

**DCC3110- Introduction to the Inter-American Human Right
System (Online course)**

Prof. Salvador Herencia-Carrasco

E-mail: Shere045@uottawa.ca

Winter 2024

COURSE DESCRIPTION

The course “Introduction to the Inter-American Human Rights System”, DCC 3110, is an on-line course offered by the Section de Droit Civil and the Human Rights Research and Education Centre (HRREC) to students from all faculties of the University of Ottawa interested in the field of justice and human rights.

The purpose is to explore the foundations and developments of the Inter-American Human Rights Regional System (IAHRS) and how it has contributed to advance rule of law, democracy, independence of the judiciary and human rights in the Americas. The course will also address how the IAHRS has contributed to human rights developments in the Americas, particularly on issues related to Indigenous Peoples and Business & Human Rights.

OFFICE HOURS

Students requiring individual assistance are encouraged to send an e-mail (shere045@uottawa.ca) to arrange a specific appointment. My office is located at the HRREC, FTX 570. Preferable, appointments will be done via Zoom.

OBJECTIVES OF THE COURSE

This course is designed to explain the structure and impact of the Inter-American Human Rights System to students who do not have a legal background. After completing this course, each student should be able to:

- Understand the general foundations of the IAHRS and its influence on democracy and human rights in the Americas.
- Research the main developments of the IAHRS on selected rights, particularly those adopted in the case-law of the Inter-American Court of Human Rights, and how it has changed laws and policies in Latin America.
- Understand the challenges that marginalized groups continue to face to achieve substantial equality and recognition of their rights.

CONTENT OF THE COURSE

This course is divided in an Introductory Module and six thematic modules. The syllabus for

the present term provides information about the purpose, the content, the readings, and the organization of the course.

Although the course is on-line, there will be one class per module via Zoom. This 45-min. class will explain the main foundations of each module, the relevance of the cases and the challenges the IAHRs faces in protecting and enforcing these rights. The date and time of each class will be assigned at the start of the semester.

- **Introductory Module: Introduction to the Inter-American Human Rights System:** This section provides a general overview of the IAHRs, the main foundations of the American Convention on Human Rights and its influence in Latin America.
- **Module 1: Rights of Indigenous Peoples in the Americas:** This module will focus on the use of ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples to advance the rights to consultation, consent, and territory of Indigenous Peoples.
- **Module 2: The rights of women in the Americas:** This module will focus on cases related to sexual violence, the Belem do Pará Convention and gender stereotype.
- **Module 3: LGBTI rights in the Americas:** This module will focus on the case law of the IACtHR and how it has changed laws and policies in Latin America regarding equality, non-discrimination, gender identity and same-sex marriage.
- **Module 4: Business and Human Rights in the Americas:** This module will focus on how the IAHRs has progressively incorporated the UN Guiding Principles on Business and Human Rights to assess the duty of states to prevent that businesses have a negative impact on the rights of people and groups in their area of influence.
- **Module 5: Social and Environmental Rights:** This module will focus on how economic, social, cultural, and environmental rights are protected under the American Convention on Human Rights. Of special interest will be to understand how the IACtHR has changed its approach to social rights, making them judicially enforceable.
- **Module 6: Transitional Justice in the Americas:** The final module will focus on the importance of the right to truth and how it has shaped transitional models in Latin America, particularly in the 2016 Colombian Peace Agreement.

Each module of the course is organized as follows:

- **Module Description:** A document explaining the contents of the module, the reading materials, the assignment and the discussion board.
- **Videoconference:** Each module will have a 10-minute video-session providing an overview to the main contents of the module.

- Reading materials: A selection of mandatory readings subject to assessment.
- Judicial decisions: A list of judicial decisions from the Inter-American Court of Human Rights related to the module. - Reference materials: optional extra materials for further reading and research.
- International instruments: A set of international instruments from the InterAmerican Human Rights System and the United Nation relevant to the module.

For each module students will have to complete assignments with questions about the reading materials and questions on court decisions. All assignments are mandatory.

No textbook is required for this course as the course materials combine essays and decisions of the IACtHR. In recent years, a wide array of books about the IAHRs and human rights in Latin America has been published in English. In this regard, you may want to consult one of the two following textbooks which provide overviews of the operation and jurisprudence of the Inter-American Court of Human Rights and of the IAHRs as a whole:

- ✓ Reference book in English: Thomas Antkowiak, Alejandra Gonza, *The American Convention on Human Rights: Essential Rights* (New York: Oxford University Press, 2017). The book is available at the Brian Dickson library.
- ✓ Reference book in Spanish Christian Steiner, Patricia Uribe (eds), *Convención Americana sobre Derechos Humanos: Comentario*, (Bogotá, 2nd ed, Fundación Konrad Adenauer, 2019). The book is available on-line, here:
<https://dialogoderechoshumanos.com/comentario-cadh>

As a final evaluation at the end of the semester, students must submit an assignment on a fictional case before the Inter-American Court of Human Rights, for which you will have to solve the case, using the case materials, the readings and applicable international instruments

Assignments: The assignments consist of a set of questions on the course notes and the mandatory readings to ensure the proper understanding of the theoretical concepts and of the material, and to evaluate your ability to link theory and real issues. Unless stated otherwise, you do not need to do additional research to answer the assignments. All the information is contained in the modules. We expect your papers to be clear and concise. All assignments must be submitted via Brightspace.

Each assignment will have specific instructions regarding extension, language and format required. Your document must be identified by your full name and student number written in the title of the message or as the file name. The modules have a significant amount of reading materials and cases from the InterAmerican Court of Human Rights. For modules 1 to 6, students will be able to choose and submit their answers to 6 questions per module, regardless of the number of questions included in each module. **All submissions must be made in .doc or .PDF formats.**

Final Exam:

At the end of the course, you will have to submit a written paper about a hypothetical case

before the Inter-American Court of Human Rights. You will have to present a solution to a concrete problem, drawing upon the course materials and readings including cases covered during the course. Information about length and structure will be presented throughout the semester.

At the end of the course, you will have to hand in an assignment about a fictional case before the Inter-American Court of Human Rights. You will have to present a solution to a concrete problem, using the reading materials and cases worked during the courses.

EVALUATION PROCEDURES

- The Assignments for modules 1 to 6 are each worth 12 points. In total, assignments are worth 72 points.
- The Introductory module assignment is worth 3 points.
- The Final Exam is worth 25 points.
- In the absence of a permissible excuse (supported by required evidence), late submissions will be penalized with 10% deducted from the grade for each day late. Should you have difficulty uploading your submission or encounter some other problem interfering with your ability to meet the deadline, please contact the professor as early as possible.
- The course is evaluated under general University of Ottawa Alphanumeric regulations: <https://www2.uottawa.ca/about-us/administration-governance>

EVALUATION and CALENDAR for the Winter 2024 semester

Assessment tool	Grading	Deadlines
Introductory Module	3	Sunday, January 14, 2024
Assignment Module 1- Indigenous Peoples	12	Sunday, January 28, 2024
Assignment Module 2- Rights of Women	12	Sunday, February 11, 2024
Assignment Module 3- LGBTI Rights	12	Sunday, February 25, 2024
Assignment Module 4- Business and Human Rights	12	Sunday, March 10, 2024
Assignment Module 5- Social and Environmental Rights	12	Sunday, March 24, 2024
Assignment Module 6- Transitional Justice	12	Sunday, April 7, 2024
Submission of Final Exam	25	Thursday, April 25, 2024