security Law*, Edward Elgar, 2012.
- IACTHR, "Entitlement of legal entities to hold rights under the Interamerican human rights system (Interpretation and scope of Article 1(2), in relation to Articles 1(2), 8, 11(2), 13, 16, 21, 24, 25, 29, 30, 44, 46 and 62(3) of the American Convention on Human Rights, as well as of Article 8(1)(A) and (B) of the Protocol of San Salvador", *Advisory Opinion OC-22/16 of February 26, 2016. Series A No. 22. (Only in Spanish) Official Summary*.
- IACTHR, *Case of the Saramaka People v. Suriname, Judgment of November 28, 2007 (Preliminary Objections, Merits, Reparations, and Costs), Series C No. 172*.
- ICRC, "International Humanitarian Law and International Human Rights Law. Similarities and differences, 2003.
- ICRC, *How does law protect in war*, Casebook, available at <https://casebook.icrc.org/topics/ihl-and-human-rights>.
- Kaul, Hans-Peter Kaul, "Human Rights and the International Criminal Court", address at the international conference "The Protection of Human Rights through the International Criminal Court as a Contribution to Constitutionalization and Nation – Building", 21 January 2011.
- Kritsiotis, Dino, "Theorizing International Law on Force and Intervention", in Anne Orford and Florian Hoffmann, *The Oxford Handbook of the Theory of International Law* (OUP 2016).
- McCorquodale, Robert, "The Individual and the International Legal System", in Malcolm Evans (ed.), *International Law* (2nd ed.) (OUP 2006), pp. 307–32.
- Moyn, Samuel, "The End of Human Rights History", *Past & Present*, Volume 233, Issue 1, November 2016, pp. 307–322.
- Reisman, W. Michael, "Sovereignty and Human Rights in Contemporary International Law" 84.4 *AJIL* 866 (1990), pp. 866-876.
- Shelton, Dinah, *Regional Protection of Human Rights* (OUP 2008) pp. 3-31 and pp. 91-115 – Part 1.
- Subedi, Surya, "Protection of Human Rights through the Mechanism of UN Special Rapporteurs", *33(1) Human Rights Quarterly* (2011), pp. 201-28
- Weissbrodt, David, "United Nations Charter-based procedures for addressing human rights violations: historical practice, reform, and future implications", in Geoff Gilbert, Françoise Hampson and Clara Sandoval, *The Delivery of Human Rights Essays in Honour of Professor Sir Nigel Rodley*, Routledge, 2011, pp. 13-38.
- WFM, *Summary of The Responsibility to Protect: The Report of The International Commission on Intervention and State Sovereignty (ICISS)* (2001).
- Wheeler, Caleb H., "Human Rights Enforcement at the Borders: International Criminal Court Jurisdiction over the Rohingya Situation" *Journal of International Criminal Justice*, Volume 17, Issue 3, July 2019, Pages 609–631, <https://doi.org/10.1093/jicj/mqz029>.

SUNY-Oswego On-line Library Resources

Students are advised to review assignments and readings. If you do not have access to sufficient additional resources from your home institution to complete the coursework for this class, you may request access to the on-line library resources of SUNY-Oswego: <http://libraryguides.oswego.edu/c.php?g=500670>. To access this resource, you must request access during the first week of the program.

