

# LAWS70360 Human Rights Beyond Borders

<b>Credit Points:</b>	12.5									
<b>Level:</b>	7 (Graduate/Postgraduate)									
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: March, 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.									
<b>Time Commitment:</b>	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.									
<b>Prerequisites:</b>	<p><b>Melbourne Law Masters Students:</b> None</p> <p><b>JD Students:</b> Successful completion of either of the below subjects:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50041 Public International Law</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50049 International Human Rights Law</td> <td>Semester 1</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50041 Public International Law	Semester 1	12.5	LAWS50049 International Human Rights Law	Semester 1	12.5
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LAWS50049 International Human Rights Law	Semester 1	12.5								
<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 Student Equity and Disability Support.									
<b>Contact:</b>	<p><b>Lecturers</b></p> <p><b>Professor Matthew Craven</b> (<a href="http://www.law.unimelb.edu.au/staff/Matthew%20Craven">http://www.law.unimelb.edu.au/staff/Matthew%20Craven</a>) (Coordinator)</p> <p>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>)</p>									

<b>Subject Overview:</b>	<p>This subject considers whether and to what extent international human rights law applies to the actions of States outside their sovereign territories. The focus is on international law only, not also domestic law.</p> <p>The extra-territorial application of international human rights law is one of the most contested and fast-moving areas of human rights law today. It is concerned with important and high-profile activities performed by States outside their borders, from war to occupation and anti-piracy and migration related activities. This relatively under-explored area of law is of considerable current interest to governments (including their armed forces), international organisations and human rights non-government organisations (NGOs).</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># The nature and scope of extra-territorial State activity, from war to occupation, the interception and detention of migrants and 'pirates', and the operation of embassies, military bases and detention facilities</li> <li># The main contours of international human rights law</li> <li># Relevant principles of general international law, including treaty interpretation, and relevant features of human rights law, including applicability in times of war and occupation, and co-application with other areas of law</li> <li># Arguments of principle in favour of and against applicability, including concerns about 'legal black holes', indirect nationality discrimination, abuses of detainees, double standards and 'human rights imperialism'</li> <li># The main treaty provisions on applicability, including 'jurisdiction' and colonial extension clauses</li> <li># Key general features of extra-territorial applicability, including the substantive meaning of human rights law extra-territorially, and the relevance to this of self-determination; the possibility of activating 'derogation' clauses; and whether human rights treaties can and should apply to the actions of contracting States in the territories of other States not also parties to the same treaties</li> <li># The meaning of the two 'jurisdiction' triggers for extra-territorial applicability, based on the exercise of control over territory or individuals</li> <li># The extra-territorial application of other human rights treaties that use different triggers, notably the anti-discrimination treaties and the 1951 Refugee Convention</li> <li># The application and significance of the non-refoulement obligation extra-territorially.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Be proficient in understanding and applying the relevant areas of international law</li> <li># Have an appreciation of the underlying issues of policy at stake and how they mediate, and are mediated by, the legal framework</li> <li># Appreciate the wide range of human rights issues and novel international legal challenges presented by the expanding actions of States outside their sovereign borders</li> <li># Have a highly developed understanding of the jurisdictional issues involved</li> <li># Have the cognitive and technical skills to independently examine and critically evaluate current issues in this field</li> <li># Understand the core principles of international human rights law and their application in different treaty regimes</li> <li># Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and/or advocate in the field of international human rights law</li> <li># Have a more sophisticated and critical understanding of, and aptitude for, the law in general.</li> </ul>
<b>Assessment:</b>	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (15 - 18 April) or 10,000 word research paper (100%) (25 May) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
<b>Prescribed Texts:</b>	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>

<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70360/2016">www.law.unimelb.edu.au/subject/LAWS70360/2016</a>
<b>Related Course(s):</b>	Graduate Diploma in Government Law Graduate Diploma in Human Rights Law Graduate Diploma in International Law Graduate Diploma in Legal Studies Juris Doctor Master of Human Rights Law Master of Law and Development Master of Laws Master of Public and International Law