Comparative U.S. and European Human Rights

Class code
POL-UA 9994

Instructor Details
Professor: Adam Dubin, M.A., J.D.
Email: Adubin@nyu.edu
Office Hours: By appointment

Class Details
Comparative U.S. and European Human Rights

Prerequisites
This course is a study of comparative human rights between European countries, including Spain, and the United States of America. International human rights legislation imposes the same obligations on all signatory countries. Despite this, however, interpretation and application of these rights vary considerably between countries. Students will explore a set of controversial issues in order to understand the complex differences between the United States and European countries’ interpretation of human rights obligations, and will also look at how these differences are portrayed in society by comparing international and national media coverage of the issues.

The class will begin by looking at the process of forming human rights at international and national levels. We will then spend most of the semester examining each issue, looking at the differences between how courts and media in the separate jurisdictions have interpreted human rights obligations.

The class will be taught through the use of multimedia tools, legal and other texts, and newspaper articles. We will host a number of guest lectures by prominent Spanish human rights lawyers, activists and journalists, and may visit a Spanish tribunal to meet with judges who work on human rights issues.

Desired Outcomes
- To develop students' knowledge of how rights are formed at international and national levels.
- To be able to critically analyze international and national human rights frameworks and jurisprudence.
- To understand how the application of international human rights norms differs between countries.
- To understand some of the ideological and societal debates about human rights between the United States and European countries by looking at human rights legislation, case law and newspaper/media articles.
Assessment Components

Class participation & exercises: 30%
Midterm project: 30%
Final Exam: 40%

Mid-term Project: For the mid-term project, students will research Spain’s (or a South American country’s) compliance with its human rights obligations and present an analysis of its findings. The format of the project will mirror the Universal Period Review Process: Each country files a report with the United Nations Human Rights Council in which it discusses its compliance with international law. NGOs and other stakeholders are allowed to participate and provide their own analysis of the country’s level of compliance along with questions the Council should ask the country representative. The students will undertake the work of an NGO and research Spain’s compliance with human rights law. This assignment will require that students understand and analyze human rights norms and be able to analyze governmental policy/action in accordance with the norms. Students will present their findings to the class in a presentation and short research paper (5-7 pages).

The length of class presentations will be determined by the number of students in the class; however, I hope that each student will speak for at least 10 minutes.

Final Exam: A mix of short answer and essay questions based on topics we covered in class. The test will last a full class period.

Grading Policy

Attendance Policy

2 excused absences. Each subsequent absence will result in half a letter grade being deducted from the student’s final grade.

Late Submission of Work

Late submission of work will not be accepted except under extraordinary circumstances and when communicated to me first.

Plagiarism Policy

At NYU, a commitment to excellence, fairness, honesty, and respect within and outside the classroom is essential to maintaining the integrity of our community.

Plagiarism: presenting others’ work without adequate acknowledgement of its source, as though it were one’s own. Plagiarism is a form of fraud. We all stand on the shoulders of others, and we must give credit to the creators of the works that we incorporate into products that we call our own. Some examples of plagiarism:

· a sequence of words incorporated without quotation marks
· an unacknowledged passage paraphrased from another's work
· the use of ideas, sound recordings, computer data or images created by
others as though it were one’s own
· submitting evaluations of group members’ work for an assigned group project which misrepresent the work that was performed by another group member
· altering or forging academic documents, including but not limited to admissions materials, academic records, grade reports, add/drop forms, course registration forms, etc.

For further information, students are encouraged to check
www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/academic-integrity-for-students-at-nyu.html

### Required Text(s)

### Supplemental Texts available via BB

#### Session 1
( Jan 21)

**Introduction to Human Rights**
This class will provide students with an introduction to the material we cover during the course. We will also begin discussing the history of human rights.


#### Session 2
( Jan 23)

**Human Rights History Continued**
Reading: TBA

#### Session 3
( Jan 28)

**What are Human Rights?**


#### Session 4
( Jan 30)

**Human Rights Theory**
We will discuss the different competing human rights theories between relativists and universalists.


Session 5  
(Feb 4)  
**Human Rights as Law**  
We will look at multiple human rights documents such as the Universal Declaration and different U.N. Covenants.

