

730-722 Human Rights in Context: A Case Study

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Summer Term, - Taught on campus.
Time Commitment:	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidate's background and experience.
Prerequisites:	N.A.
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	Justice Zak Yacoob
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should have an understanding of:</p> <ul style="list-style-type: none"> # The difference between constitutional and parliamentary supremacy # The relevance of context generally and the contextual setting in which the South African Constitution was adopted # International human rights law and its relevance to national human rights law # The approach of the South African Constitutional Court to the interpretation, enforcement and protection of human rights in South Africa # The imperatives of the South African Constitution for reconstruction of South African society and the statutory framework that has been created for that purpose # The nature and role of the judiciary in a constitutional value-driven democracy # How the South African experience may be helpful to strengthen development in other democratic societies. <p>Syllabus:</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # The South African struggle for democracy, the constitutional negotiations and the process by which the Constitution was finally democratically adopted # Equality in the South African Constitution with particular reference to customary law, marriage, sexual orientation, affirmative action; substantive and formal equality # Freedoms of association, expression and religion # Socio-economic rights and the right to property in the South African Constitution # Fair labour practices in South Africa # The importance and nature of fair legal process, including civil and criminal trials # Separation of powers in a constitutional democracy, the role of the judiciary and the need for reconstruction of the judiciary # Representative or participatory democracy? # An objective of the exploration of these topics will be to show the relevance of South African jurisprudence to democracies elsewhere.
Assessment:	Take-home examination (100%) (4-7 April)

Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
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:	Please see the Subject Objectives for this information.
Links to further information:	For the latest information on this subject, please visit: http://www.masters.law.unimelb.edu.au/subject/730722