

# LAWS70422 Human Rights and Armed Conflict

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2013, Parkville This subject commences in the following study period/s: September, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique 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 to 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	The involvement of foreign troops in military action, for instance in Iraq, Afghanistan and Libya, has highlighted complex questions relating to the applicability of human rights law to their actions, which will be studied in this subject at an advanced level. There are two interrelated legal and moral questions: is human rights law applicable in situations of armed conflict or occupation, in addition to international humanitarian law, and can the use of force ever be justified in the name of human rights? Professor Chinkin has extensive academic engagement with the issues arising from these questions and will also draw from her practical experience as a member of the legal team in litigation determining the United Kingdom's responsibility under human rights law for its actions in Iraq and as a member of a United Nations (UN) fact-finding mission with respect to allegations of violations of international humanitarian and human rights law in Gaza. Principal topics will include: <ul style="list-style-type: none"> <li># What is conflict?</li> <li># Applicability of human rights in armed conflict, with particular reference to the extra-territorial application of human rights; issues arising from military attack, occupation, detention, handover of prisoners, rendition; case study of targeted assassinations</li> <li># The commission of gendered violations of law in armed conflict with particular reference to the situation of the human rights of women and peacekeeping</li> </ul>

	<ul style="list-style-type: none"> <li># Accountability for violations: States; individuals; international organisations</li> <li># Humanitarian intervention and the responsibility to protect.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have a critical understanding of the legal concepts of international and non-international armed conflict, military occupation and peacekeeping.</li> <li># Have an advanced understanding of the interplay between the legal regimes applicable to the different states of violence, in particular human rights law, international humanitarian law and international criminal law.</li> <li># Have a highly developed understanding of the legal and practical implications of applying human rights standards in armed conflict and occupation.</li> <li># Be able to analyse critically the gendered nature of conflict and gendered violations of law committed in armed conflict; and consider creative and effective responses to those violations.</li> <li># Be able to theorise, assess and critically evaluate the application of law to minimise harm to individuals in situations of violence.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (11–14 October) or 10,000 word research paper (100%) (11 December) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<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>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70422/2013">http://www.law.unimelb.edu.au/subject/LAWS70422/2013</a>