

## LAWS40031 Children Rights and the Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2011.
<b>Time Commitment:</b>	Contact Hours: One 2-hour seminar per week. Total Time Commitment: 120 hours.
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory or in each case their 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> .
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>This subject provides a critical examination of the relationship between children, rights discourse and the law. It consists of 2 parts.</p> <p>Part A will explore the development of a rights based approach to matters involving children and involves:</p> <ul style="list-style-type: none"> <li># A consideration of the historical relationships between children and the law;</li> <li># An evaluation of the concept, theory and philosophy of children's rights;</li> <li># An examination of the way in which domestic and international legal frameworks, principally the Convention on the Rights of the Child and the Victorian Charter of Human Rights and Responsibilities have impacted on the status and treatment of children within society.</li> </ul> <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 which are the subject of current discussions. For example:</p> <ul style="list-style-type: none"> <li># Child pornography (with a focus on the 'Henson' photos);</li> <li># Youth homelessness (with a focus on Federal Govt initiatives);</li> <li># Juvenile justice (with a focus on regulation of graffiti);</li> <li># Indigenous children (with a focus on the NT intervention);</li> <li># Child refugees (with a focus on the 'detention' years);</li> <li># The media and children (with a focus on advertising and its relationship to sexualisation; eating disorders or obesity);</li> <li># Children with disabilities (with a focus on compulsory sterilisation).</li> </ul>
<b>Objectives:</b>	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> <li>- Have developed an understanding of: <ul style="list-style-type: none"> <li># The historical and contemporary status of children within the law;</li> <li># The notion, limitations and advantages of perceiving children as rights bearers;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li># The extent to which domestic and international legal frameworks construct and reflect a rights based approach to matters involving children;</li> <li># The status, relevance and potential use of international human rights instruments within domestic law;</li> <li># The treatment of children within Australian, national, regional and international judicial bodies.</li> </ul> <p>- Be able to draw on this understanding:</p> <ul style="list-style-type: none"> <li># To identify issues confronting children within contemporary society and the role of law in the creation or resolution of these issues;</li> <li># To describe and critically assess what it means to adopt a rights based approach, including its key principles, when dealing with children;</li> <li># To apply a rights based approach as a model for the evaluation and resolution of issues confronting and involving children in a range of contexts;</li> <li># To present such an analysis in the form of a written research paper that is appropriately structured, developed, supported and referenced.</li> </ul>
<b>Assessment:</b>	Research essay 5,000 words, 100% (due final day of semester).
<b>Prescribed Texts:</b>	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># Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage;</li> <li># The capacity for close reading and analysis of a range of sources;</li> <li># The capacity for critical and independent thought and reflection;</li> <li># The capacity to solve problems, including through the collection and evaluation of 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> </ul> <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> <li>- Case reading and analysis, including an ability to: <ul style="list-style-type: none"> <li># Read complex decisions from Australian, other national, regional and international judicial bodies;</li> <li># Extract important features from judgments and decisions;</li> <li># Evaluate and critique the development of legal principles as developed by domestic, regional and international judicial bodies;</li> <li># Present an alternative reading of the facts considered in cases and an alternative formulation of the legal principles developed by judicial bodies.</li> </ul> </li> <li>- Statutory reading, interpretation and analysis including an ability to: <ul style="list-style-type: none"> <li># Use and locate Commonwealth, State and comparative legislation;</li> <li># Extract important features from legislation;</li> <li># Use, interpret and apply statutory provisions to new situations.</li> </ul> </li> <li>- Treaty reading, interpretation and analysis including an ability to: <ul style="list-style-type: none"> <li># Use and locate international and regional treaties;</li> <li># Extract important features from treaties;</li> <li># Use, interpret and apply treaty provisions to new situations.</li> </ul> </li> <li>- Legal analysis and problem solving including an ability to: <ul style="list-style-type: none"> <li># Critically analyse legal rules with reference to fundamental principles;</li> <li># Develop and present an appropriately structured and supported legal argument.</li> </ul> </li> </ul>

- 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.