

**CAĞ UNIVERSITY**  
**FACULTY OF ECONOMICS & ADMINISTRATIVE SCIENCES**

Code	Course Name	Credit	ECTS	
LAW 516.1	The Examination of Human Rights in the Context of Private International Law	(3-0) 3	6	
<b>Prerequisites</b>	None			
<b>Language of Instruction</b>	Turkish	<b>Mode of Delivery</b>	Face to Face	
<b>Type and Level of Course</b>	Compulsory/ Master's Degree/ Fall Semester			
Lecturers	Name(s)	Lecture Hours	Office Hours	Contacts
<b>Course Coordinator</b>	Asst. Prof. Dr. Özge Demirdelen	Monday 17.30-20.30	Monday 16.30-17.20	ozgedemirdelen@cag.edu.tr
<b>Course Objective</b>	The aim of the course is to enable students to gain knowledge on the topic of "The Examination of Human Rights in the Context of Private International Law" and to develop the ability to analyze cases and provide commentary.			
<b>Learning Outcomes of the</b>	Students who have completed the course successfully should be able to		<b>Relationship</b>	
			<b>Prog. Output</b>	<b>Net Effect</b>
	1	conduct academic research in general.	1,2,7	3,4,5
	2	examine and understand issues related to human rights in the context of private international law	1,2,7	3,4,5
3	conduct analyses on topics related to human rights in private international law and present his/her views and thoughts.	1,2,7	3,4,5	
<b>Course Description:</b> In this course covers the fundamental concepts of human rights and private international law, the connection between human rights and private international law, the factors influencing this connection, universal and regional regulations and monitoring systems, as well as some important rights currently in focus and their historical development.				
<b>Course Contents: ( Weekly Lecture Plan )</b>				
Weeks	Topics	Preparation	Teaching Methods	
1	Introduction to the Course (Providing Information on Course Structure, Explaining Resource Usage, Explaining the Connection Between Human Rights and Private International Law)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion	
2	Evaluations of Conceptual and Legislative/Legal Documents in Establishing the Connection Between Human Rights and Private International Law	Examination of Academic Studies and Legal Regulations	Lecture, Discussion	
3	-The Impact of Human Rights on the United Nations Sustainable Development Goals -The Impact of Human Rights on Personal Data Law (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation	
4	-Factors in Establishing the Connection Between Human Rights and Private International Law -The Impact of Human Rights on Immigration Law (Case Study Examination) (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation	
5	-The Impact of Human Rights on Immigration Law (Case Study Examination) -ECHR Article 6: The Issue of Subject Matter Jurisdiction and the Right to a Fair Trial (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation	
6	-The Impact of Human Rights on Citizenship Law -The Right to be Forgotten (Within the Framework of CJEU Decision) (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation	
7	Examination of -The Protection of Human Rights within the Framework of the United Nations and Private International Law Regulations -The Connection between Regional Human Rights Treaties and Private International Law -Monitoring Systems (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation	
8	-Factors in Establishing the Connection Between Human Rights and Private International Law Examination of	Examination of Academic Studies and Legal	Lecture, Discussion, Presentation	

	-The Protection of Human Rights within the Framework of the United Nations and Private International Law Regulations -The Connection between Regional Human Rights Treaties and Private International Law -Monitoring Systems (Including Examination of Student Presentations) (continuation)	Regulations	
9	-Factors in Establishing the Connection Between Human Rights and Private International Law Examination of -The Protection of Human Rights within the Framework of the United Nations and Private International Law Regulations -The Connection between Regional Human Rights Treaties and Private International Law -Monitoring Systems (Including Examination of Student Presentations) (continuation)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation
10	-Balancing Freedom of Expression and the Protection of Personal Rights -Freedom of the Press and Expression -The Issue of Forum State and Guaranteeing -Evaluation of the Brussels I Regulation and Lugano Convention Provisions (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation
11	-The Impact of Human Rights on the European Green Deal Process -The Impact of Human Rights on International Procedural Law (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation
12	-The Impact of Human Rights on Citizenship Law -The Impact of Human Rights on Applicable Substantive Law (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation
13	-The Impact of Human Rights on Immigration Law (Case Study Examination) -The Impact of Human Rights on Artificial Intelligence Law (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation
14	-The Impact of Human Rights on Immigration Law (Case Study Examination) -The Impact of Human Rights on Artificial Intelligence Law (Including Examination of Student Presentations)	Examination of Academic Studies and Legal Regulations	Lecture, Discussion, Presentation

