

# LAWS50107 Health And Human Rights

<b>Credit Points:</b>	12.50															
<b>Level:</b>	5 (Graduate/Postgraduate)															
<b>Dates &amp; Locations:</b>	This subject is not offered in 2014. 36 hours of seminar classes offered intensively, or 12 weekly 3-hour seminars over a semester.															
<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>	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>There is evidence that the right to health, and indeed human rights more generally, are playing a greater role in the development of law and policy relating to health issues. This subject is designed to equip students with the core skills required to engage with, and contribute to, the legal consequences of this emerging debate concerning the relationship between health and human rights. The subject consists of two parts. Part A will involve a discussion and critique of the key features that underpin a human rights approach to the design of health policy regulation in contrast to other models such as equity, ethics, social determinants, equality of opportunity, well being, liberalism or law and economics. Part A will also examine, for example, the implications of a human rights based approach to issues such as resource allocation in</p>															

	<p>the health sector and the general principles that justify the interference by governments with individual liberties for the purposes of promoting public health objectives.</p> <p>Part B will involve an application of this rights based model to a range of contemporary health issues within Australia. It will explore and critique the content of relevant regulatory frameworks and provide an analysis of the extent to which domestic law and policy is consistent with an approach to health that is based on human rights. The case studies to be covered will be drawn from:</p> <ul style="list-style-type: none"> <li># Contemporary public health issues in areas such as indigenous health, maternal health, the health of prisoners, sexual and reproductive health, access to pharmaceuticals, and obesity; and</li> <li># Contemporary medico-legal issues in areas such as mental health, assisted suicide, surrogacy and, for example, the implications of ART in the context of a child's right to know their parents.</li> </ul>
<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 critically analyse and reflect on:</p> <ul style="list-style-type: none"> <li># The historical development and conceptual foundations of the relationship between health and human rights;</li> <li># The limitations and advantages of perceiving health from a human rights perspective;</li> <li># The extent to which a rights based approach to health differs from alternative models for the regulation of matters relating to health;</li> <li># The key human rights standards under international law relevant to the health;</li> <li># The systems available for the protection of these rights within Australia and other jurisdictions especially the idea of a justiciable right to health;</li> <li># The key principles that inform a rights based approach to service delivery, policy design and legislation that impacts on health; and</li> <li># The technical process required to describe and critically assess health issues from a human rights perspective.</li> </ul>
<b>Assessment:</b>	<p>Students will have the option of: A 6,000 word paper on a contemporary topic, and in a form, to be approved by the coordinator (the paper could be a research paper; detailed legal advice or submission to an inquiry)(100%); OR A 2,000 word paper on a task set by the coordinator (30%) (such as a reflective piece, memorandum of advice or submission to an inquiry) AND a 4,000 word research paper on a topic to be approved by the coordinator (70%). Option 1 is designed to allow students, who have the confidence and desire to produce a substantial piece of written work with the opportunity to do so. Option 2 is designed to allow those students, who would like to receive some detailed feedback on their written work during the semester, and spread their assessment burden, with the opportunity to do so.</p>
<b>Prescribed Texts:</b>	Specialist printed materials will 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 should have developed and demonstrated expert skills in the following areas:</p> <ul style="list-style-type: none"> <li># Cognitive skills to demonstrate mastery of theoretical knowledge about the relationship between health and human rights;</li> <li># Cognitive, technical and creative skills to critically investigate, analyse, compare and interpret various legal mechanisms that impact on health;</li> <li># Cognitive, technical and creative skills to generate and evaluate complex ideas and arguments at an abstract level and the ability to apply those ideas and arguments to practical problems as demonstrated in classroom discussion and assessment tasks;</li> <li># Communication skills and technical research skills to justify theoretical propositions, methodologies, conclusions and recommendations (as appropriate) to specialist audiences in the context of scholarly writing and/or professional advice in assessment tasks; and</li> <li># Intercultural and ethical sensitivity and understanding.</li> </ul>
<b>Notes:</b>	This subject has a quota of 60 students.