SANTA CLARA UNIVERSITY SCHOOL OF LAW
International and Inter-American Systems for the Protection and Promotion of International Human Rights

Syllabus
May 25 – June 13, 2014

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Venue and Times

- Class meets every Monday through Thursday at the Inter-American Institute of Human Rights from 9:00 a.m. until 1:00 p.m.
- We will have a two-day field trip on Thursday and Friday, June 5-6, where we will visit Costa Rican labor union plantation workers in the Caribbean region.
- The written examination will take place on Friday, June 13.
- Classes on June 2-5 will be held at the Inter-American Court of Human Rights from 9:00 a.m. to 1:00 p.m.
- Spanish language classes are in the afternoons, Monday to Thursday, at the Costa Rican Language Academy (CRLA).

Introductory Dinner and Orientation

- Our first informal meeting will be over dinner on Sunday, May 25, at 7pm at a Mexican restaurant called Antojitos Cancun. In addition to meeting everyone in an informal setting, we will also take this opportunity to discuss important information regarding the program. The restaurant is located about 50 meters north of the Fuente de Hispanidad, in front of the San Pedro Mall and very close to the Inter-American Court of Human Rights.

Course Aims and Scope

This course aims to provide participants with a good understanding of the nature, scope, and practical enforcement of international human rights law, with a focus on the Inter-American human rights system. The course is divided into 12 sessions over a period of three weeks.

The first week will provide a general overview of international human rights law, including the U.N. human rights system. In week two, we will cover the Inter-American human rights system. On Thursday and Friday of week two, students will travel to the Caribbean to learn about U.S. banana and pineapple corporations, labor rights, and environmental law. Week three will cover more specialized topics in the Inter-American system and will be taught by attorneys from the Inter-American Court of Human Rights, local NGOs, and the United Nations High Commissioner for Refugees.

Preparation, Participation and Evaluation

- Class attendance is mandatory.
- Every student is expected to do the required reading for every class. This is a small class, with a heavy emphasis on class discussion and class participation. If one student does not do the assigned reading, every student suffers as a result. We recommend you also look at the suggested readings, although these are not required.
- The course is evaluated by way of a written examination (75%) and class attendance and participation (25%). The written examination will take place on Friday, June 13, from 9 a.m. until 12:00 p.m.
Required Reading Material

There is no required textbook. All of the readings will be available online or in our course website. You should have received an e-mail with instructions about how to access the course web site.

In addition, it is strongly recommended that you purchase and bring to Costa Rica one of the following two books. Each of these books provides a helpful compilation of key international human rights treaties and other documents.


If you prefer not to purchase either of these two books, you can find all of the relevant treaties on the web. However, internet access in Costa Rica is pretty spotty, so we recommend that you bring one of these two books, or download the material beforehand.
International and Inter-American Systems for the Protection and Promotion of International Human Rights

Course Outline

Week One (Profs. Josi and Rivera)

May 26: Introduction to Public International Law and to International Human Rights Law
May 27: UN Human Rights Treaties
May 28: UN Treaty-based Human Rights Mechanisms
May 29: UN Charter-based Human Rights Mechanisms / Attend Hearing at IACtHR

Week Two (Profs. Josi and Rivera)

June 2: The Inter-American Commission on Human Rights
June 3: The Inter-American Court of Human Rights
June 4: Human Rights in U.S. Courts / Corporate Accountability
June 5-6: Two-Day Field Trip to Plantations in the Caribbean with Local Attorney Emily Yozell (Corporate Accountability, Labor Rights, and the Environment)

Week Three (Guest Lecturers)