Weekly Course Schedule

WEEK 1	
Topic	Overview of the Human Rights' Legal Framework and Basic Principles of International Law
In-class activity	<ul style="list-style-type: none"> Explanation of the course contents and methodology Fundamentals of International Human Rights Law International protection of Human Rights
Questions to discuss in class	<ul style="list-style-type: none"> How are human rights promoted and protected in Argentina or in your country of origin? Is there a real need for international regimes of protection of human rights? Are they useful?
Readings	<ul style="list-style-type: none"> Charles Beitz, <i>The Idea of Human Rights</i> (OUP 2009), pp. 13-47 (Chapter 2). Eric Posner, "Martii Koskenniemi on Human Rights: An Empirical Perspective", University of Chicago Public Law & Legal Theory Working Paper No. 467, 2014. <p>Optional:</p> <ul style="list-style-type: none"> Barbora Bukovská, "Perpetrating Good: Unintended Consequences of International Human Rights Advocacy", <i>Sur - International Journal on Human Rights</i>, N. 9 - 2008, pp. 6-20.
Assignments	
Notes	
WEEK 2	
Topic	Sources of International Human Rights Law and the Nature of Human Rights Obligations
In-class activity	<ul style="list-style-type: none"> Universality and cultural relativity of human rights Human Rights standard-settings
Questions to discuss in class	<ul style="list-style-type: none"> How much leeway do -and should- legal doctrines and procedures allow for the interpreting of international human rights treaties in the light of local contexts? Do human rights standards have universal validity?
Readings	<ul style="list-style-type: none"> Jack Donnelly, "The Relative Universality of Human Rights", <i>29 Human Rights Quarterly</i> 281 (2007). Excerpts from Paolo Carozza, "Subsidiarity as a Structural Principle of International Human Rights Law", <i>97 AJIL</i> 38 (2003), and from Yuval Shany, <i>Toward a General Margin of Appreciation Doctrine in International Law?</i>, <i>16 EJIL</i> 907, 909-14, 927, 929 (2006) C. Ignacio de Casas, "What are human rights standards?", <i>The New Collection</i>, Vol. 11, Trinity 2016, pp. 16-22. <p>Optional:</p> <ul style="list-style-type: none"> W. Michael Reisman, "Sovereignty and Human Rights in Contemporary International Law" <i>84.4 AJIL</i> 866 (1990), pp. 866-876.
Assignments	
Notes	
WEEK 3	
Topic	Human Rights: History, Present, and Future Directions
In-class activity	<ul style="list-style-type: none"> History of human rights Justifications Critiques
Questions to discuss in class	<ul style="list-style-type: none"> Historical antecedents to contemporary human rights Human rights after 1945. The development of the UN human rights system

