

University of Florida
International Human Rights Law and Politics
EUS 4930
Spring 2021

COURSE INFORMATION:

Instructor: Prof. Alexander Panayotov, Ph.D.

Course Location: TBD

Course Time: Tuesday, 11:45-1:40 PM: Thursday 12:50-1:40 PM

Office Location: Turlington Hall 3343

Office Hours: TBD

“Thoughts without content are empty, intuitions without concepts are blind.”
Immanuel Kant

This is an introductory course in international human rights law. It has three main objectives: 1) to explore the origins of international law (IL) and its relation to international politics; 2) to outline the general principles governing the creation, interpretation, and enforcement international human rights rules, 3) to provide a broad overview of the emerging issues in international human rights law: human rights in armed conflicts, counter-terrorism, and corporate social responsibility.

In this class, we will study public international law. While we will study the evolution of IHRL at the intersection of legal and political theories, the crux of the course will be a systematic examination of international rules and cases decided by international, European, and US courts. We will start with a general introduction to international public law. Then we will examine the sources of international human rights obligations, the UN system for their protections, and the regional human rights systems. We will proceed to examine the protection of civil, political, economic, social, and cultural rights. Consequently, we will explore the rights of women, vulnerable groups, victims, and civilians in armed conflicts. We will conclude with a close examination of the responsibility of non-state actors, especially in the area of corporate social responsibility.

You will learn different styles of legal analysis and argumentation. Understanding these styles might prove challenging. Because of this, be prepared to discuss them during the class. The class discussion is a deliberative exercise: you are expected to contribute to it because everyone will benefit from a vigorous exchange of ideas. In order to facilitate this exchange, I will call people in class. Please note that class attendance is mandatory.

In addition, please respect your colleagues' views: IL is a subject open to multiple interpretations and an arena of contentious debates. Don't forget that collegiality and tolerance are virtues not vices.

LEARNING OBJECTIVES:

Students in this course will:

- Explore the foundations of public international law and its regulation of the use of force in international politics.
- Learn the methodological skills to read, analyze, and understand international legal cases.
- Refine their writing, editing, and presentation skills.

COURSE TEXTS:

1. Sean D. Murphy, *Principles of International Law*, 3rd edn. (West Academic Publishing, 2018) [hereinafter PIL]. Check carefully and don't buy previous editions of the book.
2. Ilias Bantekas and Lutz Oette, *International Human Rights Law and Practice*, 3rd edn. [Cambridge University Press, 2020] [hereinafter IHRL] Check carefully and don't buy previous edition of the book.
3. Materials on the Canvas web site.

EXAMINATIONS AND ACADEMIC HONESTY:

- I will not be able to change exams' parameters and presentation dates except in the following cases: a medical emergency, which must be properly documented, and a death in the immediate family.
- Absences from class must be properly documented. An absence without proper documentation will be counted as an unexcused one. Two or more unexcused absences will result in lowering of your attendance and participation grade.
- Depending on our progress, there might be changes in the schedule. You will be notified of all changes in advance.
- No extra credit assignments will be offered.
- Please note that UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code (<http://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor in this class. Please note that this is a research-intensive course. Because of this, plagiarism and other forms of academic dishonesty will not be tolerated. Students are required to read, understand, and abide by the University of Florida Academic Honesty policy. The policy can be found here:

- <https://sccr.dso.ufl.edu/process/student-conduct-code/> . All violations of the said policy will be reported in accordance with the process outlined in it.
- The requirements in the syllabus are consistent with the UF grading policy. The policy can be found here: <https://catalog.ufl.edu/UGRD/academic-regulations/grades-grading-policies/>

GRADE CONCERNS:

If a student disagrees with her grade, she must outline her concerns in writing within 48 hours of receiving the grade. I will not accept grade concern statements after the expiration of the 48 hour period. The statement must contain a reasoned claim backed by textual evidence. After evaluating the merit of the claim, I will do one of the following: 1) increase the grade; 2) lower the grade; or, 3) leave the grade unchanged. The student will be notified about my decision within a reasonable time frame and the grade will be adjusted accordingly. Please note that this policy will not be applicable to the final paper and the overall final grade.

