

LW4670: INTERNATIONAL HUMAN RIGHTS LAW

Effective Term

Semester A 2022/23

Part I Course Overview

Course Title

International Human Rights Law

Subject Code

LW - Law

Course Number

4670

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

B1, B2, B3, B4 - Bachelor's Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW4122 Law of Human Rights and Civil Liberties (LLB) (from the old curriculum)

LW4122A Law of Human Rights and Civil Liberties (AMLLB) (from the old curriculum)

LW5670 International Human Rights Law

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims –

- to first introduce students to the concepts of rights and correlative duties as well as to human rights principles and institutions in a comparative context.
- to enable students to understand how human rights norms and law are developed and applied both on the domestic and international realms.
- to enable students to analyse and critically assess selected contemporary issues of human rights law, including but not limited to, universal suffrage, anti-terrorism and human rights, poverty alleviation, genocide, self-determination, and rights and justice, etc.
- to equip students with the capacity to make comparison among international human rights regimes (e.g. civil and political rights v. economic, social and cultural rights), between international (e.g. ICCPR) and regional (e.g. European Convention for the Protection of Human Rights) human rights regimes, and among the human rights regimes of selected countries, with specific emphasis on the European Union, the United States, China and HKSAR.
- to enable students to apply human rights norms, principles and law to specific cases and circumstances.
- to prepare students to engage in independent research and writing in the area of comparative human rights laws.

Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify and explain the principles of international and regional human rights laws and policies; and the different components of the various institutions (governmental and non-governmental) through which rights are made, monitored and defended; the range of available remedies for various human rights violations.	50	x	x	x
2	Apply substantive rules of major areas of international, regional, and some domestic human rights laws and policies to specific cases or events both orally and in writing by: reading and interpreting applicable national and international cases reading and interpreting applicable statutes, human rights conventions and constitutions	35	x	x	x
3	Analyse and critically evaluate legal principles and doctrines and the range of available remedies for various human rights violations in the light of doctrinal coherence and the policy objectives of human rights law.	15	x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Teaching and Learning Activities (TLAs)

	TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Seminars	Students will be introduced to the basic principles of international human rights law through lectures and interactions with the lecturer and amongst themselves by way of discussions, debates and student presentations in the course of the lectures.	1	
2	Seminars	Students will read cases to prepare for lectures, provide an interpretation of regional and international regimes and develop persuasive arguments in class discussion.	2	
3	Seminars	Students will explore relevant issues of law and address the theoretical underpinnings of various topics.	3	
4	Seminars	Students will be given the opportunity to clarify or raise further questions with regard to the basic principles of human rights law and related concepts taught in the lectures and apply them to hypothetical situations to provide solutions through formation of legal strategy or negotiation and best alternatives for the parties in question.	1	
5	Seminars	Students will apply legal principles to the solution of problems. This may be done in the form of discussions, debate or presentations	2	

6	Seminars	Students will critically analyse and evaluate legal principles and doctrines.	3	
7	Seminars	Develop self-confidence in application of legal principles, advocacy skills and public speaking.	3	
8	Seminars	Foster students' growth through development of greater intellectual and interpersonal maturity.	3	
9	Reading Week (Week 7)	During the Reading Week students are asked to develop their knowledge in the subject by doing further reading and research on the conceptual and theoretical sides of the subject.		

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1 Coursework/Essay: Students' ability to identify, apply, compare and analyse the relevant principles and components of the law will be tested.	1	70	
2 Participation in seminar sessions: Students' ability to apply rules and principles will be tested in forms such as presentations, debates and client counselling. Students' ability to critically analyse and evaluate rules and principles will be tested in forms such as presentations, debates and client counselling. Confidence building and students' maturity	2, 3	30	

Continuous Assessment (%)

100

Examination (%)

0

Additional Information for ATs

In this course, grading of student achievement will follow the standard grading system (A+, A, A-...F).

To pass this course student must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework elements of the assessment. Coursework for this purpose means a written thesis.