	<ul style="list-style-type: none"> Contemporary debates regarding the universality of human rights
Readings	<ul style="list-style-type: none"> Bates, Ed, "History", in Moeckli, Daniel (et al.), International Human Rights Law, (OUP, 2014), pp. 15-33. Besson, Samantha, "Justifications", in Moeckli, Daniel (et al.), International Human Rights Law, OUP, 2014, pp. 34-52. Dembour, Marie Bénédicte, "Critiques", in Moeckli, Daniel (et al.), International Human Rights Law, (OUP, 2014), pp. 53-74. <p>Optional:</p> <ul style="list-style-type: none"> Moyn, Samuel, "The End of Human Rights History", Past & Present, Volume 233, Issue 1, November 2016, pp. 307–322. Dupuy, Pierre-Marie, "From a Community of States Towards a Universal Community?", in Riccardo Pisillo Mazzeschi and Pasquale De Sena (eds.), Global Justice, Human Rights and the Modernization of International Law, Springer, 2018, pp. 47-68. Weissbrodt, David, "United Nations Charter-based procedures for addressing human rights violations: historical practice, reform, and future implications", in Geoff Gilbert, Françoise Hampson and Clara Sandoval, The Delivery of Human Rights Essays in Honour of Professor Sir Nigel Rodley, Routledge, 2011, pp. 13-38.
Assignments	
Notes	
WEEK 4	
Topic	The Role and Accountability of Non-State Actors in Human Rights
In-class activity	<ul style="list-style-type: none"> The notion of non-State actors The legal framework The obligations of International Organizations (IO) International criminal responsibility of non-State actors Non-state actors in conflict situations Challenges
Questions to discuss in class	<ul style="list-style-type: none"> What are non-State actors? Are non-State actors entitled to human rights protection? Do they have legal obligations? What happens in cases of armed conflict? What is the relationship between business and HR?
Readings	<ul style="list-style-type: none"> Clapham, Andrew, "Non-State Actors", in Moeckli, Daniel (et al.), International Human Rights Law, (OUP, 2014), pp. 531-549 Hessbruegge, Jan Arno, "Human Rights Violations Arising from Conduct of Non-State Actors", 11 Buffalo Human Rights Law Review 21 (2005). Clapham, Andrew, "Human rights obligations of non-state actors in conflict situations", International Review of the Red Cross, Volume 88, Issue 863, pp. 491-523. De Schutter, Olivier, "Towards a New Treaty on Business and Human Rights", Business and Human Rights Journal, Volume 1, Issue 1, January 2016, pp. 41-67. United Nations (UN), The UN "Protect, Respect and Remedy" Framework for Business and Human Rights, available at http://www.reports-and-materials.org/Rugie-protect-respect-remedy-framework.pdf. <p>Optional:</p> <ul style="list-style-type: none"> Robert McCorquodale, "The Individual and the International Legal System", in Malcolm Evans (ed.), International Law (2nd ed.) (OUP 2006), pp. 307–32. IACtHR, "Entitlement of legal entities to hold rights under the Interamerican human rights system (Interpretation and scope of Article 1(2), in relation to Articles 1(2), 8, 11(2), 13, 16, 21, 24, 25, 29, 30, 44, 46 and 62(3) of the American Convention on Human Rights, as well as of Article 8(1)(A) and (B) of the Protocol of San Salvador", Advisory Opinion OC-22/16 of February 26, 2016. Series A No. 22. (Only in Spanish) Official Summary. Gonza, Alejandra, "Integrating Business and Human Rights in the Inter-American Human Rights System", Business and Human Rights Journal, Volume 1, Issue 2, July 2016, pp. 357-365.
Assignments	

Notes	
WEEK 5	
Topic	The UN Charter-Based and Treaty-Based Systems
In-class activity	<ul style="list-style-type: none"> • The UN Human Rights Council. Universal Periodic Review. • Special procedures (Rapporteurs and Working Groups) • Treaty bodies. • Office of the High Commissioner on Human Rights. • The role of the states and NGOs
Questions to discuss in class	<ul style="list-style-type: none"> • ‘The genius of UPR is that it is based on a model of constructive engagement and is intended to be non-confrontational. Experience has shown its contribution to advancing rights globally.’ Discuss. • ‘UN institution building has failed to move on from the 1990s. States have learnt how to manipulate the system and reduce accountability’. Discuss.
Readings	<ul style="list-style-type: none"> • Jane Connors y Markus Schmidt, “United Nations” (chapter 18) in Moeckli, Shah y Sivakumaran, International Human Rights Law (OUP 2014). • Felice D. Gaer, “A Voice Not an Echo: Universal Periodic Review and the UN Treaty Body System”, 7 Human Rights Law Review (2007) pp. 109-139. • Overview reading of as much as you can manage of the OHCHR website section on ‘Human Rights Bodies’: https://www.ohchr.org/EN/HRBodies/Pages/Human-RightsBodies.aspx <p>Optional:</p> <ul style="list-style-type: none"> • Surya Subedi, ‘Protection of Human Rights through the Mechanism of UN Special Rapporteurs’, 33(1) Human Rights Quarterly (2011), pp. 201-28
Assignments	
Notes	
WEEK 6	
Topic	Regional Protection of Human Rights. The European System
In-class activity	<ul style="list-style-type: none"> • Regional protection of human rights • A system for Europe: the European Court of Human Rights • Margin of appreciation
Questions to discuss in class	<ul style="list-style-type: none"> • Are regional human rights systems ‘breakaway movements that threaten the legal coherence of international human rights law’? Discuss with reference to particular areas of the law. • Is there any relation between the doctrines of ‘Conventionality Control’ and ‘Margin of appreciation’?
Readings	<ul style="list-style-type: none"> • Christof Heyns and Magnus Killander, “Universality and the Growth of Regional Systems”, in Dinah Shelton (ed), The Oxford Handbook of International Human Rights Law (OUP 2013), Chapter 28. • Steven Greer, “Europe” (chapter 22) in Moeckli, Shah y Sivakumaran, International Human Rights Law (OUP 2017) • Lucas Barreiros, “Emerging Voices: Freedom or Restraint? On the Comparison Between the European and Inter-American Human Rights Courts”, Opinio Iuris (Blog). <p>Optional:</p> <ul style="list-style-type: none"> • Dinah Shelton, Regional Protection of Human Rights (OUP 2008) pp. 3-31 and pp. 91-115 – Part 1.
Assignments	
Notes	
WEEK 7	
Topic	The Inter-American Human Rights System
In-class activity	<ul style="list-style-type: none"> • The Inter-American Commission on Human Rights: political and quasi-judicial functions • In loco visits. Public hearings. Thematic and annual reports • The Inter-American Court of Human Rights. The conventionality control doctrine.
Questions to discuss in class	<ul style="list-style-type: none"> • Considering time and budget constraints, and also legal substance, what procedure would you choose for presenting the case of the missing 43 students of

