

LAWS70091 Human Rights and Terrorism

Credit Points:	12.5
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: August, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Prerequisites:	Melbourne Law Masters Students: None JD Students: None
Corequisites:	None
Recommended Background Knowledge:	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.
Non Allowed Subjects:	None
Core Participation Requirements:	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 Student Equity and Disability Support.
Contact:	Lecturers Professor Helen Duffy (http://law.unimelb.edu.au/about/staff/helen-duffy/) (Coordinator) Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	Since 11 September 2001, there has been a universal trend towards new laws and new measures against terrorism. Also, international organisations, including the United Nations, have adopted new instruments against international terrorism, including conventions, protocols and resolutions. Many of the resulting counter-terrorism measures have an impact upon the enjoyment of human rights, sometimes within the scope of permissible limitations but often also resulting in clear human rights violations. This subject addresses the international law framework for countering terrorism and provides a stock-taking and assessment of the human rights implications. Principal topics include:

	<ul style="list-style-type: none"> # Terrorism and international law # Do terrorists violate human rights, and can they be held accountable? # Which human rights are affected by counter-terrorism measures by States and how they are affected # Is the prohibition against torture absolute? # Treatment, detention and trial of terrorism suspects # Freedom of expression, association and assembly # Terrorist listing and sanctions against individuals and entities # 'Profiling' as a method to identify potential terrorists # Refugee and immigration law in the era of terrorism # The phenomenon of 'foreign terrorist fighters' and legal responses to it # The erosion of the right to privacy in the name of countering terrorism; surveillance # Strategic approaches to preventing and combating terrorism # Human rights after the 'long decade' since 9/11 of 2001 # A human rights assessment of the counter-terrorism measures of a particular country.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding of the international legal framework for countering terrorism and of its impact upon human rights, including of recent developments in this field of law and practice # Be able to critically examine, analyse, interpret and assess the operation of this legal framework # Be an engaged participant in debate regarding emerging and contemporary issues in the field, such as terrorist listings, terrorist profiling, the phenomenon of foreign terrorist fighters, the use of surveillance in preventing terrorism, and the impact of counter-terrorism measures upon migration and asylum # Have a sophisticated appreciation of the factors and processes driving the production of new international instruments to combat terrorism # Have an advanced understanding of conducting a human rights impact analysis of counter-terrorism measures # Have the cognitive and technical skills to generate critical and creative ideas relating to counter-terrorism measures and their impact upon the enjoyment of all categories of human rights # Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to the human rights compatibility of international or national counter-terrorism measures # Have the communication skills to clearly articulate and convey complex information regarding terrorism, counter-terrorism and human rights to relevant specialist and non-specialist audiences # Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of the law of counter-terrorism and human rights.
Assessment:	Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (7 - 10 October)
Prescribed Texts:	Specialist printed material will be made available from Melbourne Law School. Duffy, The 'War on Terror' and the Framework of International Law (2nd ed, CUP, 2015)
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Links to further information:	www.law.unimelb.edu.au/subject/LAWS70091/2016
Related Course(s):	<p>Graduate Diploma in Government Law Graduate Diploma in Human Rights Law Graduate Diploma in International Law Graduate Diploma in Legal Studies Juris Doctor</p>

Master of Human Rights Law
Master of Law and Development
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