ATTENDANCE:

- Please be advised that class attendance is mandatory. I reserve the right to revise your grade one grade step down (e.g. B+ to B) for systemic unexcused absences from class (two or more absences).
- Arrive on time. I reserve the right to lower your attention and participation grade in cases of systematic tardiness. I define systematic tardiness as “three or more late arrivals to class.”
- Do not leave early. If you leave early three or more times, I reserve the right to lower your attention and participation grade.
- Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>

INCOMPLETES:

Incompletes will be granted under exceptional circumstances. A student who wants to receive an incomplete must: (1) inform the professor 10 (ten) days prior to the last day of class and (2) provide a written explanation about the reasons necessitating the incomplete. These reasons must be properly documented. In addition, the student must provide a written plan for finishing the missing work. The student must complete the work during the following semester. Failure to complete the work will result in an E.

COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/> . Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/> . Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

ACCOMMODATIONS:

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the disability Resource Center by visiting disability.ufl.edu/students/get-started. It is important for students to share their accommodation letter with their instructor and discuss their access needs, as early as possible in the semester

Faculty can expect to receive a student's accommodation letter within the first 3 weeks of classes; however, if a student registers with the DRC later in the semester faculty are still obligated to facilitate accommodations. Neither faculty nor administrators may independently deny a request for accommodation that is approved by the Disability Resource Center.

Students are also advised to explore the opportunities offered by the UF Disability Resource Center. The Center is located at 001 Reid Hall, web page: <https://disability.ufl.edu/#> .

RESPONSIBILITIES:

- Ensure that you have a reliable access to Canvas because it will be used extensively throughout the semester. Note that you will be responsible for printing or viewing the assigned material.
- Read the materials in advance and in the order indicated in the syllabus.
- Turn off your cell phones **before** coming to class.
- Restrict the use of electronic devices to class-related activities, e.g., note-taking or article reading.
- Please do not eat in class. Drinks in closed containers are permitted.
- Please note that I will call people in class. This means that it's your responsibility to be prepared at all times. I reserve the right to lower your participation grade if you are unprepared.

RECORDINGS: No recording of the class discussion is permitted.

GRADE SCALE:

A	94-100
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
D+	67-69
D	64-66
D-	60-63
E	0-59

ASSIGNMENTS AND DEADLINES:

DUE DATE	ASSIGNMENT	DESCRIPTION	WEIGHT
	Attendance and participation	Please note that attendance is mandatory. Participation is an essential ingredient for your success in the course. I reserve the right to revise your grade one grade step up (e.g. A- to A) to reward your class participation. I also reserve the right to revise your grade one grade step down (e.g. B+ to B) for systemic unexcused absences from class (two or more absences). I will consider revising the grade one grade step down (e.g. B+ to B) for systemic tardiness (three or more late arrivals). I will not revise grades upwards to reward regular attendance. Do not leave early. If you leave early three or more times, I reserve the right to lower your attention and participation grade.	10%
28-Jan-2021	Précis I	The précis is a one-page summary of an important IL concept. I will post three concepts on Canvas and you will have to select one of them. The précis will have to be 1'' margin all around, Times New Roman font, size 12, single line spacing. You may cite course materials or external sources — books, articles, judicial decisions or primary documents — related to the concept. All sources must be properly cited in a bibliography, which will not be counted toward the page requirement. Please submit the assignment by using the Canvas web site before 11:59 PM on January 28 th . I will deduct 20 points for assignments submitted after the deadline and before 11:59 PM on January 30 th . I will not accept submissions after that and no points will be awarded for this assignment.	20%
11-Feb-2021 – 18-Feb-2021 11:59 pm	Midterm (take-home exam)	The midterm will consist of two questions and two short answers. The answer to each essay question should not exceed 5 double-spaced pages. The short answers should not exceed five sentences. The additional requirements for the essay questions and the short answers are: 1'' margin all around, Times New Roman font, size 12. Your answers should reflect the assigned readings and the class discussions. Please submit the assignment by using the Canvas web site before 11:59 PM on February 18 th . I will deduct 15 points if an exam is submitted after the deadline and prior to 11:59 PM on February 20 th . I will not accept	30%