	<p>Ayotzinapa, Mexico, if you were representing their parents? Describe different strategies according to different possibilities.</p> <ul style="list-style-type: none"> You are the leading counsel at a Canadian Human Rights NGO that promotes the ratification by your country of the American Convention on Human Rights. How would you do that by using the same mechanisms provided by the IAHRs? “The only way to make sure that every country in the Americas will actually abide by their obligations of the American Convention is through Conventionality Control as understood by the IACtHR”. Discuss. “Should the doctrine of Conventionality Control gain wide acceptance throughout the Americas, we will no longer be able to talk about ‘Supreme’ Courts in each member state anymore”. Discuss.
Readings	<ul style="list-style-type: none"> Jo Pasqualucci, “The Americas”, (chapter 19) in Moeckli, Shah y Sivakumaran, International Human Rights Law (OUP 2014). IACHR, Report on the 157th Session of the IACHR, June 13, 2016. IACHR, “Missing and Murdered Indigenous Women in British Columbia, Canada”, OEA/Ser.L/V/II. Doc. 30/14, 21 December 2014, ONLY pp. 10-13 (Executive Summary) Walter Carnota, “The Inter-American Court of Human Rights and Conventionality Control” (July 24, 2012). Available at SSRN: https://ssrn.com/abstract=2116599 <p>Optional:</p> <ul style="list-style-type: none"> Ignacio A. Boulín Victoria, “Back to Politics: Lessons from the Crisis of the Inter-American Commission on Human Rights”, 22 Buffalo Human Rights Law Review 21 (2016), ONLY PAGES 36-66.
Assignments	
Notes	
WEEK 8	
Topic	Indigenous Peoples’ Rights
In-class activity	<ul style="list-style-type: none"> The legal standing of indigenous communities before the IAHRs The right to Free, Prior and Informed Consent (FPIC) Standards for Extractive Industries.
Questions to discuss in class	<ul style="list-style-type: none"> Do you find any difference between the standing of indigenous peoples and other juridical persons in the procedures before the IAHRs? Are indigenous peoples a privileged group in the Americas? How can we justify they having a special set of rights? Does the right to Free, Prior and Informed Consent entail a right to veto? Who is responsible for the respect of indigenous peoples’ rights? Do the instruments of the IAHRs create obligations for mining companies in relation to indigenous peoples?
Readings	<ul style="list-style-type: none"> IACtHR, Case of the Xákmok Kásek Indigenous Community v. Paraguay, Judgment of August 24, 2010 (Merits, Reparations And Costs) Series C No. 214, Concurring Vote of Judge Eduardo Vio Grossi. IACtHR, Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Judgment of June 27, 2012 (Merits and reparations), Series C No. 245. Summary. Ignacio A. Boulín, Lucas E. Gómez and Ignacio de Casas, Human Rights Standards Applicable to Extractive Industries. Requirements in Relation to Indigenous Peoples Arising From the Jurisprudence of the Inter-American Human Rights System, RMMLF International Mining and Oil & Gas Law, Development, and Investment, Cartagena (22 April 2013), pp. 12-28 and 31-33. IACHR, “Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities” OEA/Ser.L/V/II. Doc. 47/15 (31 December 2015), Read paragraphs 55 to 106. C. Ignacio de Casas, “The corporate responsibility to respect consultation rights in the Americas. How the Inter-American System can better promote Free, Prior and Informed Consent”, chapter in Isabel Feichtner, Markus Krajewski, and Ricarda Roesch (Eds.), Human Rights in the Extractive Industries: Transparency, Participation, Resistance (Springer-Verlag, Berlin-Heidelberg, 2019). <p>Optional:</p>

