

## LAWS50069 Human Rights Lawyering

<b>Credit Points:</b>	12.50																	
<b>Level:</b>	5 (Graduate/Postgraduate)																	
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. Seminars.																	
<b>Time Commitment:</b>	Contact Hours: 36 hours. Total Time Commitment: 144 hours.																	
<b>Prerequisites:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50
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<b>Corequisites:</b>	None.																	
<b>Recommended Background Knowledge:</b>	None.																	
<b>Non Allowed Subjects:</b>	If students have previously enrolled in the Melbourne Law Master's <i>LAWS70186 Human Rights Litigation and Advocacy</i> they will need the approval of the coordinator before enrolling in this subject.																	
<b>Core Participation Requirements:</b>	<p>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>.</p>																	
<b>Coordinator:</b>	Assoc Prof John Tobin																	
<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>	Human rights are becoming increasingly important to the practice of law in a range of contexts whether at the domestic or international level, within government, the private sector or the																	

	<p>community sector. <i>Human Rights Lawyering</i> is designed to equip students with the skills required for effective engagement with human rights in each of these contexts. Accordingly, the subject places a significant emphasis on developing the skills necessary to identify the meaning of a human right; when a human right has been violated and the procedures available to seek redress for such violations at both the domestic and international levels. However, it is also designed to extend students' engagement with human rights beyond the development of their technical legal skills, to develop a critical, strategic and reflective approach to human rights lawyering. Attention will be given to developing the capacity to critically evaluate and respond to complex policy positions that impact on human rights or social and academic commentary that is critical of human rights. Careful consideration will also be given to an examination of how to develop strategies that will persuade actors from a diverse range of settings to adopt measures that enhance the protection of human rights. And students will be challenged to identify the limitations of human rights and the extent to which their own personal beliefs and values inform their understanding as to the meaning and relevance of human rights.</p> <p>Importantly the development of each of these four competencies – the technical, critical, reflective and strategic – is to be achieved by an immersion in current human rights issues and case studies which will be drawn from both domestic and international developments. Significant efforts will be made to integrate the insights and experiences of legal professionals and human rights advocates into the teaching of the subject. Students will be expected to be active participants in the seminars and any extracurricular activities that are organised. And they will be encouraged to think about how they might contribute beyond the classroom to some of the many and challenging debates involving human rights both within Australia and beyond. Such contributions can take many forms including the publication of a research paper, the preparation of a submission to a Government inquiry, a letter to the editor or even undertaking an internship at the conclusion of the subject in a domestic or international human rights organisation.</p>
<b>Objectives:</b>	<p>Upon successful completion of this subject, students will:</p> <ul style="list-style-type: none"> <li># Have developed a deep understanding of the practical skills necessary to make use of human rights standards in a range of contexts including litigation (both domestic and international) and advocacy (being the capacity to invoke human rights at the domestic level to promote or respond to the development of legislation and the design and implementation of public policy);</li> <li># Be aware of the theoretical, strategic and technical limitations of human rights;</li> <li># Possess the legal research skills necessary to identify the meaning and content of human rights standards such as the prohibition against torture and right to health as developed by international, regional and domestic courts, tribunals and other human rights bodies;</li> <li># Be able to comment critically on the status of international human rights standards in domestic law and understand the circumstances when recourse can be made to human rights standards before domestic courts;</li> <li># Be able to identify and critically assess the domestic mechanisms for the protection of human rights, principally Bills of Rights by using the Victorian Charter of Human Rights and Responsibilities as a case study to assess the capacity of a dialogue model to provide effective protection of human rights;</li> <li># Have the capacity to identify when a human rights issue arises on the facts of a particular case and possess the skills necessary to identify the strategies available for the protection of that right at both the domestic and international level.</li> </ul>
<b>Assessment:</b>	<p>A 2,000 word assignment on a topic set by the Coordinator (30%); and A 4,000 word independent research paper (or equivalent) on a topic developed by the student and approved by the Coordinator (70%). The submission date for each piece of assessment is to be negotiated between the class and the Coordinator.</p>
<b>Prescribed Texts:</b>	<p>Specialist printed materials will be made available from Melbourne Law School.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Generic Skills:</b>	<p>Students who successfully complete this subject will have developed and demonstrated:</p>

- # Cognitive skills to demonstrate mastery of theoretical knowledge and critical reflection in the context of theoretical and professional debates regarding the promotion and protection of human rights;
- # Expertise in recognising the complexities and tensions inherent in using law as an instrument for the promotion and protection of human rights;
- # The capacity to critically evaluate and respond to complex policy positions that impact on human rights or social and academic commentary that is critical of human rights; and
- # The ability to learn from encountering different perspectives, and to recognise the extent to which their own beliefs, values and experiences inform their understanding of the meaning and relevance of human rights.