



# LAWS8094

## Human Rights and Moral Dilemmas

Session 1, Intensive attendance, North Ryde 2020

*Macquarie Law School*

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## General Information

Unit convenor and teaching staff

Convenor

Emma Buxton-Namisnyk

[emma.buxton@mq.edu.au](mailto:emma.buxton@mq.edu.au)

Credit points

10

Prerequisites

(Admission to JD and 80cp in LAWS or LAW units at 6000 level or above) or (admission to LLM)

Corequisites

Co-badged status

Unit description

This unit explores the intersections between law and morality by analysing cases drawn from a variety of jurisdictions - Australia, the US, the UK, Canada, Europe and South Africa - which raise topical and controversial human rights dilemmas. For example, cases on hate speech are explored against the background of philosophical analyses of the value of freedom of speech. Cases involving state funding of religious schools and religious symbols in state schools are explored in light of philosophical debates about separation between religion and state. Other topics covered include privacy; multiculturalism and gender; anti-terrorism legislation; and socio-economic rights.

## 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:

**ULO1:** Explain and critically analyse the philosophical foundations of the idea of human rights

**ULO2:** Demonstrate an advanced knowledge of the different ways in which human rights are protected against legislative infringement in a variety of jurisdictions.

**ULO3:** Identify and evaluate the advantages and disadvantages of the different forms of rights protection.

**ULO4:** Critically analyse the moral and political values that underpin a range of human rights.

**ULO5:** Critically assess and develop an advanced understanding of the way in which different jurisdictions balance the moral and political values underpinning human rights in selected human rights cases.

**ULO6:** Resolve human rights dilemmas through a sophisticated application of relevant theoretical approaches.

## Assessment Tasks

### Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult [iLearn](#) for revised unit information.

[Find out more about the Coronavirus \(COVID-19\) and potential impacts on staff and students](#)

## General Assessment Information

### Participatory tasks

Due: **On Campus Session** Weighting: **20%**

It is expected that students will have read all the required readings for each week and will come to the On Campus Session prepared to discuss the questions set for each topic. Class participation marks will be based on the quality of contributions to discussion and, where relevant, the frequency of contributions; evidence of preparation for the tutorials; and performance in specific participatory tasks set by the tutor (for example, group work, reflective tasks). Attendance alone will not attract any marks.

**A failure to meet these requirements will lead to a mark of zero for class participation unless a) the student applies for Special Consideration and gives a valid reason for non-attendance b) provides appropriate documentation AND c) submits work in lieu of the missed tutorial or on campus session.**

### Annotated Bibliography

Due: **Friday 27 March (5pm)** Weighting: **25%**

This task requires students to prepare an annotated bibliography of six (6) sources that are relevant to the research topic they have chosen for their final paper. Students will be required to identify six relevant sources, provide a brief description and some analysis of the content of the source and evaluate it in terms of its relevance to the research topic.

The word limit is 1500 words (including citations).

The work must be submitted via Turnitin.

**Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - and 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 (incl. weekends) after the original deadline.**

### Major Essay

Due: **Friday 7 June (5pm)** Weighting: **55%**

This task requires students to use a relevant theoretical approach to resolve a human rights issue.

The research paper requires the student to conduct independent research.

The word limit is 3500 words (excluding footnotes and bibliography).

The work must be submitted via Turnitin.

**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 (incl. weekends) after the original submission deadline.**

## Delivery and Resources

### Coronavirus (COVID-19) Update

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

**Technology** The unit will use iLearn and ECHO lectures. Students will be required to use a computer to interact with online research databases and web-based research tools.

**Classes** Each lecture is delivered online in two parts (A and B) (approximately 100 minutes per week), except where otherwise indicated. External students must attend both dates of the On Campus Session (OCS). **OCS is scheduled on Thursday 16 and Friday 17 April 2020.** Exemption will only be granted in exceptional circumstances and subject to the provision of appropriate documentation and work in lieu. Failure to submit work in lieu will lead to a mark of zero for class participation. Please consult the MQ timetables website for details of the time and venue.

**Learning and Teaching Strategy** The unit is taught by online lectures, which provide an introduction to the theoretical readings. During the On Campus Session students will use the theoretical readings to evaluate the reasoning in selected legal cases, and participate in a range of interactive tasks including reflective tasks, group discussion and debate. The questions for

each week's course content will be available on iLearn.

**Readings** A list of required readings is available through the link to Leganto (Unit Readings) via iLearn. Where students are required to only read extracts from the readings, the relevant pages or sections are indicated in Leganto.

## Unit Schedule

### Coronavirus (COVID-19) Update

The unit schedule/topics and any references to on-campus delivery below may no longer be relevant due to COVID-19. Please consult [iLearn](#) for latest details, and check here for updated delivery information: [https://ask.mq.edu.au/account/pub/display/unit\\_status](https://ask.mq.edu.au/account/pub/display/unit_status)

Week	Week Starts	Lecture	Tutorial	Readings and Assignments
1	24 February	Basic Concepts		Please see the link to Leganto (Unit Readings) on iLearn
2	2 March	Rights Protection		
3	9 March	Free Speech Theory		
4	16 March	Free Speech Issues		
5	23 March	Non-Discrimination		Annotated Bibliography due Friday 27 March (5pm)
6	30 March	Affirmative Action		
7	6 April	Privacy and Paternalism		
<b>Mid-semester Recess</b>		<b>On Campus Session Thursday 16 and Friday 17 April 9-4pm</b>		
8	27 April	State and Religion Relations		
9	4 May	Faith, Culture and Gender		
10	11 May	Anti-Terrorism Law		
11	18 May	Human Rights and Criminal Law		
12	25 May	Socio-Economic Rights		
13	1 June	No Lecture		Major Essay due Friday 5 June (5pm)

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#) (<https://staff.m>

[mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central](http://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.*)

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](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)

- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## 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)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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.