June 9: Women’s Rights / Domestic Enforcement of IACtHR Judgments / Refugee Protection
  • Julie Recinos, Inter-American Court of Human Rights
  • Olger González, Inter-American Court of Human Rights
  • Juan Carlos Murillo, U.N. High Commissioner for Refugees
June 10: Reparations / Right to Life / Freedom of Expression
  • Jorge Calderón, Inter-American Court of Human Rights
  • Carlos Gaio, Inter-American Court of Human Rights
  • Alexandra Sandoval, Inter-American Court of Human Rights
June 11: Forced Disappearances / Role of NGOs / Transitional Justice
  • Mariana Clemente, Inter-American Court of Human Rights
  • Marcia Aguiluz, Center for Justice and International Law
  • Prof. Josi
June 12: Domestic Effect of IACtHR Judgments / Review
June 13: Final Exam (9:00 – 12:00)
Detailed Reading Assignments and Discussion Questions

WEEK 1
May 26: Introduction to Public International Law and to International Human Rights Law

Required Readings
1. Office of the UN High Commissioner for Human Rights: What are Human Rights?
2. Article 38 of the Statute of the International Court of Justice
3. Evans/Thirlway – Sources of International Law: 95-120 (available on course website)
5. Moeckli et al., International Human Rights Law, “Implementation of Human Rights Obligations”, pp. 130-134. (available on course website)

Browse/skim the following web pages and human rights research guides:
1. UN Office of the High Commissioner for Human Rights
2. Inter-American Commission on Human Rights
3. Inter-American Court of Human Rights
4. Human Rights Reports, US Department of State
5. Universal Human Rights Index and research guide.

May 27: UN Human Rights Treaties

Required Reading:
1. Henkin et al., Human Rights, Ch. 5 “The Principal International Human Rights Agreements and Instruments”, pp. 214-223. (available on course website)
2. The Universal Declaration of Human Rights (1948)
3. UN International Covenant on Civil and Political Rights (ICCPR) (1976)
4. Core Human Rights in the Two Covenants

In-Class Exercise: You will be asked to find information on the rights and obligations listed in the following treaties, so you should familiarize yourself with them before class:
1. UN International Covenant on Economic Social and Cultural Rights (ICESCR) (1976)
3. Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) (1987)

Suggested Reading:
1. Why won’t the U.S. ratify the U.N. convention on children’s rights?
2. With South Sudan vote, US (again) will stand (virtually) alone on children’s rights
3. HR Committee General Comment No. 31 “The Nature of the General Legal Obligation Imposed on States Parties to the Covenant”
4. Other Core UN HR treaties:
   a. First Optional Protocol to the ICCPR (1976)
b. Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty (1991)
c. Optional Protocol to CEDAW (2000)
h. Optional Protocol to the ICESCR (2013)

May 28: UN Treaty-based Human Rights Mechanisms

Required Reading
2. UN Human Rights Bodies (Browse the following websites )
   a. Human Rights Committee
   b. Committee on the Elimination of Racial Discrimination
   c. Committee on the Elimination of Discrimination Against Women
   d. Committee on the Rights of Persons with Disabilities
3. UNESCO, How to file complaints on Human Rights Violations, A manual for individuals and NGOs, (Look at charts on pp. 174-176)

Suggested Reading
1. On Enforcement of U.N. Human Rights Treaties Ratified by the U.S. (See Department of State’s U.S. Treaty Reports)
   a. CAT
      ii. Concluding Observations of the UN Committee Against Torture on the report submitted by the United States of America. CAT/C/USA/CO/2 (May 18, 2006). (10 pages)
   b. CERD
      ii. ACLU: New Report a Step Forward, but U.S. Still Needs National Plan of Action to Address Racism
   c. ICCPR
2. On UN Treaty Bodies: 
   a. Simple Guide to the UN Treaty Bodies (60 pages)
b. General Comment No. 34 (on the Right to Freedom of Expression - Article 19 of the ICCPR) by the UN Human Rights Committee. CCPR/C/GC/34 (September 12, 2011). (13 pages)
c. General Comment No. 18 (on the Right to Work - Article 6 of the ICESCR) by the UN Committee on Economic, Social, and Cultural Rights. E/C.12/GC/18 (February 6, 2006) (15 pages)

May 29: UN Charter-based Human Rights Mechanisms

NOTE: Today we will attend a hearing at the Inter-American Court of Human Rights – time TBD.

