

Institute of Law for Science and Technology

National Tsing Hua University

**Seminar on International Human Rights Law:
Normative Foundations and Practice Challenges**

Syllabus

Instructor: Yi-Li Lee

Class Schedule: Wednesday 3:30pm-5:20 pm

Classroom: N/A

Email:

yili_lee@mx.nthu.edu.tw

Teaching Assistant: N/A

Spring, 2023

I. Introduction

The purpose of this course is to examine the history, development, structure of international human rights law and its impact on the domestic level, particularly in Taiwan. In this course, the students will investigate the historical background and legal framework of the United Nations and its related core human rights treaties and institutions. In addition, other human rights topics include key actors to implement international human rights law, the massive human rights violations and transitional justice, global immigration and rights protection are also discussed at class.

Furthermore, the emerging human rights issues such as climate crisis and the rights of indigenous people, the challenges of artificial intelligence to human rights and global pandemic crisis to human rights also will be analyzed through the lens of international human rights law. To enrich class discussion, three guest lecturers will be invited. Lecture topics include child rights, rights of people with disability and human rights in the context of illiberalism.

II. Course Requirements

Students in this seminar are encouraged to have strong participation in the course.

1. Students will be required to write one short term papers (4000 words-6000 words) based upon course human rights topics.
2. The grades of students will be based upon their class discussion (40%) and term paper (60%).
3. This syllabus is based on the needs of the class and subject to change at the

discretion of the instructor.

III. Course Materials

Assigned readings are included in the weekly schedule.

Week 1

Class Introduction

Part 1: Basic Issues of International Human Rights Law

Week 2

Topic: United Nations Human Rights Treaties and their Implementation Mechanisms (I)

Class Readings:

1. Philip Alston & Ryan Goodman, *Chapter 8(pp 685-761)*, International Human Rights: The Successor to International Human Rights in Context (2013, Oxford University Press)

Week 3

Topic: United Nations Human Rights Treaties and their Implementation Mechanisms (II): The Example of International Covenant on Civil and Political Rights

Class Readings:

1. Philip Alston & Ryan Goodman, *Chapter 3(pp 159-185)*, International Human Rights: The Successor to International Human Rights in Context (2013, Oxford University Press)
2. Philip Alston & Ryan Goodman, *Chapter 9(pp 762-823)*, International Human Rights: The Successor to International Human Rights in Context (2013, Oxford University Press)

Week 4

Topic: The Domestication Model of Core Human Rights Treaties: Taiwan's Model

Class Readings:

1. Wen-Chen Chang, 2019, *Taiwan's Human Rights Implementation Act: A Model for Successful Incorporation?* (Chapter 13), in TAIWAN AND INTERNATIONAL HUMAN RIGHTS: A STORY OF TRANSFORMATION (Jerome Cohen, Williams Alford & Chang-fa Lo eds.) Springer.
2. Yu-Jie Chen, 2019, *Isolated but Not Oblivious: Taiwan's Acceptance of the Two Major Human Rights Covenants* (Chapter 12), in TAIWAN AND INTERNATIONAL HUMAN RIGHTS: A STORY OF TRANSFORMATION (Jerome Cohen, Williams Alford & Chang-fa Lo eds.) Springer.

References:

1. Concluding Observations and Recommendations of the First National Report, Taiwan, 2013
2. Concluding Observations and Recommendations of the Second National Report, Taiwan, 2017

Week 5

Topic: Key Actors and International Human Rights Law

Class Readings:

1. Kiyoteru Tsutsui, Claire Whitlinger, & Alwyn Lim, *International Human Rights Law and Social Movements: States' Resistance and Civil Society's Insistence*, 8 Annual Review of Law and Social Science, 367-396 (2012).
2. Richard B. Lillich, *Role of Domestic Courts in Promoting International Human Rights Norms*, 24 N. Y. L. SCH. L. REV. 153 (1978).

