



# LAWS260

## Human Rights, Policy and the Law

S1 External 2017

*Dept of Law*

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#### **Disclaimer**

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## General Information

### Unit convenor and teaching staff

#### Convenor

Carolyn Adams

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Contact via [carolyn.adams@mq.edu.au](mailto:carolyn.adams@mq.edu.au)

W3A 511

Monday 14.00 to 15.00

#### Lecturer

Daniel Ghezelbash

[daniel.ghezelbash@mq.edu.au](mailto:daniel.ghezelbash@mq.edu.au)

Contact via [daniel.ghezelbash@mq.edu.au](mailto:daniel.ghezelbash@mq.edu.au)

W3A 517

Wednesday 12.00 to 13.00

#### Lecturer

Amy Barrow

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Contact via [amy.barrow@mq.edu.au](mailto:amy.barrow@mq.edu.au)

### Credit points

3

### Prerequisites

(18cp at 100 level or above) including LAW115 or LEX101 or LEX102

### Corequisites

### Co-badged status

### Unit description

This unit will explore the dynamic area of public policy development in relation to human rights and the law. It will examine how human rights values and rights-based discourses inform the interaction of law and policy in the regulation of individuals' behaviour and the protection of individual rights. Students will analyse the impact of the law, and various stakeholders, on policy formulation, including in relation to the three case studies of asylum seekers, sexuality rights and civil liberties. They will be challenged to critically analyse real-world policy initiatives and to assess the implications for legal and policy-making forums of differing conceptions of rights, such as the differences between 'natural' conceptions that view human rights as pre-political protections for fundamental human interests and 'political' conceptions that view human rights as arising through states' practices.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.

Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.

Apply international and domestic law to Australian policy formation in the area of human rights.

Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

Conduct interdisciplinary research in law and international relations in the course of developing problem-solving skills and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

## General Assessment Information

### Disruption to Studies

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically, via [ask.mq.edu.au](http://ask.mq.edu.au), and should be accompanied by supporting documentation. Students should refer to the [Disruption to Studies Policy](#) for complete details of the policy and a description of the supporting documentation required.

### Submission

All written assessments in the unit are to be submitted electronically by way of Turnitin on the iLearn page. Plagiarism detection software is used in this unit.

### Format

All assessment tasks in this unit must be typed in **Word format** and be **double spaced** to facilitate marking in Turnitin.

### Word Limits

Word limits will be strictly applied and work above the word limit will not be assessed.

### Moderation

Detailed marking rubrics will be made available on iLearn. All fail papers will be double marked. The Unit Convenor and Tutors will meet to review final grades for the unit.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Online Quiz</u>	5%	No	Wednesday, 22 March 2017
<u>Theory Essay (1500 words max)</u>	40%	No	Friday, 21 April 2017
<u>Research Essay (2000 words)</u>	55%	No	Friday, 9 June 2017
<u>Tutorial Participation</u>	0%	Yes	On-Campus Session

### Online Quiz

Due: **Wednesday, 22 March 2017**

Weighting: **5%**

You are required to complete an online quiz, which will cover the lecture readings set in Weeks 1, 2 and 3. The quiz will contain 10 multiple choice questions and is designed to encourage you to start reading early and to provide early feedback to you on your understanding of the readings.

You will have 30 minutes to do the quiz and you are required to complete the quiz on the unit iLearn page before **5 pm on Wednesday, 22 March 2017**.

On successful completion you will be able to:

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

### Theory Essay (1500 words max)

Due: **Friday, 21 April 2017**

Weighting: **40%**

You are required to submit a short essay of no more than 1500 words in which you choose a current issue pertaining to human rights from the three broad areas covered by the course and apply the two theoretical frameworks--natural AND political--to that issue.

The word limit does not include footnotes, but footnotes must not include any substantive text. Footnotes must be consistent with the Australian Guide to Legal Citation (3rd ed). A bibliography is not required.

You are required to submit your theory essay by way of Turnitin on the unit iLearn page before **5**

**pm on Friday, 21 April 2017.**

On successful completion you will be able to:

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

## Research Essay (2000 words)

Due: **Friday, 9 June 2017**

Weighting: **55%**

You are required to submit a research essay of no more than 2000 words in which you choose a current issue pertaining to human rights from the three broad areas covered by the course and discuss the issue from the perspective of either the natural OR the political approach. You will be asked to suggest changes and reforms to address the issue. NB: You must choose a different broad area to the area you considered in your theory essay. That is, if you considered a privacy issue in your theory essay, you must not consider a privacy issue in your research essay.

