

The practice of enforcing international human rights law

Academic Year: (2023 / 2024)

Review date: 19-04-2023

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: VACAS FERNANDEZ, FELIX

Type: Compulsory ECTS Credits : 4.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

International Human Rights Law.

OBJECTIVES

This course is aimed to examine the International practice in the protection of human rights. To this aim all the international systems of human rights protection, both at universal and regional levels, will be analysed; paying special attention to Spain. Domestic and international norms and practice will be analysed through the study of concrete cases.

DESCRIPTION OF CONTENTS: PROGRAMME

CASES ON THE APPLICATION OF INTERNATIONAL LAW OF HUMAN RIGHTS PROGRAM 2020-21

FIRST PART. GENERAL QUESTIONS ON THE PROTECTION OF HUMAN RIGHTS ON PRACTICE

Lesson 1. Procedural questions on the individual communications and petitions to international institutions for the protection of human rights: ius standi, deadlines and admissibility.

Lesson 2. Relations, similarities and differences between the ECHR and the ICJR:

- A) Procedure.
- B) Judgement content.
- C) Follow up of Judgements application.

SECOND PART. ANALYSIS OF THE PROTECTION OF CERTAIN RIGHTS AND VULNERABLE GROUPS THROUGH INTERNATIONAL PRACTICE.

Lesson 3. Migrants and Human Rights:

- A) International Law of Migration.
- B) European Law of Migration.
- C) International Protection of People: Asylum and Refuge.

Lesson 4. Rights of Victims of Core International Crimes.

- A) Victims of core international crimes and processes of peace and transitional justice.
- B) The UN legal status of victims of core international crimes.
- C) Jurisprudence of Human Rights International Tribunal on victims of core international crimes:

ECHR and ICJR.

- D) Victims and the International Criminal Court.

Lesson 5. Forced Disappearance: multiple rights violation of multiple victims.

- A) Concept of forced disappearance.
- B) UN practice on forced disappearance.
- C) Forced disappearance in the jurisprudence International Human Rights Courts: ECHR and ICJR.

THIRD PART. SPAIN AND THE INTERNATIONAL SYSTEMS OF HUMAN RIGHTS PROTECTION

Lesson 6. Spain and the Universal System of Human Rights Protection:

- A) Spanish practice on the UN conventional mechanisms.
- B) Spanish practice on the UN extra-conventional mechanisms; special attention to the Universal Periodic Review.

Lesson 7. Spain and the European Systems of Human Rights Protection:

- A) Council of Europe; specially, the application of ECHR judgements in Spain.
- B) European Union; specially, the application of ECJ judgements in Spain.

Lesson 8. The question of Missing persons in Spain:

- A) Spain's political position and jurisprudence.

- B) The opinion of UN and European human rights institutions on the matter.

LEARNING ACTIVITIES AND METHODOLOGY

- Exam of the main international documents and judgments.
- Cases study.

ASSESSMENT SYSTEM

ORDINARY CALL:

- Deliver and presentation of a research paper: 70 %
- Class attendance and participation: 10 %
- Other activities during the Course: 20 %

EXTRAORDINARY CALL:

- Deliver and presentation of a research paper: 100 %

% end-of-term-examination: 70

% of continuous assessment (assignments, laboratory, practicals...): 30

BASIC ELECTRONIC RESOURCES

- Consejo de Europa/Council of Europe . Tribunal Europeo de Derechos Humanos/European Court of Human Rights:
<http://www.echr.coe.int/Pages/home.aspx?p=home>
- Spanish Ombudsman . Spanish Ombudsman's activities: <https://www.defensordelpueblo.es/en/>
- United Nations . Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
- United Nations . Special Procedures of the Human Rights Council:
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>
- United Nations . Human Rights Treaty Bodies: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>