



FACULDADE DE DIREITO
Universidade de Lisboa

Curricular Unit Sheet

Master's Degree in Law and Legal Practice Specialization International Law and International Relations

1. Curricular Unit Name:

International Human Rights Law

2. Complementary Information:

Duration: Semester Annual
Work hours: 2h/week
Credits ECTS: 7

3. Responsible Academic staff and respective workload in the curricular unit:

Ana Rita Gil – 2hours/week

4. Other academic staff and respective workloads in the curricular unit:

n/a

5. Learning outcomes of the curricular unit:

The subject of International Human Rights Law aims to provide students with basic knowledge and structuring principles in terms of Human Rights, knowledge about the mechanisms intended to protect and guarantee Human Rights in global and regional International Law, as well as understanding the content of some human rights and obligations arising therefrom for States.

6. Syllabus:

I - GENERAL PART

1. The concept of “Human Rights”
2. History and emergence of the idea of “Human Rights”
3. International mechanisms for the protection of human rights at a global level
4. International mechanisms for the protection of human rights at the regional level
5. General principles: universality, equality, prohibition of discrimination
6. General concepts: positive and negative obligations

II - SPECIAL PART

1. Right to life
2. Prohibition of torture and inhuman and degrading treatment
3. Right to freedom and security
4. Right of access to justice and a fair trial
5. Right to family life
6. Right to privacy
7. Freedom of thought, conscience and religion
8. Freedom of expression
9. Rights of minorities
10. Women's rights
11. Children's rights
12. Rights of migrants

7. Demonstration of the syllabus coherence with the curricular unit's objectives:

The syllabus aims, in the first place, to provide students with the basic concepts to be able to understand the international norms that guarantee and protect human rights.



FACULDADE DE DIREITO
Universidade de Lisboa

Secondly, a selection of human rights will be studied, so that students understand their content, as stemming from the concurrence of various sources of protection, and the various types of obligations that arise for States to ensure a full respect for those rights.

8. Teaching methodologies (including evaluation):

Classes will be divided into seminars, and will require an active role from students.

1. Part I will be developed with dialogues with the students, who will be in charge of preparing and following the theoretical classes on the general part referring to the international protection of human rights. Some basic rights, such as the right to life, the prohibition of torture or family life, will also be taught by the Professor, so that students understand the various practical consequences of these rights. Landmark decisions of international courts will be studied.

2. Part II will be developed through independent research: students will choose a human right or set of human rights relating to a category of persons and study how international jurisprudence has developed the content of the right in question, as well as the several obligations that derive from it to the States. They shall create a case based on previous case-law and develop a moot court. The moot court will be then presented to the class.

9. Demonstration of the coherence between the teaching methodologies and the learning outcomes:

The subject should begin with the History of the idea of “Human Rights”, as well as the ways in which they have been guaranteed in various international instruments. On the other hand, in order to understand each human right, it is important to start by understanding principles that cut across all of them. Subsequently, students will be in a position to autonomously investigate the chosen human right, which should be done by resorting to the various international sources of protection of the same fundamental good, and which contribute to shaping its content, as well as the corresponding obligations that States must guarantee. The evolution of this branch of law has been strongly based on the jurisprudence of international jurisdictions which, through mechanisms such as the evolutionary interpretation, the margin of appreciation, the protection by rebound, the principle of effectiveness, or the level of higher protection, have contributed decisively to the evolution of this branch of law. Thus, this subject will be strongly based on the analysis of the jurisprudence of these courts.

10: Evaluation:

The evaluation will consist of student participation during the semester (40%) and the moot court (60%).

11: Main Bibliography:

RHONA K.M. SMITH, *International Human Rights*, Oxford
SCOTT SHEERAN AND SIR NIGEL RODLEY (ed.), *Routledge Handbook of International Human Rights Law*, 2013
DINAH L. SHELTON (Ed.), *The Oxford Handbook of International Human Rights Law*, Oxford, Oxford University Press, 2013
DANIEL MOECKLI, SANGEETA SHAH, SANDESH SIVAKUMARAN (Ed.) e DAVID HARRIS (Consultant Ed.), *International Human Rights Law*, 3.a ed., Oxford, Oxford University Press, 2017
FRÉDÉRIC SUDRE, *Droit européen et international des droits de l’homme*, puf
WILLIAM A. SHABAS, *The European Convention on Human Rights. A Commentary*, Oxford, University Press, 2017

Portuguese:

ANA MARIA GUERRA MARTINS, *Direito Internacional dos Direitos Humanos*, Almedina
MARIA LUÍSA DUARTE, ANA RITA GIL E TIAGO FIDALGO DE FRETITAS (org). *Direitos Humanos e Estado de Direito – Proteção no Quadro Europeu e Internacional*, AAFDL, 2022
WOLFGANG BENEDEK (ed), *Compreender os Direitos Humanos*, Coimbra Editora (versão portuguesa coord. por Vital Moreira e Carla de Marcelino Gomes)
ANTÔNIO CANÇADO TRINDADE, *Tratado de Direito Internacional dos Direitos Humanos*, Vol. I, 2.ª ed., 2003 ; Vol. II, 1999, ; Vol. III, 2.ª ed., 2003, Porto Alegre, S. A. Fabris Editor
FILIPA ARAGÃO HOMEM, *O Tribunal Europeu dos Direitos Humanos e o Sistema de Protecção de Direitos Fundamentais Nacional. Estudo sobre a aplicação do princípio da subsidiariedade no caso português*, Coimbra, Almedina, 2019
IRINEU CABRAL BARRETO, *A Convenção Europeia dos Direitos do Homem*, 6.ª ed., Coimbra, Almedina, 2020



FACULDADE DE DIREITO
Universidade de Lisboa

PAULO PINTO DE ALBUQUERQUE (Org.), Comentário da Convenção Europeia dos Direitos Humanos e dos Protocolos Adicionais, Vol. I, Lisboa, Universidade Católica Portuguesa (UCP), 2019; Vol. II, Lisboa, Universidade Católica Portuguesa (UCP), 2019; Vol. III, Lisboa, Universidade Católica Portuguesa (UCP), 2020