

730-406 Children Rights and the Law

Credit Points:	12.500
Level:	Undergraduate
Dates & Locations:	This subject is not offered in 2008.
Time Commitment:	Contact Hours: One 2-hour seminar per week Total Time Commitment: Estimated total time commitment of 120 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Coordinator:	Mr J Tobin
Subject Overview:	<p>This subject provides a critical examination of the relationship between children, human rights discourse and the law. It consists of two parts. Part A will explore the development of a rights-based approach to matters involving children and involves:</p> <ul style="list-style-type: none"> # a consideration of the historical relationships between children and the law; # an evaluation of the concept, theory and philosophy of children's rights; and # an examination of the way in which domestic and international legal frameworks, principally the Convention on the Rights of the Child, have impacted on the status and treatment of children within society. <p>Part B will involve a discussion and consideration of contemporary issues concerning children by reference to a rights-based framework. It will explore and critique the content of the relevant legal frameworks and provide an analysis of the extent to which domestic law and policy is consistent with a rights-based approach to matters concerning children. The case studies to be covered will be drawn from areas such as: juvenile justice; child labour; youth homelessness; Indigenous children, culture and violence; child refugees; child prostitution and pornography; the relationship between childhood obesity, eating disorders and the media.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing for honours purposes.</p>
Assessment:	Research essay 5000 words, 100% (due final day of semester).
Prescribed Texts:	Printed materials will be issued by the Faculty of Law.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	

On completion of the subject, students should have developed the following generic skills:

- # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage
- # the capacity for close reading and analysis of a range of sources
- # the capacity for critical and independent thought and reflection
- # the capacity to solve problems, including through the collection and evaluation of information
- # the capacity to communicate, both orally and in writing
- # the capacity to plan and manage time
- # intercultural sensitivity and understanding

In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:

- # Case reading and analysis, including an ability to:
 - # Read complex decisions from Australian, other national, regional and international judicial bodies
 - # Extract important features from judgments and decisions
 - # Evaluate and critique the development of legal principles as developed by domestic, regional and international judicial bodies
 - # Present an alternative reading of the facts considered in cases and an alternative formulation of the legal principles developed by judicial bodies
- # Statutory reading, interpretation and analysis including an ability to:
 - # Use and locate Commonwealth, State and comparative legislation
 - # Extract important features from legislation
 - # Use, interpret and apply statutory provisions to new situations
- # Treaty reading, interpretation and analysis including an ability to:
 - # Use and locate international and regional treaties
 - # Extract important features from treaties
 - # Use, interpret and apply treaty provisions to new situations
- # Legal analysis and problem solving including an ability to:
 - # Critically analyse legal rules with reference to fundamental principles
 - # Develop and present an appropriately structured and supported legal argument
- # Interdisciplinary research skills and analysis including an ability to:
 - # locate interdisciplinary materials in the areas such as paediatrics, adolescent psychiatry, behavioural sciences, education, and economics
 - # use and apply interdisciplinary materials to new situations
- # Legal research skills including an ability to:
 - # Find domestic, comparative and international case law
 - # Find domestic and comparative legislation
 - # Find the general comments and concluding observations of human rights monitoring bodies
 - # Find the reports and recommendations of special rapporteurs
 - # Find the reports of NGOs
- # Legal writing skills including an ability to:
 - # Use case law as part of legal analysis
 - # Use legislation as part of legal analysis
 - # Use interdisciplinary sources as part of legal analysis
 - # Use international human rights jurisprudence as part of legal analysis
 - # Use proper referencing and citation
 - # Present an appropriately structured and supported complex legal argument

- # Oral communication skills in participating in classroom problem solving and discussion
- # Have enhanced general cognitive skills in relation to reading and comprehending legal and interdisciplinary materials; critical analysis and reasoning; legal and interdisciplinary research and writing; application of legal principles and interdisciplinary materials to factual situations; identifying and considering options to resolve legal problems.