		submissions after that and no points will be awarded for this assignment.	
23-Mar-2021	Précis II	<p>The précis is a one-page summary of an important IL concept. I will post three concepts on Canvas and you will have to select one of them.</p> <p>The précis will have to be 1" margin all around, Times New Roman font, size 12, single line spacing. You may cite course materials or external sources — books, articles, judicial decisions or primary documents — related to the concept. All sources must be properly cited in a bibliography, which will not be counted toward the page requirement. Please submit the assignment by using the Canvas web site before 11:59 PM on March 23rd. I will deduct 20 points for assignments submitted after the deadline and before 11:59 PM on March 25th. I will not accept submissions after that and no points will be awarded for this assignment.</p>	20%
20-Apr-2021 – 27-Apr-2021	Final Exam (take-home)	<p>The final exam will consist of two questions and two short answers. The answer to each essay question should not exceed 5 double-spaced pages. The short answers should not exceed five sentences. The additional requirements for the essay questions and the short answers are: 1" margin all around, Times New Roman font, size 12. Your answers should reflect the assigned readings and the class discussions. The final exam will cover all materials studied throughout the semester. Please submit the assignment by using the Canvas web site before 11:59 PM on April 27th. I will deduct 20 points for assignments submitted after the deadline and before 11:59 PM on April 28th. I will not accept submissions after that and no points will be awarded for this assignment.</p>	40%

SUBMISSIONS:

All assignments should be submitted by using the class Canvas web site unless otherwise noted in the syllabus.

IMPORTANT DATES:

- **January 28th:** Précis I due
- **February 18th:** Midterm due
- **March 23rd:** Précis II due
- **April 30:** Final exam due

TOPICS AND READINGS:

INTERNATIONAL LAW: GENERAL PART

"Where Do We Come From? What Are We? Where Are We Going?."

Paul Gauquin

Date	Subject	Readings
12-Jan-2021	Introduction	1. <i>PIL</i> 3-11 2. <i>PIL</i> 35-49 3. <i>PIL</i> 52-64 4. <i>IHRL</i> 4-36
14-Jan-2021	Jurisdiction in IL	1. <i>PIL</i> 313-338 2. <i>PIL</i> 338-343 (skim)
19-Jan-2021	Immunity from National Jurisdiction	1. <i>PIL</i> 345 2. <i>PIL</i> 351-359 3. <i>PIL</i> 361-366
21-Jan-2021	Immunity from National Jurisdiction	1. <i>PIL</i> 366-384

INTERNATIONAL HUMAN RIGHTS LAW: SOURCES OF LAW

"Ius est ars boni et aequi"

(Law is the art of the good and the equitable)

Celsus, "Digests", 2nd ct. AD

Date	Subject	Readings
26-Jan-2021	Sources of Law I	1. <i>IHRL</i> 50-83
28-Jan-2021	Sources of Law II	1. <i>IHRL</i> 84-101

"Right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must."

Thucydides "History of the Peloponnesian War", 4th ct. BC

INTERNATIONAL HUMAN RIGHTS LAW: THE UN SYSTEM

Date	Subject	Readings
02-Feb-2021	The United Nations Charter System	1. <i>IHRL</i> 156-179 2. <i>IHRL</i> 180-191 (skim)
04-Feb-2021	The United Nations Human Rights System	1. <i>IHRL</i> 194-211 2. <i>IHRL</i> 222, 224, 227-228

“The purpose of law is to prevent the strong always having their way”

Ovid

INTERNATIONAL HUMAN RIGHTS LAW: REGIONAL HUMAN RIGHTS TREATY SYSTEMS

Date	Subject	Readings
09-Feb-2021	The European Human Rights System	1. <i>IHRL</i> 239-264
	The Inter-American Human Rights System	2. <i>IHRL</i> 267-279

“If we do not maintain justice, justice will not maintain us.”