	<ul style="list-style-type: none"> • IACtHR, Case of the Saramaka People v. Suriname, Judgment of November 28, 2007 (Preliminary Objections, Merits, Reparations, and Costs), Series C No. 172. • Lisl Brunner and Karla Quintana, “The Duty to Consult in the Inter-American System: Legal Standards after Sarayaku” (2012) 16:35 ASIL Insights.
Assignments	
Notes	
WEEK 9	
Topic	Humanitarian Intervention
In–class activity	<ul style="list-style-type: none"> • The criteria for the use of force under international law (jus ad bellum). • What is humanitarian intervention (HI)? • A new principle: The Responsibility to protect (R2P). • National visions on HI and R2P. • The Latin American perspective.
Questions to discuss in class	<ul style="list-style-type: none"> • What does the concept of sovereignty signify nowadays? • Is the unilateral use of armed force permissible to protect human rights? • What is the responsibility to protect (R2P)? • Which is the scope of R2P? • What is the responsibility while protecting (RWP)?
Readings	<ul style="list-style-type: none"> • Gray, Christine, “The use of force for humanitarian purposes”, in Henderson and White (eds), Research Handbook on International Conflict and Security Law (2013). • Nollkaemper, André, “Failures to Protect’ In International Law”, Amsterdam Law School Legal Studies Research Paper No. 2013-46. • Arredondo, Ricardo, Responsibility to Protect: A Latin American Perspective. 20 Southwestern Journal of International Law. 2013-2014, February 1, 2014. <p>Optional:</p> <ul style="list-style-type: none"> • WFM, Summary of The Responsibility to Protect: The Report of The International Commission on Intervention and State Sovereignty (ICISS) (2001). • Kritsiotis, Dino, “Theorizing International Law on Force and Intervention”, in Anne Orford and Florian Hoffmann, The Oxford Handbook of the Theory of International Law (OUP 2016). • Evans, Gareth, “R2P and RWP After Libya and Syria”, Address at GCR2P/FGV/Stanley Foundation Workshop, Responsibility While Protecting: What’s Next?, Rio de Janeiro, 23 August 2012.
Assignments	
Notes	
WEEK 10	
Topic	International Humanitarian Law
In–class activity	<ul style="list-style-type: none"> • What is international humanitarian law (IHL)? • The principles of IHL. • Reasons for the application of human rights law in armed conflicts. • The relationship between HRL and IHL. • Difficulties with application of HRL to armed conflicts.
Questions to discuss in class	<ul style="list-style-type: none"> • What is international humanitarian law (IHL)? • What are the principles of IHL? • What similarities and differences are there in IHL and human rights? • How has technology impacted the methods and means of combat? • Is it possible to criminally repress violations of IHL?
Readings	<ul style="list-style-type: none"> • Sivakumaran, Sandesh, “International Humanitarian Law”, in Moeckli, Daniel (et al.), International Human Rights Law, (OUP, 2014), pp. 479–495. • Tomuschat, Christian, “Human Rights and International Humanitarian Law”, EJIL (2010), Vol. 21 No. 1, 15–23, doi: 10.1093/ejil/chq003. • ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports 2004, p. 136. <p>Optional:</p>