The word limit does not include footnotes, but footnotes must not include any substantive text. Footnotes must be consistent with the Australian Guide to Legal Citation (3rd ed). A bibliography is not required.

You are required to submit your research essay by way of Turnitin on the unit iLearn page before **5 pm on Friday, 9 June 2017.**

On successful completion you will be able to:

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Apply international and domestic law to Australian policy formation in the area of human rights.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.
- Conduct interdisciplinary research in law and international relations in the course of developing problem-solving skills and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

## Tutorial Participation

Due: **On-Campus Session**

Weighting: **0%**

**This is a hurdle assessment task (see [assessment policy](#) for more information on hurdle assessment tasks)**

**Participation is Pass/Fail. You must pass this aspect of the course in order to pass the Unit.**

You are required to attend both days of the on-campus session, which will be held on **Wednesday, 26 April and Thursday, 27 April 2017**. The on-campus session in this unit only works if all students attend and give the entire group the benefit of their views based upon the readings and their experience.

Specific readings and exercises will be set for each tutorial and all tutorials will be covered during the on-campus session. The tutorial program is set out on iLearn in a weekly format. You are required to participate in the tutorial discussions, debates and any other activities. Tutors will engage in ongoing assessment of student participation using the following criteria:

- 1. Preparation and understanding of material:** the student has listened to the lecture, read the required reading and has attempted to link the materials to the lectures, to other course materials, to their own knowledge and to current affairs.
- 2. Ability to think critically about the material:** the student is able to think critically about the materials from different angles and is able to question the materials.
- 3. Clear expression of ideas:** the student is able to clearly express their ideas about the materials.
- 4. Engaging with other students:** the student engages with others in the class taking an active role in discussions debates and other activities assigned by the tutor. The student responds to others in the class by listening to them, providing constructive feedback and asking questions.
- 5. Demonstration of skills:** The student is able to demonstrate communication skills including listening skills.

From time to time, tutors will collect examples of student work completed in tutorials. Tutors may set impromptu quizzes in class to assess students' knowledge of the tutorial preparation material.

If you are unable to attend one or both days of the on-campus session due to serious and unavoidable disruption, you should submit a Disruption to Studies application online by visiting [ask.mq.edu.au](http://ask.mq.edu.au).

Students may be given an opportunity to submit remedial written work where there are concerns about participation or unexplained absences.

On successful completion you will be able to:

- Develop an understanding of contemporary debates about human rights values and

rights-based discourses and how they are represented in law.

- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Apply international and domestic law to Australian policy formation in the area of human rights.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

## **Delivery and Resources**

### **Technology used and required**

To participate successfully in this unit, students will require access to the unit iLearn page. This will require access to secure and reliable computer facilities.

Before attending or listening to the weekly live lecture, students are required to access the iLearn page to review online content such as videos (of approximately one hour) and read the assigned readings.

Students will also be required to upload all assessment tasks by way of Turnitin on the unit iLearn page.

### **Delivery**

The unit will be delivered as a series of weekly one hour live lectures running from Week 1 until Week 12, which will be recorded on Echo360. It is important that you attend or listen to the lectures every week for guidance on content and how best to approach the various assessment items.

You are also required to review approximately one hour of online content each week, for example, videos that will be accessible through the iLearn page.

The on-campus session will be held on **Wednesday, 26 April and Thursday, 27 April 2017** and attendance is compulsory. You are required to participate in the discussion of the tutorial materials and questions at the on-campus session.

### **Unit materials**

There is no required textbook in this unit. Weekly readings are listed on the iLearn page and are available through the Library Unit Readings tab or by way of links on the iLearn page.

### **Preparation for Week One**

Before the first lecture on Wednesday, 1 March 2017, you should have logged onto iLearn and viewed the assigned weekly online content of approximately an hour, and read the assigned weekly reading.