Francis Bacon

INTERNATIONAL HUMAN RIGHTS LAW: HOW DO PEOPLE ACTUALLY PROTECT THEIR RIGHTS?

Date	Subject	Readings
11-Feb-2021	The Individual Complaint Procedure I	1. <i>IHRL</i> 304-327
16-Feb-2021	The Individual Complaint Procedure II	1. <i>IHRL</i> 327-346

“History is a guide to navigation in perilous times. History is who we are and why we are the way we are.”

David McCullough

INTERNATIONAL HUMAN RIGHTS LAW: THE MULTITUDE OF RIGHTS

Date	Subject	Readings
18-Feb-2021	REVIEW SESSION	There are no readings for this class.
23-Feb-2021	Civil and Political Rights I	1. <i>IHRL</i> 350-385
25-Feb-2021	Civil and Political Rights II	1. <i>IHRL</i> 389-410
02-Mar-2021	Economic, Social, and Cultural Rights I	1. <i>IHRL</i> 412-442
04-Mar-2021	Economic, Social, and Cultural Rights II	1. <i>IHRL</i> 450-461
09-Mar-2021	The Human Rights of Women	1. <i>IHRL</i> 511-539
11-Mar-2021	The Human Rights of Vulnerable Groups and Persons	1. <i>IHRL</i> 577-589
16-Mar-2021	Victims’ Rights I	1. <i>IHRL</i> 669-700
18-Mar-2021	Victims’ Rights II	1. <i>IHRL</i> 702-717
23-Mar-2021	Human Rights in Armed Conflicts I	1. <i>IHRL</i> 718-731
25-Mar-2021	Human Rights in Armed Conflicts II	1. <i>IHRL</i> 731-750
30-Mar-2021	International Criminal Justice I	1. <i>IHRL</i> 751-765

01-Apr-2021	International Criminal Justice II	1. <i>IHRL</i> 772-784
06-Apr-2021	Human Rights and Counter-Terrorism I	1. <i>IHRL</i> 785-813
08-Apr-2021	Human Rights and Counter-Terrorism II	1. <i>IHRL</i> 813-829
13-Apr-2021	Human Rights, Non-State Actors, and Corporate Social Responsibility I	1. <i>IHRL</i> 832-856
15-Apr-2021	Human Rights, Non-State Actors, and Corporate Social Responsibility II	1. <i>IHRL</i> 857-856
20-Apr-2021	REVIEW SESSION	There are no readings for this class.

USEFUL LINKS:

1. The United Nations: <http://www.un.org/en/> (English version)
2. The International Court of Justice (English version): <http://www.icj-cij.org/homepage/index.php?lang=en>
3. The American Society of International Law: www.asil.org
4. The EISIL (Electronic Information System for International Law): <http://www.eisil.org/>
5. The Avalon Project at Yale Law School: <http://avalon.law.yale.edu/>
6. Lawfare, the national security law blog: <https://www.lawfareblog.com/>
7. Research Guides at NYU School of Law
<https://www.law.nyu.edu/library/research/researchguides>
8. UN IL audiovisual library:
<http://legal.un.org/avl/lectureseries.html>
9. The Vienna Convention on the Law of Treaties:
http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
10. UN Charter and the Statue of the International Court of Justice:
<https://treaties.un.org/doc/Publication/CTC/uncharter.pdf>

A (VERY) SHORT DICTIONARY OF FOREIGN PHRASES:

A contrario: “from a contrary position”

A fortiori: “for a still stronger reason”

Ad hoc: “for this; for the specific purpose”

Contra legem: “against the law” (often used in the context of legal interpretation)

De jure: “according to law”

De facto: “in reality; in fact”

Erga omnes: “toward all” (often used in relation to obligations)

De lege ferenda: “law as it should be”

De lege lata: “law as it is”

Opinio juris: “opinion of the law”

Rebus sic stantibus: “things standing thus” (doctrine used to describe fundamental change of circumstances in international law, Art.62 of the VCLT)

Travaux préparatoires: “preparatory work” (often used for interpreting international treaties in accordance with Art. 32 of the VCLT)