

# LAWS40017 International Human Rights Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	2011, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: Three hours of seminars per week. Total Time Commitment: 120 hours.
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; International Law or equivalents.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
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<b>Subject Overview:</b>	International Human Rights Law introduces students to the key elements of the international system for the protection of human rights and examines its formal and informal interactions with regional human rights mechanisms and domestic legal systems. The topics covered include: an introduction to the founding instruments of the international system, the Universal Declaration of Human Rights and the two human rights Covenants, and the obligations that they place on States; an overview of the key theories of human rights, questions relating to the claim of universality, and recent critical approaches, including feminist and postcolonial critiques; the operation of the treaty-based and UN Charter-based mechanisms for the enforcement of human rights; challenges presented to human rights by the 'war on terror'; the role of human rights nongovernmental organizations; the principle of non-discrimination, with particular reference to sex/gender equality and the rights of indigenous peoples; the challenges to human rights presented by economic globalization; and, briefly, the Australian systems for the protection of human rights. The subject encourages students to engage critically with the material covered and to participate in class discussions.
<b>Objectives:</b>	On completion of this subject, students should: <ul style="list-style-type: none"> <li># Understand the key elements of the post World War II development of international human rights law and its application to regional and domestic legal systems;</li> <li># Be able to critically assess the philosophical bases, principles and practical operation of the international, regional and Australian regimes for the promotion and protection of human rights;</li> <li># Understand the structure, major institutions and jurisprudence of the international human rights system;</li> <li># Have the ability to assess the validity of actions of governments according to international human rights law and evaluate whether international legal instruments have been fully implemented domestically;</li> <li># Appreciate the juridical significance of the challenges offered by postcolonial scholars, feminists, indigenous peoples and others to the traditional approaches to human rights;</li> </ul>

	<ul style="list-style-type: none"> <li># Understand debates about the status of, and relationships between, civil and political rights, economic, social and cultural rights, and group rights such as the right to self-determination and the right to development; and</li> <li># Have the ability to evaluate the Australian approach to domestic implementation of its international human rights obligations, and understand how it differs from protection provided by constitutionally entrenched bills of rights.</li> </ul>
<b>Assessment:</b>	Reflective essay of 1,000 words, 20% (due week 9) and either a research essay of 5,000 words, 80% (due end of semester); or a final examination of three hours, 80%.
<b>Prescribed Texts:</b>	Henry J Steiner & Philip Alston, <i>International Human Rights in Context: Law, Politics, Morals</i> (Oxford University Press, 3rd edition 2007); Centre for the Study of Human Rights, Columbia University, <i>Twenty-Five Human Rights Documents</i> (1994 or more recent edition); Additional printed materials will be available from the Melbourne Law School.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># Openness to challenging ideas about the 'dangers' of human rights law;</li> <li># The capacity for critical and independent thought and reflection;</li> <li># The capacity to solve problems, including through the identification, collection and evaluation of relevant information;</li> <li># The capacity to communicate, both orally and in writing;</li> <li># The capacity to plan and manage time;</li> <li># Intercultural sensitivity and understanding;</li> <li># Advanced research abilities.</li> </ul> <p>In addition, on completion of the subject, students should have developed the following additional skills specific to the discipline of law:</p> <ul style="list-style-type: none"> <li># The ability to distinguish between legal and moral sources of knowledge about human rights;</li> <li># The capacity to combine critical thinking with the practical application of legal skills;</li> <li># The ability to read and interpret international legal texts;</li> <li># Political skills associated with legal advocacy.</li> </ul>
<b>Notes:</b>	The essay in this subject is regarded as a substantial piece of legal writing for honours purposes.