

Human Rights Protection

UGRA_005397

Departments	Department of International, European Union and Comparative Law
Teaching Languages	English
ECTS	4
Teacher responsible	Olivier Georges Robert Baillet - olivier.baillet@esade.edu

Course Goals

After the course, students should be able to

- explain the basic structure of the supranational systems for the protection of human rights and the basic concepts of human rights;
- recognise the different underlying concepts and perspectives when reading text books, cases or current affairs;
- critically analyse the different perspectives and enforcement mechanisms and their influence on how we perceive actors, rule-making and subject matters in the area of human rights and global governance;
- organise and adapt their arguments in a discussion, according to different underlying perspectives/values of human rights;
- be able to apply arguments based on human rights to legal analysis and policy advice;
- provide a coherent and structured legal merit analysis of a human rights violation.

Previous knowledge

I will suppose that all students have a basic knowledge of public international law, international organizations (especially the UN) and the role of legal norms in international law and governance based on previous courses.

Prerequisites

All students from the programme are welcome. A good command of English is necessary.
I will suppose that all students have a basic knowledge of public international law and international relations based on previous courses.

Recomended courses

Public International Law
International Organizations

Teaching methodology

Class sessions will consist of lectures, debates (with the entire class and within smaller groups) and assignments. The sessions will be devoted to learning, challenging and applying the different concepts of human rights presented during the course. Analysis of cases will give you the opportunity

of applying the concepts to real world situations and will allow you to test your understanding and knowledge with other class members.

Description

Course contribution to program

Human rights have become a central pillar of the international order and are enshrined as fundamental rights in most constitutional states. The course is an introduction to international human rights protection with reference to governance approaches, public international law and international politics. We will start with a short overview over the historical development and the nature of human rights. We then move towards the discussion of the relevant actors, mechanisms for the protection, compliance and enforcement as well as the critique of human rights. A central theme of the course is the understanding of human rights as real enforceable legal rights that pertain to all kinds of professional practices, including law firms, the corporate world and politics.

Short description

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Please note:

Students can participate in the ordinary exam only if they have attended at least 80% of classes.

The resit exam requires an attendance of at least 50% of classes.

Students need to achieve at least a grade of 5 points (out of 10) in the final exam in order to pass the course.

Students who have attended in-person less than 70% of classes (independently whether the missed classes are excused or unexcused), need to achieve at least a grade of 6 points (out of 10) in the resit exam to pass the course.

In case students cannot attend a class, they must inform Programme Direction and the professor by email in advance and provide the necessary justification (e.g. medical certificate). Accepted reasons for class absence include illness, major life events (e.g. births and deaths), ESADE activities for which the student has the written approval from the Programme Direction.

Other events that can be scheduled at another time (e.g. personal trips, job interviews, doctor's appointments etc.) will not be accepted as justified

reasons of absence.

Late submissions of assignments will not be accepted after the deadline, unless an exception has been requested and granted before the deadline.

In case of unforeseen events that affect the teaching activities, the teaching schedule, the evaluation methods and percentages and the teaching guide may be modified to address the situation.

Bibliography

Michael Goodhart (ed), Human Rights: Politics and Practice, Oxford University Press (Book)

Ilias Bantekas and Lutz Oette, International Human Rights Law and Practice, Cambridge University Press (Book)

Philip Alston and Ryan Goodman, International Human Rights, Oxford University Press (Book)

Olivier De Schutter, International Human Rights Law, Cambridge University Press (Book)

Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran, International Human Rights Law, Oxford University Press (Book)

Rhona K. M. Smith, International Human Rights Law, Oxford University Press (Book)

Activities

In-class discussions and debates

Analytical exercises

Written and/or oral exams

Teamwork

Quizzes/tests

Readings

Case study analyses

Content

#	Topic
1	PLEASE NOTE: Change of the session schedule is possible, depending on how many sessions will actually take place and how long each session will be.
2	The Notion of Human Rights and Key Actors
3	The UN System
4	Regional Systems I: the Council of Europe
5	Regional Systems II: The Inter-American and the African Systems
6	Comparative Constitutional Systems: An Introduction
7	Business and Human Rights
8	International Humanitarian Law
9	Further sessions may include: - Environment, Climate Change and Human Rights - Human Rights and New Technologies

Assessment

Tool	Assessment tool	Category	Weight %
Attendance and punctuality	Attendance and Participation	Retake and ordinary round	10.00%
Individual or team exercises	Continuous Assessment: Case Presentation and Critique	Ordinary round	30.00%
Quizzes/tests	In-class activities / quizzes	Retake and ordinary round	20.00%
Written and/or oral exams	Final Exam	Retake and ordinary round	40.00%

PROGRAMS

GDL20-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)

GDL20 Year 4 (Mandatory)

GEL19-Bachelor of Global Governance, Economics and Legal Order (Undergraduates: Law)

GEL19 Year 3 (Mandatory)

GEL23-Bachelor of Global Governance, Economics and Legal Order (Undergraduates: Law)

GEL23 Year 3 (Mandatory)