Week 6

Topic: Massive Human Rights Violations, Rights Protection, Transitional Justice: The Role of the United Nations

Class Reading:

1. Leena Grover, *Transitional Justice, International Law and the United Nations*, 33(2), LEIDEN J. INTE'L L., 359-397 (2019).

Reference

1. United Nations. (2004). *The rule of law and transitional justice in conflict and post-conflict societies. Report of the Secretary-General*. UN Doc. S/2011/634

Week 7

Topic: Massive Human Rights Violations, Rights Protection, Transitional Justice: The Roles of International Criminal Court and Human Rights Mechanisms

Class Readings:

1. Philip Alston & Ryan Goodman, *Chapter 15(pp 1330-1340)*, International Human Rights: The Successor to International Human Rights in Context (2013, Oxford University Press)
2. Sriram, C. L.; Martin-Ortega, O.; and Herman, J. (2014, second edition). The interplay between war and human rights. *War, Conflict and Human Rights: Theory and Practice* (London: Routledge), pp. 3-13.

Week 8

NO CLASS (Intercollegiate Activities)

Please decide the topic of your term paper and upload a one-page outline to the course website before 4/10 midnight (12:00).

Week 9

Topic: Global Immigration and Human Rights (I)

Class Readings:

1. DAVID WEISSBRODT, THE HUMAN RIGHTS OF NON-CITIZENS 18-44 (2008, Oxford University Press)

Your outlines will be discussed at the second hour of this course.

Week 10

Topic: Global Immigration and Human Rights (II): The Use of International

Human Rights and Its Practice

Class Reading

1. David Cole, *The Idea of Humanity: Human Rights and Immigrants' Rights*, COLUM. HUM. RTS. L. REV., Vol. 37, 627-658 (2006).

Week 11

Topic: Rights of People with Disability: Law and Practice

Guest Speaker: N/A

Part 2: Emerging Issues and International Human Rights Law

Week 12

Topic: Human Rights in the Era of Artificial Intelligence: The Examples of Facial Recognition Technology

Class Readings:

1. Qingxiu Bu, The global governance on automated facial recognition (AFR): ethical and legal opportunities and privacy challenges. *Int. Cybersecur. Law Rev.* 2, 113–145 (2021). <https://doi.org/10.1365/s43439-021-00022-x>
2. Michael O'Flaherty, Opinions: Facial Recognition Technology and Fundamental Rights, *European Data Protection Law Review*, Volume 6, Issue 2 (2020) pp. 170 – 173, DOI: <https://doi.org/10.21552/edpl/2020/2/4>

Week 13

Topic: UN's approach to Regulate Facial Recognition Technology

Class Readings:

1. UN Special Rapporteur on freedom of opinion and expression, moratorium on the sale, transfer and use of surveillance technology, *Surveillance and Human Rights*, A/HRC/41/35, 28 May 2019, <https://undocs.org/A/HRC/41/35>
2. UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance Racial and Xenophobic discrimination and the use of digital technologies in border and immigration enforcement, A/HRC/48/76, 22 September 2021, <https://www.ohchr.org/en/issues/racism/srracism/pages/indexsrracism.aspx>

Week 14

Topic: Climate Change, Human Rights, Indigenous Peoples

Class Readings:

1. M. Alexander Pearl, *Human Rights, Indigenous Peoples, and the Global Climate Crisis*, 53 WAKE FOREST L. REV. 713-718 (2018).
2. UN Office of the High Commissioner for Human Rights, *Understanding Human Rights and Climate Change*, 1-28 (2020).

Week 15

Topic: Cotemporary Children's Rights: Law and Practice in Taiwan

Guest Speaker: N/A

Week 16

Topic: Human Rights and Global Health Crisis (ex: Covid-19): The Examples of Migrant Workers

Class Readings:

International Labor Organization, Locked down and in limbo: The global impact of COVID-19 on migrant worker rights and recruitment 1-38 (2021).

Week 17

Topic: Human Rights in the Context of Illiberalism

Guest Speaker: N/A

Week 18

Term paper presentation