

## LAWS50049 International Human Rights Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	5 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2011, Parkville This subject commences in the following study period/s: January, Parkville - Taught on campus. Seminars.
<b>Time Commitment:</b>	Contact Hours: 36 hours. Total Time Commitment: 144 hours.
<b>Prerequisites:</b>	LAWS50023 Legal Method and Reasoning; LAWS50024 Principles of Public Law; LAWS50025 Torts; LAWS50026 Obligations; LAWS50027 Dispute Resolution.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
<b>Coordinator:</b>	Prof Dianne Otto
<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><i>International Human Rights Law</i> examines the legal tools provided by international human rights treaties and the human rights procedures developed by United Nations Charter institutions, and how they can be used to challenge inequality and discrimination and promote human dignity and social justice. While this subject focuses on <i>international</i> human rights law, it draws on Australian examples where possible. Some consideration is also given to an assessment of the extent to which Australia has domestically implemented its international human rights obligations.</p> <p>Domestically and internationally, human rights law is a rapidly developing area of law that presents many challenging conceptual and practical problems. Among these are issues associated with the 'universality' of human rights, the justiciability of economic and social rights, the challenges of collective or group rights, the role of human rights non-governmental organisations (NGOs), the place for the rights of women, indigenous peoples, sexual minorities, people with disabilities and other marginalised groups in a universal register, the application of human rights law during periods of armed conflict, and the threats presented to human rights</p>

	by measures that restrict civil liberties in the name of fighting terrorism. There is also the vexed question of how to hold private actors, especially multi-national corporations, accountable for violations of human rights. The course aims to introduce you to these challenges and encourage you to take an active and critical interest in human rights throughout your legal career.
<b>Objectives:</b>	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> <li># Have a sound understanding of key elements of the post World War II development of the law (international and to some extent regional and domestic) relating to human rights;</li> <li># Appreciate the juridical significance of the challenges offered by postcolonial scholars, feminists, queer theorists, indigenous peoples and others to the 'universal' claims of international human rights law;</li> <li># Be able to critically evaluate 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;</li> <li># Have a detailed knowledge of several of the international treaties that protect human rights and the treaty bodies established to monitor their implementation;</li> <li># Understand the institutional framework for the protection of human rights developed pursuant to the Charter of the United Nations;</li> <li># Understand and evaluate the central role played by NGOs in the international system;</li> <li># Develop the capacity to examine current issues by reference to international human rights standards and understand the significance and limitations of the international human rights system;</li> <li># Understand the challenges posed to the implementation of international human rights law in the context of economic globalization;</li> <li># Appreciate current debates about the application of international human rights law during armed conflict and in the transitional post-conflict period;</li> <li># Understand the relationship between the international law of human rights and Australian domestic law, and gain some understanding of the Australian approach to human rights implementation and how it differs from protection provided by constitutionally entrenched bills of rights.</li> </ul>
<b>Assessment:</b>	Compulsory 1,000-word reflective essay (20%) AND 5,000-word research essay on topic negotiated with Coordinator (80%) OR Supervised open-book 3-hour (plus 30 minutes reading time) examination scheduled during the examination period (80%).
<b>Prescribed Texts:</b>	Printed materials will be available from the Melbourne Law School; Henry J Steiner, Philip Alston and Ryan Goodman, International Human Rights in Context (Oxford University Press, latest edition).
<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 legal knowledge that include openness to new ideas and awareness of location and politics in its creation and use;</li> <li># An understanding of diverse international legal materials;</li> <li># An expanded capacity for legal research involving interdisciplinary materials;</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 plan and manage time;</li> <li># The capacity to reflect on international legal issues across received legal categories;</li> <li># Intercultural sensitivity and understanding.</li> </ul>