

## LAWS50097 Law, Justice & Human Rights in Asia-Pacific

| <b>Credit Points:</b>                    | 12.50  |                |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
|--|--|----------------|----------------------------|----------------|--------------------------------------|----------|-------|------------------------------------|------------|-------|-----------------|----------------------|-------|-----------------------|------------|-------|------------------------------|------------|-------|------------------------------|------------|-------|---------------------|------------|-------|------------------------|------------|-------|------------------------------|------------|-------|
| <b>Level:</b>                            | 5 (Graduate/Postgraduate)  |                |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| <b>Dates &amp; Locations:</b>            | This subject is not offered in 2014.   |                |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| <b>Time Commitment:</b>                  | Contact Hours: 36 hours of seminar classes usually offered intensively, or as 12 weekly 3-hour seminars over a semester. 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>LAWS50025 Torts</td> <td>November, Semester 2</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> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50031 Legal Theory</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50032 Administrative Law</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 | LAWS50025 Torts | November, Semester 2 | 12.50 | LAWS50026 Obligations | Semester 1 | 12.50 | LAWS50027 Dispute Resolution | Semester 1 | 12.50 | LAWS50028 Constitutional Law | Semester 2 | 12.50 | LAWS50029 Contracts | Semester 2 | 12.50 | LAWS50031 Legal Theory | Semester 2 | 12.50 | LAWS50032 Administrative Law | Semester 1 | 12.50 |
| Subject                                  | Study Period Commencement:   | Credit Points: |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| LAWS50023 Legal Method and Reasoning     | February   | 12.50          |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| LAWS50024 Principles of Public Law       | Semester 1   | 12.50          |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| LAWS50025 Torts                          | November, Semester 2   | 12.50          |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| LAWS50026 Obligations                    | Semester 1   | 12.50          |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| LAWS50027 Dispute Resolution             | Semester 1   | 12.50          |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| LAWS50028 Constitutional Law             | Semester 2   | 12.50          |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| LAWS50029 Contracts                      | Semester 2   | 12.50          |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| LAWS50031 Legal Theory                   | Semester 2   | 12.50          |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| LAWS50032 Administrative Law             | Semester 1   | 12.50          |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |
| <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<br/>         Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au)<br/>         Tel: +61 3 8344 4475</p>  |                |                            |                |                                      |          |       |                                    |            |       |                 |                      |       |                       |            |       |                              |            |       |                              |            |       |                     |            |       |                        |            |       |                              |            |       |

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| <b>Subject Overview:</b>  | <p>Law is central to the articulation of theories about rights and justice. This subject examines the dynamic relationship between law, justice and rights in selected countries of the Asia-Pacific. This subject provides an advanced study of the ways in which international human rights norms have been given domestic effect in selected countries. It examines the rules that define the rights enjoyed by citizens and the domestic institutions and practices which give effect to notions of legal and judicial justice.</p> <p>The focus of this subject is on the developing and 'post socialist' countries of Asia-Pacific, where the protection of rights is often viewed as competing with the state's priorities of economic development and social and political stability. The countries that may be examined include China, Viet Nam, Indonesia, Korea, Malaysia, Japan, Thailand and Cambodia. This subject adopts socio-legal and comparative perspectives to examine the role of the state and law in articulating notions of justice and rights. The use of case studies will give students an opportunity to develop a specialised and in depth understanding of an area of rights related law and practice in a given jurisdiction.</p> <p>Topics will include:</p> <ul style="list-style-type: none"> <li># The relationship between international and domestic human rights laws and norms in selected countries;</li> <li># The role played by the emerging regional human rights institutions and national human rights commissions;</li> <li># Law, policy and reforms in areas of social and economic rights such as property, housing, health and labour;</li> <li># The administration of criminal and administrative justice;</li> <li># The role played by different state and non state actors in defining and protecting rights;</li> <li># The role of NGOs in advocacy in areas such as environmental protection, health and harm reduction and the protection of the rights of individuals; and</li> <li># Conceptual and institutional limits on the role of law in defining and protecting rights and justice.</li> </ul> <p>All readings will be in English, and students are neither expected nor required to read an Asian language for satisfactory completion of this subject.</p> |
| <b>Learning Outcomes:</b> | <p>A student who has successfully completed this subject should have an advanced and integrated understanding of, and be able to analyse critically and reflect on:</p> <ul style="list-style-type: none"> <li># The structures of domestic legal regimes and how they articulate and protect rights;</li> <li># The substantive law regulating civil, social and economic rights in selected jurisdictions;</li> <li># Institutional and ideological impediments to the implementation and enforcement of law as it relates to justice and rights protection;</li> <li># Arguments and analyses about the role that law can or should play in articulating concepts of justice and rights and in giving effect to them in practice; and</li> <li># Comparative methodologies in the context of law, justice and rights.</li> </ul> <p>In addition, a student who has completed the subject will have obtained:</p> <ul style="list-style-type: none"> <li># The ability to integrate knowledge from a range of disciplines and to apply this understanding to new situations and contexts; and</li> <li># A highly developed ability to communicate their analysis effectively in appropriate scholarly and professional formats.</li> </ul>  |
| <b>Assessment:</b>        | <p>Students will prepare a 600 word research proposal on a topic of their choice in consultation with the coordinator. Students will then obtain and incorporate feedback from class mates and the coordinator. The research essay proposal is a hurdle requirement that will be assessed on a pass/resubmit basis; Research essay of 6,000 words. Research essays are expected to demonstrate an expert understanding of the interaction between law and practice in giving effect to rights in a domestic jurisdiction. In particular, students will be expected to demonstrate a sophisticated understanding of the substantive subject matter and the methodological approaches relevant to their area of research.</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>   |

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| <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 and demonstrated advanced skills in the following areas:</p> <ul style="list-style-type: none"><li># The capacity to locate and critically evaluate a range of primary and secondary source materials to investigate the relationship between law, justice and rights in selected jurisdictions;</li><li># The capacity to interpret the social, political and historical context of law in order to analyse complex contemporary politico-legal problems of rights definition and protection;</li><li># The capacity to formulate, manage and execute a socio-legal research project from inception to completion; and</li><li># The capacity to present and defend a sophisticated argument to demonstrate original and accountable thinking and scholarly practice including: justifying and interpreting methodological approaches or theoretical propositions appropriate to the research task and to communicate these with clarity to specialist and non-specialist audiences.</li></ul> |
| <b>Notes:</b>            | This subject has a quota of 60 students.   |