Assessment Rubrics (AR)

Assessment Task

1. Coursework

Criterion

Original thinking
Rational analysis
Justified conclusion

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

2. Participation in tutorial sessions

Criterion

Presentation structure
Understanding additivity to think on the spot;
Confidence building and students' maturity

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information

Keyword Syllabus

International Human Rights Norms and Philosophy, Law of International Human Rights and Legal Regime, Civil Liberties, Citizenship, Freedom of Person and Property, Freedom of Expression, Right to Political Participation, Democracy and Election, Emergency Powers, State Security, Public Order / Ordre Public, Genocide and Humanitarian Law, Anti-Discrimination, Anti-terrorism and Human Rights, United Nations and UN Human Rights Council, International and Regional Human Rights Courts, UN Charter, Regional Human Right Systems, Hong Kong Bill of Rights Ordinance, UDHR, ICCPR, ICESCR, International Human Rights Treaties

Detailed Syllabus (Subject to Further Adjustment)

- The idea of human rights and the correlation between rights and duties
- The tension between universality and cultural relativism in human rights discourse
- International background of human rights and civil liberties
- Constitutional and legal background of Hong Kong and the PRC in relation to Human Rights
- Human rights implication of citizenship, immigration, extradition, nationality
- Entitlement of the people of HKSAR to rights and liberties available under international conventions, for example, universal suffrage under the ICCPR
- Freedom of the person and property; its application and availability in the HKSAR and the PRC; Capitalist and Communist interpretations of rights, duties and obligations of citizens and the state; the Basic Law and the PRC constitutional guarantees.
- Freedom of expression, privacy and the rights to political participation in HKSAR, the PRC and other selected jurisdictions.
- Emergency powers and state security.
- Human rights and counterterrorism measures
- Public order / ordre public
- Anti-discrimination law and practice
- Genocide, rights of refugees and non-refoulement, and humanitarian law
- The right to life and death penalty, and prohibition of cruel and inhuman treatment
- Universal Declaration of Human Rights (UDHR).
- International Covenant on Civil and Political Rights (ICCPR).
- International Covenant on Economic, Social and Cultural Rights (ICESCR).
- The United Nations Human Rights Council (UNHRC) and the United Nations human rights committees.
- Role of international and regional courts of human rights
- Role of national, regional and international human rights NGOs in promoting and protecting human rights.

Reading List

Compulsory Readings

Title	
1	Michael Arnheim, <i>The Handbook of Human Rights Law</i> , London: Kogan Page, 2004.
2	Patrick Hayden, <i>The Philosophy of Human Rights</i> , St Paul: Paragon House, 2001.
3	Henry Steiner, Philip Alston & Ryan Goodman, <i>International Human Rights in Context: Law, Politics and Morals</i> , 3rd ed., Oxford U Press, 2008.
4	Rebecca M M Wallace, <i>International Human Rights: Text and Materials</i> , London: Sweet & Maxwell, 2001.
5	P R Gandhi, <i>Blackstone's International Human Rights Documents</i> , London: Blackstone Press Limited, 1995.
6	Helen Fenwick, <i>Civil Liberties and Human Rights</i> , 3rd ed., London: Cavendish Publishing Limited, 2002.
7	Richard Stone, <i>Civil Liberties and Human Rights</i> , 7th ed., Oxford U Press, 2008.
8	Raymond Wacks (ed.), <i>Civil Liberties in Hong Kong</i> , Hong Kong: Oxford U Press, 1988.
9	Johannes Chan & Yash Ghai (eds.), <i>The Hong Kong Bill of Rights: A Comparative Approach</i> , Hong Kong: Butterworths Asia, 1993.
10	Andrew Byrnes & Johannes Chan (eds.), <i>Public Law and Human Rights – A Hong Kong Sourcebook</i> , Hong Kong: Butterworths Asia, 1993.
11	R. Randle Edwards, et al., <i>Human Rights in Contemporary China</i> , NY: Columbia University Press, 1986.

Additional Readings

Title	
1	Nil