

LAWS90049 Reimagining Human Rights Law

Credit Points:	12.5									
Level:	9 (Graduate/Postgraduate)									
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: June, 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:	<p>Melbourne Law Masters Students: None</p> <p>JD Students: 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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LAWS50041 Public International Law	Semester 1	12.5								
LAWS50049 International Human Rights Law	Semester 1	12.5								
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:	<p>Lecturers</p> <p>Professor Philip Alston (http://www.law.unimelb.edu.au/staff/Philip%20Alston) (Coordinator)</p> <p>Professor Gráinne de Búrca (http://www.law.unimelb.edu.au/staff/Gr%C3%A1inne%20de%20B%C3%BArca)</p> <p>Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au)</p> <p>Phone: +61 3 8344 6190</p> <p>Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)</p>									

Subject Overview:	<p>The international human rights regime is under attack from many quarters. It is said to be ineffectual, hegemonic, ill-equipped for a world that is very different from that of the era in which it was devised, and reliant for its implementation upon anachronistic concepts and techniques. This subject reviews these critiques and explores their validity through a focus on two of the major components of the international regime: the system of international treaties and the system of fact-finding in response to allegations of major violations. Consideration is first given to the emerging idea of “experimentalist governance” as an approach to promoting treaty norms. Such approaches can change our understanding of the dynamics through which treaty norms have an impact in the real world. The subject then examines the ways in which the assumptions underpinning fact-finding and the techniques that are being used are being transformed through new technologies and the adoption of much more interdisciplinary approaches.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # An examination of some of the principal criticisms that have recently been directed at international human rights mechanisms by governments and other key actors # A review of recent major critiques of the human rights regime by scholars such as Stephen Hopgood, Samuel Moyn, Eric Posner and others # An overview of the question of evaluating impact in this field, including consideration of the work of Beth Simmons and others who have sought to measure the effect of ratification of human rights instruments # A review of the key mechanisms used to promote the treaty obligations that states have accepted and of how these operate, with particular emphasis on the rights of women, the rights of children and the rights of persons with disabilities # An introduction to the literature on global experimentalism which suggests a novel perspective on how transnational governing can be effective in a range of fields, including human rights practice # Consideration of how experimentalist approaches shed important new light on the ways in which treaty norms can be translated into practice # An overview of the rapid proliferation of international fact-finding mechanisms, particularly those used by the United Nations # Consideration of specific challenges in fact-finding viewed through case studies such as the Central African Republic, North Korea, and the Philippines # The impact of new technologies and more inter-disciplinary approaches to fact-finding.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have a sophisticated understanding of the challenges that the international human rights regime faces # Be able to engage in a probing and constructive manner with the key criticisms and the challenges that they represent # Be well placed to understand how to make effective use of some of the principal international treaty regimes in the human rights field # Be able to apply an experimentalist lens to understand the dynamics of applying international normative regimes within domestic contexts # Have an understanding of how new technologies and other developments are transforming the way in which international fact-finding is being approached # Gain insights into the interplay between law and politics in the procedures and institutions that shape the international human rights system, such as the UN Security Council and the Human Rights Council.
Assessment:	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (19 - 22 August) or 10,000 word research paper (100%) (28 September) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Links to further information:	<p>www.law.unimelb.edu.au/subject/LAWS90049/2016</p>
Related Course(s):	<p>Graduate Diploma in Government Law</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