LAW 887

International Human Rights Law

S1 Day 2017

Dept of Law

Contents

General Information

Unit convenor and teaching staff
Unit Convenor
Carolyn Adams
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W3A 511
Monday 14.00 to 15.00

Credit points
4

Prerequisites
Admission to MIntLawGovPP or MIntEnvLaw or MIntPubDip or LLM or 42cp in LAW or LAWS units at 400 or 500 level or (admission to JD and 24cp in LAW or LAWS units at 800 level including LAWS601)

Corequisites

Co-badged status

Unit description
This unit deals with the protection and promotion of human rights in international law. The unit traces the historical development of human rights law at national, international regional and global levels. The unit considers frameworks for analysing the rights of individuals and groups – and the duties of states to protect those rights – as well as the institutions and mechanisms in place to protect and promote rights in practice. The unit includes consideration of the cross-cultural dimensions and other tensions inherent in this area of international law, with a focus on contemporary challenges for international human rights law.

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:

Demonstrate an understanding of the foundations and evolution of the international human rights law system--within the broader international law framework--and the resulting strengths and weaknesses of the system.

Evaluate and compare the mechanisms available for monitoring and enforcing human rights standards in different international and regional systems.

Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.

Demonstrate capacity for autonomous research by developing an individual research proposal and project that critically analyses a current issue or development from an international human rights law perspective.

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, 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.

Assessment Tasks

Name	Weighting	Hurdle	Due
Online Quiz	5%	No	Week 3, 17 March 2017
Research Essay Proposal	0%	Yes	Week 4, 24 March 2017
Attendance & Oral Presentation	15%	No	On-Campus Session

Name	Weighting	Hurdle	Due
Research Essay	40%	No	Week 10, 19 May 2017
Final Take Home Exam	40%	No	14 June 2017

Online Quiz

Due: **Week 3, 17 March 2017**
Weighting: **5%**

You are required to complete an online quiz, which will cover the lecture readings set in Weeks 1 and 2. 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 Friday, 17 March 2017.**

On successful completion you will be able to:

- Demonstrate an understanding of the foundations and evolution of the international human rights law system--within the broader international law framework--and the resulting strengths and weaknesses of the system.

Research Essay Proposal

Due: **Week 4, 24 March 2017**
Weighting: **0%**
This is a hurdle assessment task (see assessment policy for more information on hurdle assessment tasks)

You are required to develop and submit a research proposal for your research essay. The proposal must clearly set out the research question you are proposing to answer and your proposed approach to the question. You should include draft headings and sub-headings, with a brief explanation of what you intend to discuss under each heading. The plan should be between one and two A4 pages long.

Your research proposal will be marked on a pass/fail basis. This is a hurdle requirement, that is, you must pass this assessment task as a condition of passing the unit.

You are required to submit your research essay proposal by way of Turnitin on the unit iLearn page before **5 pm on Friday, 24 March 2017.**

On successful completion you will be able to:
- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of

international human rights law.

- Demonstrate capacity for autonomous research by developing an individual research proposal and project that critically analyses a current issue or development from an international human rights law perspective.

Attendance & Oral Presentation

Due: **On-Campus Session**
Weighting: **15%**

You are required to attend 10 out of 13 tutorials over the course of the session**.** You may miss 3 tutorials and you do not need to submit a Disruption to Studies application. If you miss more than 3 tutorials, and in the absence of a successful Disruption to Studies application, you will lose 1% of your marks for attendance and participation for each tutorial missed up to a maximum of 10%.

You are required to give an oral presentation on your individual research project during the tutorials. You will also be asked to provide feedback to other students on their oral presentations to assist them to develop and improve their research projects. You have a maximum of 10 minutes for your presentation with 5 minutes for feedback and questions from other class members and the convenor. You will also be asked to discuss the tutorial materials and questions during tutorials.

If you are unable to attend more than three tutorials due to a serious and unavoidable disruption, you should submit a Disruption to Studies application online by visiting ask.mq.edu.au.

On successful completion you will be able to:

- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.
- Demonstrate capacity for autonomous research by developing an individual research proposal and project that critically analyses a current issue or development from an international human rights law perspective.

Research Essay

Due: **Week 10, 19 May 2017**
Weighting: **40%**

You are required to submit a research essay, based on your research essay proposal, that critically analyses a current issue or development, of interest to you, from an international human rights law perspective. The maximum word limit for the research essay will be 3000 words. Please note that this is an absolute maximum and that any words beyond the word limit will not be read or taken into account in grading your paper. The word limit does not include footnotes,

but footnotes must not include any substantive text. A bibliography is not required.

You will be required to submit your research essay by way of Turnitin on the unit iLearn page **before 5 pm on Friday, 19 May 2017.**

On successful completion you will be able to:

- Demonstrate an understanding of the foundations and evolution of the international human rights law system--within the broader international law framework--and the resulting strengths and weaknesses of the system.
- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.
- Demonstrate capacity for autonomous research by developing an individual research proposal and project that critically analyses a current issue or development from an international human rights law perspective.

Final Take Home Exam

Due: **14 June 2017**
Weighting: **40%**

You are required to complete a final take home exam during the University examination period, which runs from Tuesday, 13 June 2017 to Friday, 30 June 2017.

The final take home exam in this unit will be posted on the unit iLearn page at 12 pm on Wednesday, 14 June 2017 and will be due before 8 pm on Wednesday, 14 June 2017.

The examination will comprise four (4) short answer questions and an essay. You will be given a choice of eight (8) short answer questions and a choice of two (2) essay topics. The questions and the essay topics may be drawn from any part of the course. Each response to a short answer question must not exceed 300 words. Your response to all four of the short answer questions must not exceed 1200 words. Your response to the essay question must not exceed 1000 words. Please note that these are absolute maximums and that any words beyond the word limits will not be read or taken into account in grading your exam. These word limits do not include footnotes, but footnotes must not include any substantive text. A bibliography is not required.