#### REFERENCES

##### Website

-<https://www.idi-iil.org/app/uploads/2021/05/Report-4th-commission-human-rights-and-private-international-law-vol-81-yearbook-online-session.pdf>.  
-<https://academic.oup.com/pages/about-oxford-academic/law-books-migration>.  
-<https://doi.org/10.4337/9781800375536.00009>.  
-<https://dergipark.org.tr/en/pub/ppil/issue/77192/1181972>.  
-<https://sciencespo.hal.science/hal-03470588/file/2013-muir-watt-fundamental-rights-andrecognition-in-private-international-law.pdf>.  
-[https://journals.law.harvard.edu/ilj/wpcontent/uploads/sites/84/HILJ\\_601\\_5\\_Hirschboeck.pdf](https://journals.law.harvard.edu/ilj/wpcontent/uploads/sites/84/HILJ_601_5_Hirschboeck.pdf).  
-[https://www.elgaronline.com/display/book/9781782547235/b-9781782547235-H\\_3.xml](https://www.elgaronline.com/display/book/9781782547235/b-9781782547235-H_3.xml).  
-<https://www.kvkk.gov.tr/lcerik/4184/Anayasal-Bir-Hak-Olarak-Kisisel-Verilerin-Korunmasini-Isteme-Hakki#:~:text=2010%20y%C4%B1l%C4%B1nda%205982%20say%C4%B1l%C4%B1%20Kanunla,verilerin%20korunmas%C4%B1n%C4%B1%20isteme%20hakk%C4%B1na%20sahiptir>.  
-<https://www.jurix.com.tr/article/2195?u=0&c=0>.  
-[https://ticaret.gov.tr/dis-iliskiler/yesil-mutabakat/avrupa-yesilmutabakati#:~:text=Avrupa%20Birli%C4%9Fi%20\(AB\)%2C%2011,de%C4%9Fi%C5%9Fikl%C4%9Fi%20ekseninde%20yeniden%20C5%9Fekillendirece%C4%9Fini%20a%C3%A7%C4%B1klam%C4%B1%C5%9Ft%C4%B1r..](https://ticaret.gov.tr/dis-iliskiler/yesil-mutabakat/avrupa-yesilmutabakati#:~:text=Avrupa%20Birli%C4%9Fi%20(AB)%2C%2011,de%C4%9Fi%C5%9Fikl%C4%9Fi%20ekseninde%20yeniden%20C5%9Fekillendirece%C4%9Fini%20a%C3%A7%C4%B1klam%C4%B1%C5%9Ft%C4%B1r..)  
-[https://www.eeas.europa.eu/delegations/t%C3%BCrkiye/avrupa-ye%C5%9Ffilmütakat%C4%B1\\_tr?s=230](https://www.eeas.europa.eu/delegations/t%C3%BCrkiye/avrupa-ye%C5%9Ffilmütakat%C4%B1_tr?s=230).  
-<https://www.tuba.gov.tr/tr/yayinlar/suresiz-yayinlar/raporlar/temiz-uretim-yesil-mutabakatve-surdurulebilir-atik-yonetimi/surdurulebilir-kalkinma-amaclari-cercevesinde-avrupa>

