

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester A 2015/16**

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**Part I Course Overview**

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| <b>Course Title:</b>   | <u>Contemporary Issues of Human Rights Law</u>  |
| <b>Course Code:</b>  | <u>LW5670</u>   |
| <b>Course Duration:</b>                                      | <u>One Semester</u>   |
| <b>Credit Units:</b>   | <u>3</u>  |
| <b>Level:</b>  | <u>P5</u>   |
| <b>Medium of Instruction:</b>                                | <u>English</u>  |
| <b>Medium of Assessment:</b>                                 | <u>English</u>  |
| <b>Prerequisites:</b><br><i>(Course Code and Title)</i>      | <u>For 2013 Cohort and thereafter: LW5621 Legal Systems of Hong Kong and Mainland China, LW5622 Legal Methods, Research and Writing, and LW5602 Law of Contract</u> |
| <b>Precursors:</b><br><i>(Course Code and Title)</i>         | <u>Nil</u>  |
| <b>Equivalent Courses:</b><br><i>(Course Code and Title)</i> | <u>Nil</u>  |
| <b>Exclusive Courses:</b><br><i>(Course Code and Title)</i>  | <u>Nil</u>  |

## Part II Course Details

### 1. 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.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

| No. | CILOs  | Weighting | DEC related learning outcomes |    |    |
|-----|--|-----------|-------------------------------|----|----|
|     |  |           | A1                            | A2 | A3 |
| 1.  | <b>Identify and explain</b> 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%       | ✓                             | ✓  | ✓  |
| 2.  | <b>Apply</b> 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: <ul style="list-style-type: none"> <li>• reading and interpreting applicable national and international cases</li> <li>• reading and interpreting applicable statutes, human rights conventions and constitutions</li> </ul> | 35%       | ✓                             | ✓  | ✓  |
| 3.  | <b>Analyse and critically evaluate</b> 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%       | ✓                             | ✓  | ✓  |
|     |  | 100%      |                               |    |    |

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 self-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.*

Alignment of CILOs with PILOs:

| PILOs |  | CILOs   |
|-------|--|---------|
| 1     | Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.     | 1, 2, 3 |
| 2     | Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.   | N.A.    |
| 3     | Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.  | 1, 3    |
| 4     | Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.  | 1, 2, 3 |
| 5     | Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law. | 1, 3    |

**3. Teaching and Learning Activities (TLAs)**

*(TLAs designed to facilitate students' achievement of the CILOs.)*

| TLA                   | Brief Description   | CILO No. |   |   | Hours/week (if applicable) |
|-----------------------|---|----------|---|---|----------------------------|
|                       |   | 1        | 2 | 3 |                            |
| Lecture               | 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.  | ✓        |   |   | 2                          |
|                       | Students will read cases to prepare for lectures, provide an interpretation of regional and international regimes and develop persuasive arguments in class discussion.   |          | ✓ |   |                            |
|                       | Students will explore relevant issues of law and address the theoretical underpinnings of various topics.   |          |   | ✓ |                            |
| Tutorial / Seminar    | 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                          |
|                       | Students will apply legal principles to the solution of problems. This may be done in the form of discussions, debate or presentations  |          | ✓ |   |                            |
|                       | Students will critically analyse and evaluate legal principles and doctrines.   |          |   | ✓ |                            |
| 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.  |          |   |   |                            |

#### 4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

| Assessment Tasks/Activities   | CILO No. |   |   | Weighting | Remarks |
|---|----------|---|---|-----------|---------|
|   | 1        | 2 | 3 |           |         |
| Continuous Assessment: 50%  |          |   |   |           |         |
| <i>Coursework</i>   |          |   |   | 30%       |         |
| Students' ability to identify, apply, compare and analyse the relevant principles and components of the law will be tested.   | ✓        |   |   |           |         |
| <i>Participation in seminar sessions</i>  |          |   |   | 20%       |         |
| 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.                                      |          |   | ✓ |           |         |
| Examination: 50% (duration: 3 hours)  |          |   |   |           |         |
| Students' ability to identify and apply relevant legal principles and policies will be tested.  | ✓        |   |   | 50%       |         |
| Students' ability to apply legal rules and principles to particular sets of hypothetical circumstances will be tested.  |          | ✓ |   |           |         |
| Students' ability to apply legal rules and principles to particular sets of hypothetical circumstances in order to critically analyse evaluate legal principles and doctrines will be tested. |          |   | ✓ |           |         |
|   |          |   |   | 100%      |         |

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

Two modes of assessment will be utilized: **examination and coursework**.

To pass this course student must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed other than by the end of session examination.

There will be a **written assignment** which will be in the form of a problem question. The assignment would need to be completed by each student. The purpose of this assignment is to assess the ability of students to understand, analyze and communicate procedural and substantive rules of human rights law. This will consist of **50%** of the total marks.