You will have 8 hours to complete the final take home exam, although the exam itself should take you no longer than 2 hours in total. The exam is available over an 8 hour period to allow for work, family and other commitments, including other exams, and for students who require reasonable adjustments to the timing of assessments.

You are required to submit your final take home exam by way of Turnitin on the unit iLearn page**.** Your final exam must be submitted as two separate documents: (1) Responses to short answer questions; and (2) Response to essay question.

On successful completion you will be able to:

- Demonstrate an understanding of the foundations and evolution of the international human rights law system--within the broader international law framework--and the resulting strengths and weaknesses of the system.

- Evaluate and compare the mechanisms available for monitoring and enforcing human rights standards in different international and regional systems.

- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.

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. Students will 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 two hour lectures running from Week 1 until Week 13, 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. There will be a series of one hour tutorials running from Week 1 until Week 13 and attendance is compulsory at 10 out of 13 of these tutorials. You are required to deliver your research oral presentation and to discuss the tutorial materials and questions during tutorials.

Unit materials

You are required to have access to both of the prescribed texts for this unit, as there will be readings set from each text almost every week. The prescribed texts are as follows:

- Olivier De Schutter, *International Human Rights Law: Cases, Materials and Commentary* (Cambridge University Press, 2nd ed, 2014); and

- D Moeckli, S Shah and S Sivakumaran (eds), *International Human Rights Law* (Oxford University Press, 2nd ed, 2014).

Preparatory readings

In preparation for LAW887, you should read the following material from the prescribed textbook to refresh your understanding of basic international law sources and principles:

- Christine Chinkin, 'Sources' in D Moeckli, S Shah and S Sivakumaran (eds), *International Human Rights Law* (Oxford University Press, 2nd ed, 2014) 75-95.

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 History of Human Rights

Week 2 Theories of Human Rights

Week 3 Civil and Political Rights

Week 4 Economic, Social and Cultural Rights

Week 5 Limitations on Human Rights

Week 6 Enforcement of Human Rights I

Week 7 Enforcement of Human Rights II

Week 8 The Right to Asylum

Week 9 Rights of Peoples

Week 10 Children's Rights

Week 11 Measuring Progress

Week 12 Theoretical Critiques

Week 13 Institutional Challenges

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

Assessment Policy 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

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

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) 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

IT Help

For help with University computer systems and technology, visit 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

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.
- Demonstrate capacity for autonomous research by developing an individual research proposal and project that critically analyses a current issue or development from an international human rights law perspective.

Assessment tasks

- Research Essay Proposal
- Attendance & Oral Presentation
- Research Essay
- Final Take Home Exam

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the foundations and evolution of the international human rights law system--within the broader international law framework--and the resulting strengths and weaknesses of the system.
- Evaluate and compare the mechanisms available for monitoring and enforcing human rights standards in different international and regional systems.
- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.
- Demonstrate capacity for autonomous research by developing an individual research proposal and project that critically analyses a current issue or development from an international human rights law perspective.

Assessment tasks

- Online Quiz

- Research Essay Proposal

- Research Essay

- Final Take Home Exam

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the foundations and evolution of the international human rights law system--within the broader international law framework--and the resulting strengths and weaknesses of the system.

- Evaluate and compare the mechanisms available for monitoring and enforcing human rights standards in different international and regional systems.

- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.

- Demonstrate capacity for autonomous research by developing an individual research proposal and project that critically analyses a current issue or development from an international human rights law perspective.

Assessment tasks

- Research Essay Proposal

- Research Essay

- Final Take Home Exam

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the foundations and evolution of the international human rights law system--within the broader international law framework--and the resulting strengths and weaknesses of the system.
- Evaluate and compare the mechanisms available for monitoring and enforcing human rights standards in different international and regional systems.
- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.
- Demonstrate capacity for autonomous research by developing an individual research proposal and project that critically analyses a current issue or development from an international human rights law perspective.

Assessment tasks

- Research Essay Proposal
- Research Essay
- Final Take Home Exam

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the foundations and evolution of the international human rights law system--within the broader international law framework--and the resulting strengths and weaknesses of the system.
- Evaluate and compare the mechanisms available for monitoring and enforcing human rights standards in different international and regional systems.
- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.
- Demonstrate capacity for autonomous research by developing an individual research

proposal and project that critically analyses a current issue or development from an international human rights law perspective.

Assessment tasks

- Research Essay Proposal
- Attendance & Oral Presentation
- Research Essay
- Final Take Home Exam

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

- Demonstrate an understanding of the foundations and evolution of the international human rights law system--within the broader international law framework--and the resulting strengths and weaknesses of the system.
- Evaluate and compare the mechanisms available for monitoring and enforcing human rights standards in different international and regional systems.
- Engage constructively with various critiques and theories of human rights--for example, whether rights are universal or particular--and be able to critically discuss the significance of those approaches in the development, interpretation and operation of international human rights law.
- Demonstrate capacity for autonomous research by developing an individual research proposal and project that critically analyses a current issue or development from an international human rights law perspective.

Assessment tasks

- Research Essay Proposal
- Attendance & Oral Presentation
- Research Essay
- Final Take Home Exam

Changes from Previous Offering

An online quiz has been added to the assessment regime to provide early feedback to students. Attendance at tutorials is now compulsory and students will be asked to give an oral presentation about their research project to the class. The number of questions in the final exam has been reduced and the time available to complete the final exam has also been reduced. As a result the final exam weighting has been reduced from 50% to 40%.