

# LAWS50049 International Human Rights Law

<b>Credit Points:</b>	12.50															
<b>Level:</b>	5 (Graduate/Postgraduate)															
<b>Dates &amp; Locations:</b>	This subject is not offered in 2013. 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>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Not offered 2013</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	Not offered 2013	12.50	LAWS50024 Principles of Public Law	Not offered 2013	12.50	LAWS50026 Obligations	Not offered 2013	12.50	LAWS50027 Dispute Resolution	Not offered 2013	12.50
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<b>Corequisites:</b>	None.															
<b>Recommended Background Knowledge:</b>	None.															
<b>Non Allowed Subjects:</b>	None.															
<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>Contact:</b>	<p>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</p>															
<b>Subject Overview:</b>	<p>International Human Rights Law is a rapidly developing specialty area of public international law, which presents legal advocates with a very particular set of theoretical and practical challenges. Among them are issues associated with the 'universality' of human rights, the treatment of the rights of marginalised groups (like women, indigenous peoples, sexual minorities, and people with disabilities) in a universal register, the justiciability of economic and social rights, the challenges of collective or group rights, the role of human rights non-governmental organisations (NGOs), the application of human rights law during periods of armed conflict, and the threats presented to human rights by counter-terrorism measures. There is also the vexed question of how to hold private actors, especially multi-national corporations, accountable for violations of human rights. The subject aims to equip students to thoughtfully</p>															

	<p>and critically engage with these challenges, so that they are able make a contribution to addressing them in the years to come.</p> <p>The subject focuses on the legal regime constituted by international human rights treaties and the work of United Nations Charter institutions, particularly the Human Rights Council and its Special Procedures. The development of this snowballing body of law will be examined by drawing on a range of critical legal theories, challenging students to think broadly and critically about its motivations and effects, and its place in the broader context of international politics and diplomacy. Critical perspectives will be tested and assessed in practical application to contemporary legal problems, by way of a series of case studies. While this subject focuses on international human rights law, it draws on many Australian examples and there is also the flexibility to address pressing issues in the home countries of international students undertaking the subject.</p>
<b>Objectives:</b>	<p>Students who successfully complete this subject will have an advanced and integrated knowledge of the complexities of international human rights law, both theoretically and practically. This includes the ability to inform their human rights advocacy with highly developed analytical and evaluative skills in relation to:</p> <ul style="list-style-type: none"> <li># Understanding the 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># Appreciating 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># Appreciating the complexities of 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># Creatively interpreting and applying the international treaties that protect human rights and effectively engaging with the treaty bodies established to monitor their implementation;</li> <li># Understanding the limits and the potential of the institutional framework for the protection of human rights developed pursuant to the Charter of the United Nations;</li> <li># Evaluating the central role played by NGOs in the international system;</li> <li># Having an advanced capacity to examine current issues by reference to international human rights standards and understand the nuanced significance and limitations of the international human rights system;</li> <li># Understanding the challenges posed to the implementation of international human rights law in the context of economic globalization; and</li> <li># Appreciating current debates about the application of international human rights law during armed conflict and in the transitional post-conflict period.</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>	Daniel Moeckli, Sangreeta Shah, and Sandesh Sivakumaran (eds), International Human Rights Law (latest edition); Centre for the Study of Human Rights, Columbia University, 25+ Human Rights Documents (latest edition); Specialist printed materials will also be made available from 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 will have developed and demonstrated their skills in the following areas:</p> <ul style="list-style-type: none"> <li># Cognitive skills to demonstrate mastery of theoretical knowledge and critical reflection in the context of theoretical and professional debates about the protection of human rights;</li> <li># Cognitive, technical and creative skills to generate and evaluate complex ideas and concepts at an abstract level and the ability to translate those abstract ideas and concepts to practical problems and in assessment tasks;</li> <li># Communication and technical research skills to justify theoretical propositions, methodologies, conclusions and professional decisions to specialist audiences in the context of scholarly writing and/or professional advice in assessment tasks;</li> </ul>

	<ul style="list-style-type: none"><li># Specialist understanding of the legal status and practical impact of a broad range of international legal materials;</li><li># Specialised ability to develop a research question in this complex field and to creatively carry out research involving diverse international sources;</li><li># Specialised capacity to compare, analyse and reflect on international legal issues across received legal categories; and</li><li># Highly developed intercultural sensitivity and understanding.</li></ul>
<b>Notes:</b>	This subject has a quota of 60 students.