### **Workload**

Student workload, in accordance with university guidelines, is 3 hours per credit point per week (over a 15 week session). This unit is worth 3 credit points so total time required to complete this

unit is 3 x 3 x 15 = 135 hours. This time may be allocated approximately as follows:

24 hours - attendance at lectures and tutorials

60 hours - readings, review of online content and self-study

51 hours - assessment tasks

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135 hours total

## Unit Schedule

A detailed weekly schedule will be provided on the unit iLearn page. The topics to be covered in this unit are as follows:

Week 1 Introduction

Week 2 The Natural Argument

Week 3 The Political Argument

Week 4 Is Privacy Natural or Political?

Week 5 Privacy in International Human Rights Law

Week 6 Privacy in Australian Law and Policy

Week 7 Asylum Seekers, Refugees and Human Rights

Week 8 Australia's Asylum Seeker Policy

Week 9 Does Australian Policy Breach International Law?

Week 10 TBA

Week 11 TBA

Week 12 TBA

Week 13 Reading and Revision

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html)

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.html)

Disruption to Studies Policy (in effect until Dec 4th, 2017): <http://www.mq.edu.au/policy/docs/disr>



[ption\\_studies/policy.html](#)

Special Consideration Policy (in effect from Dec 4th, 2017): <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/special-consideration>

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](#).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

#### Learning outcomes

- Apply international and domestic law to Australian policy formation in the area of human rights.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.
- Conduct interdisciplinary research in law and international relations in the course of developing problem-solving skills and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

#### Assessment tasks

- Theory Essay (1500 words max)
- Research Essay (2000 words)

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Learning outcomes

- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Apply international and domestic law to Australian policy formation in the area of human rights.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

#### Assessment tasks

- Theory Essay (1500 words max)

- Research Essay (2000 words)

## Commitment to Continuous Learning

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

### Learning outcomes

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Conduct interdisciplinary research in law and international relations in the course of developing problem-solving skills and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

### Assessment tasks

- Theory Essay (1500 words max)
- Research Essay (2000 words)
- Tutorial Participation

## Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

### Learning outcomes

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Apply international and domestic law to Australian policy formation in the area of human rights.
- Communicate your understanding of the subject verbally and in clearly written, well

reasoned and well structured arguments.

- Conduct interdisciplinary research in law and international relations in the course of developing problem-solving skills and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

## **Assessment tasks**

- Online Quiz
- Theory Essay (1500 words max)
- Research Essay (2000 words)
- Tutorial Participation

## **Critical, Analytical and Integrative Thinking**

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## **Learning outcomes**

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Apply international and domestic law to Australian policy formation in the area of human rights.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.
- Conduct interdisciplinary research in law and international relations in the course of developing problem-solving skills and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

## **Assessment tasks**

- Theory Essay (1500 words max)
- Research Essay (2000 words)
- Tutorial Participation

## Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

### Learning outcomes

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Apply international and domestic law to Australian policy formation in the area of human rights.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.
- Conduct interdisciplinary research in law and international relations in the course of developing problem-solving skills and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

### Assessment task

- Research Essay (2000 words)

## Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

### Learning outcomes

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Apply international and domestic law to Australian policy formation in the area of human

rights.

- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

## **Assessment tasks**

- Theory Essay (1500 words max)
- Research Essay (2000 words)
- Tutorial Participation

## **Engaged and Ethical Local and Global citizens**

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## **Learning outcomes**

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Apply international and domestic law to Australian policy formation in the area of human rights.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

## **Assessment tasks**

- Theory Essay (1500 words max)
- Research Essay (2000 words)
- Tutorial Participation

## **Socially and Environmentally Active and Responsible**

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

## Learning outcomes

- Develop an understanding of contemporary debates about human rights values and rights-based discourses and how they are represented in law.
- Critique, against established theoretical frameworks, current policy initiatives in relation to human rights.
- Apply international and domestic law to Australian policy formation in the area of human rights.
- Communicate your understanding of the subject verbally and in clearly written, well reasoned and well structured arguments.

## Assessment tasks

- Research Essay (2000 words)
- Tutorial Participation

## Changes from Previous Offering

One assessment piece has been replaced by an online quiz to enable early low risk assessment and feedback before the Census Date.

## Changes since First Published

Date	Description
03/02/2017	The weighting of two assessment items has changed. The online quiz is now worth 5% of your marks, rather than 0%. The theory essay is now worth 40% of your marks, rather than 45%.