

LAWS90058 Comparative Human Rights Law

Credit Points:	12.5									
Level:	9 (Graduate/Postgraduate)									
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: May, 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>LAWS50049 International Human Rights Law</td> <td>Semester 1</td> <td>12.5</td> </tr> <tr> <td>LAWS50041 Public International Law</td> <td>Semester 1</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50049 International Human Rights Law	Semester 1	12.5	LAWS50041 Public International Law	Semester 1	12.5
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LAWS50049 International Human Rights Law	Semester 1	12.5								
LAWS50041 Public International 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>Justice Kate O'Regan (http://www.law.unimelb.edu.au/staff/Kate%20O'Regan) (Coordinator)</p> <p>Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190</p>									
Subject Overview:	Human rights adjudication has expanded in many jurisdictions across the world in the past few decades. Yet there is still scepticism about the role of courts in human rights adjudication and the question whether Australia should adopt a justiciable Bill of Rights remains an open one.									

	<p>This subject will provide students with the opportunity to reflect critically on the role of courts in human rights adjudication by introducing them to the different approaches to the adjudication of human rights in a range of jurisdictions including South Africa, the United States of America, India, Canada, the United Kingdom and the Council of Europe. Several key human rights issues that have arisen in different jurisdictions will be analysed and compared.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # What are human rights? # Different approaches to the adjudication of rights # Key issues in equality and non-discrimination law: same-sex marriage and affirmative action # Key issues in civil and political rights: prisoners' voting rights, euthanasia, and the right to manifest religious belief # Key issues in economic and social rights: the rights to housing and healthcare.
Learning Outcomes:	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Be able to critically examine, analyse, interpret and assess the role of courts in human rights protection # Have a sophisticated appreciation of the key similarities and differences between rights-protection instruments # Have a comprehensive understanding of some of the different approaches to human rights adjudication in a range of jurisdictions # Have a detailed understanding of the underlying assumption and institutional choices involved in adopting a particular model for the protection of rights # Have the cognitive and technical skills to generate critical and creative ideas relating human rights, and to critically evaluate existing legal theories, principles and concepts with creativity and autonomy # Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of comparative human rights.
Assessment:	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (17 - 20 June) or 10,000 word research paper (100%) (27 July) 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/LAWS90058/2016</p>
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 Master of Human Rights Law Master of Law and Development Master of Laws Master of Public and International Law</p>