yesilmutabakati-  
ve-turkiyenin-durumu.  
-<https://dergipark.org.tr/en/download/article-file/2219780>.  
-<https://www.tihек.gov.tr/teknolojilerin-ve-yapay-zekanin-gelistirilmesinde-insan-haklari-etkidegerlendirmesi-hria-kapasite-gelistirme-egitimi>.  
-[https://www.istanbulbarosu.org.tr/files/komisyonlar/yzcg/yzcg\\_avrupakonseyi.pdf](https://www.istanbulbarosu.org.tr/files/komisyonlar/yzcg/yzcg_avrupakonseyi.pdf).  
<https://sdgs.un.org/goals>.  
<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>.  
<https://www.undp.org/sustainable-development-goals>.  
<https://www.globalgoals.org/>.  
<https://unfoundation.org/what-we-do/issues/sustainable-development-goals/>.  
<https://en.unesco.org/sustainabledevelopmentgoals>.  
<https://www.unicef.org/sustainable-development-goals>.  
<https://unglobalcompact.org/sdgs/about>.  
<https://turkiye.un.org/en/sdgs>.  
[https://commission.europa.eu/strategy-and-policy/sustainable-development-goals\\_en](https://commission.europa.eu/strategy-and-policy/sustainable-development-goals_en).  
[https://www.who.int/europe/about-us/our-work/sustainable-development-goals-chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.echr.coe.int/documents/d/echr/convention\\_tur](https://www.who.int/europe/about-us/our-work/sustainable-development-goals-chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.echr.coe.int/documents/d/echr/convention_tur).

## Course Notes

-Işık S. Tekdoğan Bahçıvan; **Milletlerarası Özel Hukukun İnsan Hakları ile Dönüşümü (Kanunlar İhtilafı ve Milletlerarası Usul Hukuku Bağlamında)**, Yetkin Yayınları, 1. Baskı, Ekim 2023.

-Kemal Gözler, **İnsan Hakları Hukukuna Giriş**, Ekin, 2023 Ağustos.

-Elif Çağla Yıldız; "Postcolonial Approaches to International Human Rights Law: The TWAIL Case", *Public and Private International Law Bulletin*, C.: 43, S.:1, 2023, 353-369.

-Mehmet Şükrü Gündüz; **Uluslararası İnsan Hakları Açısından Kişisel Veri Güvenliği**, Adalet Yayınları, 1. Baskı, 2022.

- David Harris, Michael O'Boyle, Ed Bates ve Carla Buckley, **Avrupa İnsan Hakları Sözleşmesi Hukuku**, On İki Levha Yayıncılık, 2022.

-Nesrin Singil; "Yapay Zekâ ve İnsan Hakları", *Public and Private International Law Bulletin*, C.: 42, S.: 1, 2022, 121-158.

-Dilara Yüzer Eltimur; "İnsan Haklarının Korunması Bağlamında Yapay Zekâ Uygulamaları", *Akdeniz Üniversitesi Hukuk Fakültesi Dergisi*, C.: 12, S.: 2, 2022, 559-594.

-Cansu Koç Başar, **Ulusalüstü İnsan Hakları Hukukunda Kadınların Siyasal Hakları**, On İki Levha Yayıncılık, 2021 Temmuz.

-H. G. Wells, **İnsan Hakları**, Can, 2021 Ağustos.

-İlyas Arslan; **Avrupa İnsan Hakları Sözleşmesinin Milletlerarası Özel Hukuka Etkisi**, Adalet Yayınları, 1. Baskı, 2020.

-Ayşenur Ocak; "İnsan Hakları Açısından Devlet Tarafından İşlenen Kişisel Verilerin Açıklanması", *Ankara Barosu Dergisi*, C.: 4, 2020, 39-74.

- Johan Galtung, **İnsan Hakları**, Metis, 2018 Eylül.

-Mark Hirschboeck; "Conceptualizing the Relationship between International Human Rights Law and Private International Law", *Harvard International Law Journal*, C.: 60, S.: 1, 2019, 181-199.

