



# LAWS519

## International Human Rights Law

S1 Day 2018

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

Carolyn Adams

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

W3A 511

Tuesday 13.00 to 14.00

Tutor

Danielle Moon

[danielle.moon@mq.edu.au](mailto:danielle.moon@mq.edu.au)

Contact via [danielle.moon@mq.edu.au](mailto:danielle.moon@mq.edu.au)

Credit points

3

Prerequisites

39cp at 100 level or above including LAWS259 or LAW409 or LAW459 or LAW509

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.

Reflect on past and present international developments, both orally and in writing, and be able to analyse, interpret and explain such developments 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. In addition, tutors will be provided with detailed marking guides to ensure consistency. 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	21 March 2018
<u>Attendance &amp; Team Project</u>	15%	No	Ongoing
<u>Research Essay</u>	40%	No	Friday, 20 April 2018
<u>Final Take Home Exam</u>	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.

### 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 tutor 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 this 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 tutor 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](http://ask.mq.edu.au).

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.

- Reflect on past and present international developments, both orally and in writing, and be able to analyse, interpret and explain such developments from an international human rights law perspective.

## Research Essay

Due: **Friday, 20 April 2018**

Weighting: **40%**

You are required to submit an essay in response to a choice of two questions, which will test your ability to exercise autonomy in your research and writing. The maximum word limit for the essay will be 2000 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.

You are required to submit your essay by way of Turnitin on the unit iLearn page **before 5 pm on Friday, 20 April 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.
- 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.
- Reflect on past and present international developments, both orally and in writing, and be able to analyse, interpret and explain such developments 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.
- Reflect on past and present international developments, both orally and in writing, and be able to analyse, interpret and explain such developments from an international human rights law perspective.

## **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.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). 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](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://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](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/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](https://ask.mq.edu.au).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <https://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:

### Assessment task

- Attendance & Team Project

### 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**

- 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.
- Reflect on past and present international developments, both orally and in writing, and be able to analyse, interpret and explain such developments from an international human rights law perspective.

## **Assessment tasks**

- Online Quiz
- Attendance & Team Project
- Research Essay
- Final Take Home Exam

## **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**

- 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.
- Reflect on past and present international developments, both orally and in writing, and be able to analyse, interpret and explain such developments from an international human rights law perspective.

## **Assessment tasks**

- Attendance & Team Project
- Research Essay
- Final Take Home Exam

## **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**

- 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.
- Reflect on past and present international developments, both orally and in writing, and be able to analyse, interpret and explain such developments from an international human rights law perspective.

## **Assessment tasks**

- Attendance & Team Project

- Research Essay
- Final Take Home Exam

## 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

- 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.
- Reflect on past and present international developments, both orally and in writing, and be able to analyse, interpret and explain such developments from an international human rights law perspective.

### Assessment tasks

- Attendance & Team Project
- Research Essay
- Final Take Home Exam

## 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**

- 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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- Reflect on past and present international developments, both orally and in writing, and be able to analyse, interpret and explain such developments from an international human rights law perspective.

## **Assessment tasks**

- Research Essay
- Final Take Home Exam

## **Changes from Previous Offering**

No changes.