	<ul style="list-style-type: none"> • Happold, Matthew, “International Humanitarian Law and Human Rights Law”, in Christian Henderson and Nigel White, eds., Research Handbook on International Conflict and Security Law, Edward Elgar, 2012. • ICRC, “International Humanitarian Law and International Human Rights Law. Similarities and differences, 2003. • ICRC, How does law protect in war, Casebook, available at https://casebook.icrc.org/topics/ihl-and-human-rights. • Doswald-Beck, Louise & Vité, Sylvain, “International Humanitarian Law and Human Rights Law”, International Review of the Red Cross, N° 293, 1993.
Assignments	
Notes	
WEEK 11	
Topic	Human Rights and International Criminal Law
In–class activity	<ul style="list-style-type: none"> • Human rights law and international crimes • Jurisdiction: national and international • Non-prosecutorial options • The Argentine lesson
Questions to discuss in class	<ul style="list-style-type: none"> • Was there a parallel development of human rights law (HRL) and International criminal law (ICL)? Why? • Where do HRL and ICL converge or conflict? Limits, opportunities and challenges of prosecuting mass human rights violations • Can you map the respective competencies and tasks of HRL and ILC courts?
Readings	<ul style="list-style-type: none"> • Moeckli, Daniel (et al.), International Human Rights Law, (OUP, 2014), pp. 496–512. • Clapham, Andrew, Human Rights and International Criminal Law (April 20, 2015). The Cambridge Companion to International Criminal Law, edited by William Schabas, and has been reproduced by permission of Cambridge University Press. Available at SSRN: https://ssrn.com/abstract=2596659. • ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43. • ICC, Al Bashir Case (The Prosecutor v. Omar Hassan Ahmad Al Bashir), ICC-02/05-01/09). <p>Optional:</p> <ul style="list-style-type: none"> • Kaul, Hans-Peter Kaul, “Human Rights and the International Criminal Court”, address at the international conference “The Protection of Human Rights through the International Criminal Court as a Contribution to Constitutionalization and Nation – Building”, 21 January 2011. • Wheeler, Caleb H., Human Rights Enforcement at the Borders: International Criminal Court Jurisdiction over the Rohingya Situation” Journal of International Criminal Justice, Volume 17, Issue 3, July 2019, Pages 609–631, https://doi.org/10.1093/jicj/mqz029.
Assignments	
Notes	
WEEK 12	
Topic	Revision
In–class activity	General revision of the course
Questions to discuss in class	
Readings	Review written assignments
Assignments	
Notes	
WEEK 13	
Topic	Final Exam

In-class activity	
Questions to discuss in class	
Readings	
Assignments	
Notes	

Attendance, Participation & Student Responsibilities

Attendance: CAPA has a mandatory attendance policy. Attendance is taken at the beginning of every class. Unless otherwise expressed by your instructor, the first time a student has an unexcused absence for a class, his/her grade will not be impacted. The second time a student has an unexcused absence in that class, it will result in a 3 percent reduction of the final grade (for example: an A- [92] will become an B+ [89]). The student will be placed on academic probation at this time. Three unexcused absences per class will result in failure of the course. A pattern of three absences in more than one course will result in dismissal from the program.

Excused Absences: Absences are only excused for medical reasons, for a family emergency or for a religious holiday. To request an excused absence, students must contact excused.absence@capa.org ahead of time and provide evidence (e.g. a doctor's note) of the reason for his/her absence, otherwise the absence will not be excused. Even if the student knows the absence will not be excused, the student should still contact CAPA to inform CAPA they will not be in class.

