

**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

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Class Schedule: Monday 10:10 am-12 am

Classroom: TSMC 835

Teaching Assistant: N/A

Email: N/A

Spring, 2024

**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 methodology to study 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, one guest lecturer will be invited.

**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 2/19

##### Class Introduction

#### Part 1: Basic Issues of International Human Rights Law

#### Week 2 2/26

##### **Topic: United Nations Human Rights Treaties and their Implementation Mechanisms**

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)
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 3 3/04

##### **Topic: Methodology to Study International Human Rights Law**

Class Readings:

1. Harold Koh, 1996, *Transnational Legal Process*, Faculty Scholarship Series Paper 2096. [http://digitalcommons.law.yale.edu/fss\\_papers/2096](http://digitalcommons.law.yale.edu/fss_papers/2096)
2. Harold Koh, 2012, *How Is International Human Rights Law Enforced?*, Indiana Law Journal: Vol. 74: Iss. 4, Article 9.1397-1947.

#### Week 4 3/11

##### **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 3/18

##### **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 6 3/25**

#### **Topic: Ukraine-Russian War and 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. Adil Ahmad Haque, 2022, An Unlawful War Part of: Ukraine and the International Order, <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/an-unlawful-war/D425FCF59C8F04B8291796853DAE5C3B>

### **Week 7 4/01**

#### **Topic: Transnational Human Rights Litigations and Transitional Justice: Experience of Latin America**

1. Veronica , M., & Sikkink , K. (2013). Human Rights Prosecutions and the Participation Rights of Victims in Latin America. *Law & Society Review*, 47(4), 873–907.
2. Par Engstrom, *Mobilising the Inter-American Human Rights System: Regional Litigation and Domestic Human Rights Impact in Latin America*, in THE INTER-AMERICAN HUMAN RIGHTS SYSTEM: IMPACT BEYOND COMPLIANCE (Par Engstrom ed., 2019) pp 23-58.

### **Week 8 4/08**

#### **Topic: Global Immigration and Human Rights**

Class Readings:

1. DAVID WEISSBRODT, THE HUMAN RIGHTS OF NON-CITIZENS 18-44 (2008, Oxford University Press)
2. David Cole, *The Idea of Humanity: Human Rights and Immigrants' Rights*, COLUM. HUM. RTS. L. REV., Vol. 37, 627-658 (2006).

### **Week 9 4/15**

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

Class Readings:

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

**Please decide the topic of your term paper and upload a one-page outline to the course website before 4/8 12pm.**

## **Part 2: Emerging Issues and International Human Rights Law**

### **Week 10 4/22**

#### **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 11 4/29**

#### **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 12 5/06**

#### **Topic: Human Rights, Business and Artificial Intelligence**

Guest Speaker: TBD

### **Week 13 5/13**

#### **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 14 5/20**

#### **Topic: Climate Change and Transnational Litigations**

1. Alice Venn Author Notes, 2023, *Rendering International Human Rights Law Fit for Purpose on Climate Change*, 23(1) *Human Rights Law Review*, <https://academic.oup.com/hrlr/article/23/1/ngac034/6972876>
2. Annalisa Savaresi, 2021, *Human rights and the impacts of climate change: Revisiting the assumptions*, *Oñati Socio-Legal Series*, 11(1), pp. 231–253. Available at: <https://opo.iisj.net/index.php/osls/article/view/1195>

**Week 15 5/27**

Term paper presentation

**Week 16 6/12**

No Class (The instructor will travel to the USA to attend one international conference.)