Required Reading
Browse the following websites:
• UN Human Rights Council
  i. Special Procedures:
     1. Thematic Mandates
     2. Country Mandates
     3. Working Groups
  ii. Complaint Procedures
  iii. Universal Periodic Review

Suggested Reading
1. On Universal Periodic Review
2. On Human Rights Council
   • Addendum – “Views on conclusions and/or recommendations, voluntary commitments and replies presented by the state under review (United States of America)”. Resolution adopted by the UN Human Rights Council on the Right to Food. A/HRC/RES/16/27 (April 13, 2011). (9 pages)
3. On Office of the High Commissioner for Human Rights
   • Office of the UN High Commissioner for Human Rights “Fact Sheet No. 35 – The Right to Water”. (50 pages)
4. On Special Procedures
   • Statement at the end of visit to the United States UN Working Group on Business and Human Rights. Washington D.C., 1 May 2013
WEEK 2

June 2:  The Inter-American Commission on Human Rights

Required Reading
2. Cerna, Christina, The Inter-American Commission on Human Rights..., in Harris and Livingston, “The Inter-American System of Human Rights”, pp. 74-111. (found on course website)
3. IACHR July, 2011 Resolution on Guantanamo (4 pages)
4. IACHR March 2012 Press Release - Ameziane - Guantánamo (1 page)
5. American Declaration on the Rights and Duties of Man
6. Browse the American Convention on Human Rights

Suggested Reading
1. Charter of the Organization of American States

June 3:  The Inter-American Court of Human Rights

Required Reading
Skim the admissibility report, merits report, submission of the case to the Court, and final judgment in the Atala Riffo and Daughters v. Chile case on LGBT rights. You do not need to read all of these documents, but look over their tables of contents and skim through the text before coming to class.

Suggested Reading
1. Statute of the Inter-American Court of Human Rights
2. Rules of Procedure of the Inter-American Court of Human Rights
3. Other Basic Documents in the Inter-American HR System

June 4:  Human Rights in U.S. Courts / Corporate Accountability

Required Reading:

Suggested Reading:
3. Alison Frankel, Reuters Opinion, "Kiobel brief shows State/DOJ split over human rights litigation"
4. Skim the websites of the following voluntary initiatives:
   a. The Voluntary Principles on Security and Human Rights
   b. The Extractive Industries Transparency Initiative
   c. The Kimberly Process
   d. The OECD Guidelines for Multinational Enterprises
6. Explore the website of the Business & Human Rights Resource Centre

**June 5-6:** Two-Day Field Trip

1. Emily Yozell, The Castro Alfaro Case: Convenience and Justice – Lessons for Lawyers in Transcultural Litigation (found on course website)
2. Costa Rica: Pineapples, Exotic yet Unethical Fruits
3. The Environmental and Social Cost of Pineapples in Costa Rica

**WEEK 3** (Classes on Monday, Tuesday, and Wednesday will be at the Inter-American Court of HR)

**June 9:** Women’s Rights / Domestic Enforcement of IACtHR’s Judgments / Refugee Protection

1. Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women
2. Inter-American Commission on Human Rights, Case 12.626 “Jessica Gonzales (Lenahan) – United States,” Merits Report No. 80/11 (July 2011)
4. The Refugee Law Reader, Sections I, II, and VI

**June 10:** Reparations / Right to Life / Freedom of Expression

2. TBD
3. CEJIL, Protection of the Right to Freedom of Expression in the Inter-American System, pp. 75-154

**June 11:** Forced Disappearances / Role of NGOs / Transitional Justice

1. Inter-American Convention on Forced Disappearance of Persons
2. CEJIL, What we do
7. Pursuing Peace, Justice or Both? (2009)

**Suggested Reading:**

June 12: Domestic Effect of IACtHR Judgments / Review

1. Background on Peruvian conflict
3. Ten Years After Peru’s Truth Commission
4. Fujimori on trial

**Suggested Reading:**
1. International Center for Transitional Justice: Reparations in Peru, from recommendations to implementation (2013)

June 13: Final Exam