

# LAWS90045 Human Rights and Universality

<b>Credit Points:</b>	12.5									
<b>Level:</b>	9 (Graduate/Postgraduate)									
<b>Dates &amp; Locations:</b>	2016, Parkville This subject commences in the following study period/s: November, 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 Ratna Kapur</b> (<a href="http://www.law.unimelb.edu.au/staff/Ratna%20Kapur">http://www.law.unimelb.edu.au/staff/Ratna%20Kapur</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>	This subject will draw attention to how and why the relationship between human rights and many marginalised groups has been highly fraught and replete with tensions. The subject									

	<p>will explore and unpack two central claims on which human rights law is based: first, that human rights are universal; and secondly, that human rights are an optimistic, progressive and emancipatory pursuit. These claims will be interrogated by focusing on the treatment of difference in international human rights law, including differences of gender, culture, indigeneity, sexual orientation, gender identity and religion, exploring how the `Other' has been addressed in human rights law. Students will examine how the universality of international human rights law might yet be realised and learn how to grapple with some of the challenges posed by those who argue against universality, claiming i) that human rights are culturally specific to the West, and therefore inappropriate in non-Western cultural contexts; ii) that human rights are a ruse for pursuing neo-imperial or neo-liberal agendas; and iii) that human rights are exclusive and available to some humans, not all humans.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> <li># Challenges to the universal claims of Human Rights Law</li> <li># Assessing these challenges in the context of the Universal Declaration of Human Rights</li> <li># Human Rights and the `Other'</li> <li># Gender Difference and the Complexities of Equality</li> <li># Cultural Difference and Human Rights (The Veil)</li> <li># Indigenous Difference and Human Rights (The Aborigine)</li> <li># Sexual Orientation/Gender Identity and Human Rights (The Homosexual)</li> <li># The Terrorist versus Human Rights (The Muslim).</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have a sophisticated understanding of how human rights law responds to a range of differences between and among people</li> <li># Understand postcolonial and third world perspectives on human rights</li> <li># Have the analytical skills to unpack situations that are cast as human rights concerns and probe into the real conflicts and issues that are at stake, including some of the background norms and political concerns that shape human rights issues, cases and controversies</li> <li># Be able to identify the cultural and gender stereotypes that may inform the perspective of the human rights advocate</li> <li># Be able to demonstrate creative and expert judgment and responsibility as a practitioner and advocate in the field of international human rights law.</li> </ul>
<b>Assessment:</b>	Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (13 - 16 January 2017) or 10,000 word research paper (100%) (20 February 2017) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.
<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/LAWS90045/2016">www.law.unimelb.edu.au/subject/LAWS90045/2016</a>
<b>Related Course(s):</b>	<p>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</p>