The duration of the examination will last for 3 hours. The **final examination** will be **50%** of the total marks. The examination aims to test whether students fully understand basic human rights concepts and institutions as well as whether they are able to apply human rights to relevant cases and situations.

The course leader will announce whether the examination will be closed book or open book.

## 5. Assessment Rubrics

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

| Assessment Task                       | Criterion   | Excellent<br>(A+, A, A-)   | Good<br>(B+, B, B-)   | Adequate<br>(C+, C, C-)   | Marginal<br>(D)  | Failure<br>(F)  |
|---------------------------------------|---|--|---|---|--|---|
| 1. Coursework                         | Original thinking<br>Rational analysis<br>Justified conclusion                                  | Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. | Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. | Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. | Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. | Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. |
| 2. Participation in tutorial sessions | Presentation structure<br>Understanding<br>additivity to think on the spot                      |  |   |   |  |   |
| 3. Examination                        | Application of Law in factual scenarios<br>theoretical and critical thinking in essay questions |  |   |   |  |   |

### **Part III Other Information** (more details can be provided separately in the teaching plan)

#### **1. Keyword Syllabus**

(An indication of the key topics of the course.)

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.

#### **2. Reading List**

##### **Recommended Reading**

Michael Arnhem, *The Handbook of Human Rights Law*, London: Kogan Page, 2004.

Patrick Hayden, *The Philosophy of Human Rights*, St Paul: Paragon House, 2001.

Henry Steiner, Philip Alston & Ryan Goodman, *International Human Rights in Context: Law, Politics and Morals*, 3<sup>rd</sup> ed., Oxford U Press, 2008.

Rebecca M M Wallace, *International Human Rights: Text and Materials*, London: Sweet & Maxwell, 2001.

P R Ghandhi, *Blackstone's International Human Rights Documents*, London: Blackstone Press Limited, 1995.

Helen Fenwick, *Civil Liberties and Human Rights*, 3<sup>rd</sup> ed., London: Cavendish Publishing Limited, 2002.  
Richard Stone, *Civil Liberties and Human Rights*, 7<sup>th</sup> ed., Oxford U Press, 2008.  
Raymond Wacks (ed.), *Civil Liberties in Hong Kong*, Hong Kong: Oxford U Press, 1988.  
Johannes Chan & Yash Ghai (eds.), *The Hong Kong Bill of Rights: A Comparative Approach*, Hong Kong: Butterworths Asia, 1993.  
Andrew Byrnes & Johannes Chan (eds.), *Public Law and Human Rights – A Hong Kong Sourcebook*, Hong Kong: Butterworths Asia, 1993.  
R. Randle Edwards, et al., *Human Rights in Contemporary China*, NY: Columbia University Press, 1986.

### **Text(s)**

Sino-British Joint Declaration (1984)  
The Basic Law of the HKSAR (1990) – Chapters 1-3  
The Constitution of the PRC (1982) – Chapters 1 – 2, 3(7)  
Charter of the United Nations (1945)  
Universal Declaration of Human Rights (1948)  
European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)  
International Covenant on Civil and Political Rights (1966)  
International Covenant on Economic, Social and Cultural Rights (1966)  
Bill of Rights Ordinance (1991)  
Course book: Louis Henkin, Sarah Cleveland, Laurence Helfer, Gerald Neuman, and Diane Orentlicher, *Human Rights*, 2<sup>nd</sup> ed., New York, Foundation Press, 2009.

### **Online Resources**

UN Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/>  
UN Commission on Human Rights: <http://www.unhchr.ch/html/menu2/2/chr.htm>  
UN Office of the United Nations High Commissioner for Human Rights (OHCHR): <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>  
UN Human Rights Committee: <http://www.unhchr.ch/html/menu2/6/hrc.htm>  
Amnesty International – Hong Kong: <http://www.amnesty.org/en/region/hong-kong>  
Univ. of Minnesota Human Rights Library: <http://www1.umn.edu/humanrts/>  
Asian Human Rights Commission: <http://www.ahrchk.net/index.php>  
Hong Kong Human Rights Commission: [http://www.hkhrc.org.hk/homepage/index\\_e.htm](http://www.hkhrc.org.hk/homepage/index_e.htm)  
Hong Kong Human Rights Monitor: <http://www.hkhrm.org.hk/>  
Human Rights in China: <http://www.hrichina.org/public/contents/category?cid=937>  
China's Human Rights - China Society for Human Rights Studies (CSHRS): [http://www.chinahumanrights.org/AboutUs/t20070813\\_282234.htm](http://www.chinahumanrights.org/AboutUs/t20070813_282234.htm)  
United Nations General Assembly: [www.un.org/ga/](http://www.un.org/ga/).