Session 6  
(Feb 6)  
**Human Rights: What Are They Worth?**  

Session 7  
(Feb 11)  
**Human Rights Enforcement**  
United States Department of States, 2010 Human Rights Report: Spain

Session 8  
(Feb 13)  
**Human Rights Enforcement Mechanisms Continued**  

Session 9  
(Feb 18)  
**Human Rights in the United States**  

Session 10  
(Feb 20)  
**Human Rights in the United States Continued**

Session 11  
(Feb 25)  
**Human Rights in Europe**  
Session 12
(Feb 27)

**Human Rights in Europe: The European Court on Human Rights**

Text of the European Convention on Human Rights


Jean-Clause Mignon, “European Court of Human Rights is not Perfect, but it’s Still Precious” The Guardian (April 19, 2011)

European Court of Human Rights Overview (2012), available at:  
http://www.echr.coe.int/NR/rdonlyres/8031883C-6F90-4A5E-A979-2EC5273B38AC/0/APERCU_19592011_EN.pdf

Session 13
(March 4)

**Freedom of Speech – Hateful and Inciteful Speech**

European Convention Article 10; U.S. Constitution Amendment 1; German Constitution Article 5


Norwood v. U.K
Zündel Case:  http://www.dw.de/dw/article/0,,1896750,00.html
Schenk v. Pro Choice Network of Western NY (U.S.)
Virginia v. Black (U.S.)

Session 14
(March 6)

**Freedom of Speech – Hateful and Inciteful Speech Continued**

Session 15
(March 11)

**Mid-Term Project Presentation**

Session 16
(March 13)

**Mid-Term Project Presentation**

Session 17
(March 18)

**Freedom of Speech – Pornography**

A. **Adult Pornography:**
Handyside v. U.K
Miller v. California (U.S.)

B. **Child Pornography**
New York v. Ferber (U.S.)
Kattaruna v. Finland

**Session 18**
(March 20)

**Freedom of Religion**

European Convention Article 9


Headscarves in France:


*The ACLU and the Freedom of Religion and Belief*, American Civil Liberties Union

Dogru v. France
Church of Lukumi Babalu v. City of Hialeah (U.S.)

**Session 19**
(April 8)

**Group Rights: The Case of Batsasuna (Pais Vasco)**

European Convention Articles 10 & 11

Stanford Encyclopedia of Philosophy: Group Rights

Batsasuna v. Spain

**Session 20**
(April 10)

**Sexual Orientation 1**

European Convention Articles 8 and 14; U.S. Constitution Amendment 14

Paul Geitner, On Gay Marriage, Europe Strains to Reconcile 27 Interests, NY Times (July 25, 2012)


Gas and Dubois v. France
Mata Estevez v. Spain
Proposition 8 Decision (only section on Equal Protection, pg 115+)

**Session 21**
(April 15)

**Sexual Orientation Continued**

**Session 22**
(April 17)

**Women’s Rights**

European Union Convention Article 8; Convention on the Elimination of Discrimination Against Women (CEDAW)

Carol Ryan, Irish Poised to Revisit Abortion Law, NY Times (Feb 21, 2012)
Fiona Govan, Spain Announces Plans to Change Abortion Law, The Telegraph (March 8, 2012)

A. B. and C. v. Ireland

Senate Hearings on the Ratification of CEDAW, Testimony of Ambassador Melanne Verveer, on Youtube: [http://www.youtube.com/watch?v=6zE45t5qOc](http://www.youtube.com/watch?v=6zE45t5qOc)
Session 23
(April 22)

Women’s Rights Continued

Session 24
(April 24)

Cruel and Unusual Punishment: The Death Penalty

Article 3


Adam Liptak, *Lifelong Death Sentences*, NY Times (October 31, 2011)

Soering v. U.K.
Baze v. Reese (U.S.)

Session 25
(April 29)

Freedom of Movement

Article 3

Sufi and Elmi v. UK

Sanko v. Spain

Andrea Vogt Italy Violated Rights by Returning Migrants to Libya, Court Rules, The Guardian (Feb 23, 2012)

Council of Europe Recommendation 1618:
http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta03/erec1618.htm#_ftn1

Excerpts from High Court Decision Upholding Policy on Haitian Refugees:

Adam Liptak, *Blocking Part of Arizona Law, Justices Allow its Centerpiece*, NY Times (June 25, 2012)

Session 26
(May 6)

Freedom of Movement 2

Session 27
(May 8)

Minority Rights: Gypsy Populations

Article 8 and 14

Chapman v. United Kingdom
Muñoz Diaz v. Spain
<table>
<thead>
<tr>
<th>Etiquette</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Co-curricular Activities</td>
</tr>
<tr>
<td>Suggested Co-curricular Activities</td>
</tr>
</tbody>
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