In addition to contacting excused.absence@capa.org, it is the responsibility of the student to contact his/her instructor and make up any missed assignments.

Class Participation: Students are expected to participate actively and critically in class discussions, and the participation portion of the class will be graded accordingly. Students must read assignments BEFORE the class, and come in on time. Participation is a vital part of your grade: students are expected to participate orally in seminars and in online forums and discussions in a critical and evaluative manner; to interact with the faculty and fellow students with respect and tolerance; and to actively engage in discussion. Derogatory or inflammatory comments about the cultures, perspectives or attitudes of others in the class will not be tolerated.

Any student who feels s/he may need an accommodation based on the impact of a physical, psychological, medical, or learning disability should contact the instructor and/or the director of academic affairs privately to discuss your specific needs.

Academic Integrity: A high level of responsibility and academic honesty is expected. Because the value of an academic course depends upon the absolute integrity of the work done by the student, it is imperative that a student demonstrates a high standard of individual honor in his or her scholastic work and class behavior. Plagiarism, self-plagiarism and cheating can result in dismissal from the program.

Self-plagiarism, copying an assignment entirely or partially to submit to a different class in an attempt to receive credit twice for one piece of work is unacceptable and considered cheating by duplication. Students risk receiving an "0" for any assignments in which they have duplicated their own work.

All substantial writing assignments (typically anything worth 20% or more of the final course grade) will be run through the plagiarism checking software Turnitin when submitted via CANVAS. See CAPA's Academic Standards and Policies for more information and resources on plagiarism.

Sexual Misconduct, Required Reporting, and Title IX: CAPA The Global Education Network is committed to encouraging a safe and healthy environment at our seven CAPA centers. This commitment includes the understanding of, and applicable adherence to, the guidelines outlined in Title IX of the Education Amendments of 1972. Title IX necessitates that US universities provide equity in all educational programs and activities without sex discrimination.

CAPA understands the implications of Title IX compliance for our institutional partners and thus endeavors to support this compliance as a vital aspect of partnership. The safety and security of all students during a program is a matter of crucial importance to CAPA. To facilitate this, CAPA encourages students to openly disclose any and all information that is Title IX relevant so that CAPA staff can provide support and connect students with appropriate resources. Because students may not understand the implications of Title IX abroad, CAPA will work to advise students about the resources available through Title IX and explain the importance of compliance in Title IX reporting. CAPA will work to build student confidence in CAPA's status

as a mandated reporter by outlining the advantage of disclosure for the student, reassuring them that any information disclosed will not be used in an inappropriate manner, and stressing that individuals will only be informed on a need-to-know basis

Use of electronic equipment in class: All devices such as laptops, i-pods, i-pads, netbooks, notebooks and tablets, smartphones, cell phones, etc. are **NOT** allowed unless you have express permission from the faculty or you have been instructed to do so. If you require an accommodation to use any type of electronic equipment, inform the Associate Director of Academic Affairs at the beginning of Term.

Use of Electronic Translators: In Language courses students are NOT allowed to use electronic translators for writing texts in the target language: those submitting compositions and texts of whatever kind translated in such a fashion will receive a final F grade for the course.

Late Submission: Late submission of papers, projects, journal entries, pieces of homework and portfolios is only permitted with prior approval. A request must be made to the relevant Faculty member no later than two days prior to the due date. Late submission without prior approval will result in a full alpha grade penalty. In either case, work cannot be submitted after feedback has been provided to the rest of the class on the relevant assessment or one week after the due date whichever comes first, after which point a grade of F will be given for the assessment.

Behaviour during Examinations: During examinations, you must do your own work. Unless specifically instructed by the lecturer or instructor, talking during an exam is not permitted, nor may you compare papers, copy from others, or collaborate in any way. Any failure to abide by examination rules will result in failure of the exam, and may lead to failure of the course and disciplinary action.