LAW 887

International Human Rights Law

S1 Day 2018

Dept of Law

Contents

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General Information

Unit convenor and teaching staff
Unit Convenor
Carolyn Adams
carolyn.adams@mq.edu.au
Contact via carolyn.adams@mq.edu.au
W3A 511
Tuesday 13.00 to 14.00

Credit points
4

Prerequisites
Admission to MIntLawGovPP or MIntEnvLaw or MIntPubDip or LLM or MCTerrorism or MIntell or MSecStrategicStud 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, both orally and in writing, 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, both orally and in writing, 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, both orally and in writing, 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

Late Submission Penalty

Unless a Special Consideration request has been submitted and approved: (a)
a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date and (b) no assignment will be accepted more than seven (7) days (including weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – for example, quizzes and online tests and exams.

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	21 March 2018
Research Essay Proposal	0%	Yes	23 March 2018
Attendance & Team Project	15%	No	Ongoing

Name	Weighting	Hurdle	Due
Research Essay	40%	No	18 May 2018
Final Take Home Exam	40%	No	13 June 2018

Online Quiz

Due: **21 March 2018**

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.

The quiz will be available on the unit iLearn page from 9 am on Monday, 19 March 2018. You will have 30 minutes to do the quiz once you begin and you will need to complete the quiz in one sitting. You are required to complete the quiz before **5 pm on Wednesday, 21 March 2018.** Please note that this is a timed assessment and no late submissions will be accepted.

On successful completion you will be able to:

- Demonstrate, both orally and in writing, 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: **23 March 2018**

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 your research question and your proposed approach to the question. The maximum word limit for the research proposal will be **600 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 essay.This word limit does not include footnotes, but footnotes must not include any substantive text. A bibliography is not required.

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, 23 March 2018.**

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, both orally and in writing, 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 & Team Project

Due: **Ongoing**
Weighting: **15%**

Attendance

Tutorials run from Week 1 to Week 13. You are required to attend 10 out of 13 tutorials over the course of the session.

You are required to present your Team Tutorial Presentation during the relevant weekly tutorial, see below. You will also be asked to participate in the other tutorials run by the convenor and your class mates, who require your presence and participation to make each tutorial a success. The final take home exam will cover the whole course, including the material covered in tutorials. For these reasons, it is important that you attend and actively participate in tutorials.

If you miss more than three (3) tutorials, in the absence of a successful request for Special Consideration, you will lose 1% of your total marks for the unit for each tutorial you do not attend up to a maximum of 10%. If you are not present for your Team Tutorial Presentation, in the absence of a successful request for Special Consideration, you will also lose the 5% of your marks that is awarded for the team component of this assessment.

Team Tutorial Presentation

In Week 1 you will be randomly assigned to a small team of students and each team will be randomly assigned one tutorial from Weeks 7 to 12. The tutorial readings and some basic questions will be set out on the iLearn page in each week. Your team will be responsible for preparing and presenting the assigned materials to the class during the relevant tutorial including: introducing the topic, presenting the questions for discussion, engaging the class in the discussion and designing and leading group work and other activities around the tutorial materials. You will have **50 minutes** to run your Team Tutorial Presentation.

Your Team Tutorial Presentation will be marked as follows:

- The team component is worth 5% of your grade. It is intended to assess those elements of the project that result from team members working together in a collaborative and supportive manner. Each team member will receive the same mark for this component except where a team member is not present, or does not actively participate, in the presentation. In these circumstances, and in the absence of a successful request for

Special Consideration, you will receive 0 out of 5% for this element of assessment.

- The individual component is worth 10% of your grade. The individual component of your grade will be based on your attendance at tutorials and an assessment by the convenor of your individual contribution to the Team Tutorial Presentation. It is therefore important that, in designing your tutorial presentation, you ensure that each team member has an approximately equal role in presenting the material to the class.

If you are unable to attend a tutorial due to serious, unexpected and unavoidable circumstances, you should submit a request for Special Consideration online by visiting ask.mq.edu.au.

On successful completion you will be able to:
- Evaluate and compare, both orally and in writing, 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, both orally and in writing, the significance of those approaches in the development, interpretation and operation of international human rights law.

Research Essay

Due: **18 May 2018**
Weighting: **40%**

You are required to submit a research essay, based on your research essay proposal, that critically analyses a current issue or development, arising under the *International Covenant on Civil and Political Rights* or the *International Covenant on Economic, Social and Cultural Rights*, 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, 18 May 2018.**

On successful completion you will be able to:
- Demonstrate, both orally and in writing, 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, both orally and in writing, 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: **13 June 2018**
Weighting: **40%**

You are required to complete a final take home exam during the University examination period, which runs from Tuesday, 12 June 2018 to Friday, 29 June 2018.

The final take home exam in this unit will be posted on the unit iLearn page at 12 pm on Wednesday, 13 June 2018 and will be due before 8 pm on Wednesday, 13 June 2018. Please note that this is a timed assessment and no late submissions will be accepted.

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, including the tutorial material. 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 final examination. 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 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, both orally and in writing, 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, both orally and in writing, 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, both orally and in writing, 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. The unit will include a series of weekly one hour tutorials running from Week 1 until Week 13 and attendance at at least 10 of these is compulsory. You are required to deliver your Team Tutorial Presentation and to participate in the discussion 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 LAWS519, 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 Rights of Peoples

Week 9 Children's Rights

Week 10 Women'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 (https://staff.m q.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-centr al). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy
- Fitness to Practice Procedure
- Grade Appeal Policy
- Complaint Management Procedure for Students and Members of the Public
- Special Consideration Policy *(**Note:** The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)*

Undergraduate students seeking more policy resources can visit the Student Policy Gateway (htt ps://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit Policy Central (http s://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/p olicy-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/study/getting-started/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, both orally and in writing, 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 & Team Project
- 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, both orally and in writing, 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, both orally and in writing, 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, both orally and in writing, 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
- Attendance & Team Project
- 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, both orally and in writing, 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, both orally and in writing, the mechanisms available for monitoring and enforcing human rights standards in different international and regional systems.
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- 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 & Team Project
- 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, both orally and in writing, 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, both orally and in writing, 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, both orally and in writing, 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, both orally and in writing, 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, both orally and in writing, 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, both orally and in writing, 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 & Team Project
- 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, both orally and in writing, 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, both orally and in writing, the mechanisms available for monitoring and enforcing human rights standards in different international and regional systems.
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- 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 & Team Project
- Research Essay
- Final Take Home Exam

Changes from Previous Offering

Last year, students were asked to give an oral presentation relating to their research project at the on-campus session. On the basis of feedback from students, this has been changed to a Team Tutorial Presentation, discussed in detail under Assessment Tasks.