-Murat Volkan Dülger; "İnsan Hakları ve Temel Hak ve Özgürlükler Bağlamında Kişisel Verilerin Korunması", *İstanbul Medipol Üniversitesi Hukuk Fakültesi Dergisi*, C.: 5, S.: 1, 2018, 71-144.

-Işıl Özkan; "Adil Yargılanma Hakkı'nın Uluslararası Özel Hukuka Etkisi", *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi*, Prof. Dr. Şeref Ertaş'a Armağan, C.: 19, Özel Sayı, 2017, 1767-1834.

-Meltem Sarıbeyoğlu Skalar, **Uluslararası Hukuk ve Sürdürülebilir Kalkınma**, Beta, 2015.

-James J. Fawcett, Máire Ní Shúilleabháin ve Sangeeta Shah; **Human Rights and Private International Law**, Oxford, 2016.

-Steven Stuij; "Some Aspects of the Application and Ascertainment of Foreign Law in the Light of Article 6 of the ECHR", *Fundamental Rights in International and European Law*, The Hague, 2016.

-Osman Doğru ve Atila Nalbant; **İnsan Hakları Avrupa Sözleşmesi Açıklama ve Önemli Kararlar**, Legal, 2. Baskı, 2016.

-Jan Oster; "Public Policy and Human Right", *JPIL*, C.: 11, S.: 3, 2015, 542-567.

-Orla Lynskey; **The Foundations of EU Data Protection Law**, Oxford, 2015.

-Martina Závodná; **The European Convention on Human Rights and Arbitration**, Masaryk University, 2013/2014.

-Gloria Gonzalez Fuster; **The Emergence of Personal Data Protection as a Fundamental Right of the EU**, Springer Science & Business, 2014.

- Deniz Ergene; "İnsan Hakları Hukukundaki Gelişmeler Işığında Türk Hukukunda Kadının ve Çocuğun Soyadı Meselesi ve Medenî Kanun'da Değişiklik Önerisi", *Public and Private International Law Bulletin*, Cilt: 31, Sayı: 2, 2011, 123-176.
- Güney Dinç; **Avrupa İnsan Hakları Sözleşmesi'ne Göre Çevre ve İnsan**, Türkiye Barolar Birliği, 2008.
- Sébastien Besson; "Arbitration and Human Rights", *ASA Bulletin*, C.: 24, S.: 3, 2006, 395-416.
- Durmuş Tezcan, Mustafa Ruhan Erdem ve Oğuz Sancakdar; **Avrupa İnsan Hakları Sözleşmesi Işığında Türkiye'nin İnsan Hakları Sorunu**, Seçkin Yayıncılık, 2. Baskı, 2004.
- Hakan Pekcanitez; "Medeni Yargıda Adil Yargılama", *İzmir Barosu Dergisi*, S.: 2, 1997, 35-55.
- Ziya Akıncı; "Hakemlerin Esasa Uyguladıkları Hukukun Devlet Yargısınca Denetlenmesi", *Banka ve Ticaret Hukuku Dergisi*, C.: 17, S.:3, Haziran 1994, 119-147.
- Milletlerarası Özel Hukuk, İnsan Hakları ve ele alınan konuların alanında yazılan temel eserler.

#### ASSESSMENT METHODS

Activities	Number	Effect	Notes
<b>Midterm</b>	1	40%	
<b>Final Exam (Project/Assignment)</b>	1	60%	

#### ECTS TABLE

Contents	Number	Hours	Total
<b>Hours in Classroom</b>	14	3	42
<b>Hours out Classroom</b>	14	7	98
<b>Project</b>	1	20	20
<b>Midterm Exam</b>	1	20	20
<b>Final Exam</b>	1	50	50
		<b>Total</b>	230
		<b>Total / 30</b>	=230/30=7,67
		<b>ECTS Credit</b>	8