



# LAWS260

## Human Rights, Policy and the Law

S1 Day 2019

*Macquarie Law School*

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## General Information

### Unit convenor and teaching staff

#### Convenor

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See iLearn for details.

#### Lecturer

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See iLearn for details.

#### Lecturer

Daniel Ghezelbash

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See iLearn for details

### 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 and legal developments in relation to human rights. 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/refugees, sexuality and gender identity (SOGI) rights, and civil liberties. They will be challenged to critically analyse contemporary human rights initiatives and to assess the implications for legal and policy-making forums of differing conceptions of rights, and the different disciplines of law and international relations. These include 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' political and legal 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:

Explain 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 and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

## General Assessment Information

Details of the assessment tasks, due dates and detailed marking rubrics are available on iLearn. All written assessments are to be submitted electronically via Turnitin. Plagiarism detection software is used in this unit and the University's Academic Honesty Policy is strictly applied. All written assignments must be referenced in accordance with the Australian Guide to Legal Citation Volume 4. Please note that footnotes are excluded from the word limits (which will be strictly applied). Material over the word limit will not be read.

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.

No late submissions will be accepted for timed assessments – e.g. quizzes, online tests

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Quiz</a>	5%	No	15 March

Name	Weighting	Hurdle	Due
<u>Quiz</u>	5%	No	5 April
<u>Quiz</u>	5%	No	10 May
<u>Theory essay</u>	30%	No	14 May
<u>Quiz</u>	5%	No	31 May
<u>Research report</u>	40%	No	5 June
<u>Tutorial participation</u>	10%	No	Weeks 1-12

## Quiz

Due: **15 March**

Weighting: **5%**

Students will answer a short multiple choice online quiz.

On successful completion you will be able to:

- Explain 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.

## Quiz

Due: **5 April**

Weighting: **5%**

Students will answer a short multiple choice online quiz.

On successful completion you will be able to:

- Explain 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.

## Quiz

Due: **10 May**

Weighting: **5%**

Students will answer a short multiple choice online quiz.

On successful completion you will be able to:

- Explain 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.

## Theory essay

Due: **14 May**

Weighting: **30%**

Students will identify contemporary theoretical debates concerning human rights and apply these to a contemporary human rights issue.

On successful completion you will be able to:

- Explain 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.

## Quiz

Due: **31 May**

Weighting: **5%**

Students will answer a short multiple choice online quiz.

On successful completion you will be able to:

- Explain 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.

## Research report

Due: **5 June**

Weighting: **40%**

Students will prepare a comprehensive research report on a human rights issue.

On successful completion you will be able to:

- Explain 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 and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

## Tutorial participation

Due: **Weeks 1-12**

Weighting: **10%**

Tutorials in this unit only work 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. The tutorial program is set out on iLearn in a weekly format. You must complete all readings and listen to all lectures. 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.

On successful completion you will be able to:

- Explain 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

This unit requires students to attend or listen online (through Echo360) a weekly one-hour lecture. Students are also expected to attend a one-hour tutorial each week. There is no required textbook. Weekly readings are available through Leganto (link available via the iLearn site).

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

**Before you attend the first lecture on 25 February 2019, you should have logged onto iLearn and viewed the assigned weekly online content of approximately an hour, and read the assigned weekly reading.**

On Campus sessions for external students will be held on 13 and 14 April.

Student workload, in accordance with university guidelines, is 3 hours per credit point per week (over a 15 week term), and can be estimated as follows:

24 hours - attendance of lectures and tutorials

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

66 hours - assessment tasks

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150 hours total

Students will be required to use a computer to interact with online research databases and web-based research tools. This unit's iLearn page will also contain additional lessons with multimedia content to facilitate learning. All students need access to a secure and reliable server for access to iLearn and submission of assessment tasks.

## Unit Schedule

Week	Week Starting	Lecture	Tutorial	Assessment
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1	25/2	Introduction: A post human rights era?	Introduction: A post human rights era?	
2	4/3	The Natural approach to human rights	The Natural approach to human rights	
3	11/3	The Political approach to human rights	The Political approach to human rights	Quiz
4	18/3	Sexuality rights at the UN	Sexuality rights at the UN	
5	25/3	Resistance to sexuality rights	Resistance to sexuality rights	
6	1/4	Marriage equality	Marriage equality	Quiz
7	8/4	What is privacy?	What is privacy?	
8	29/4	Privacy in international human rights law	Privacy in international human rights law	
9	6/5	Privacy in Australian law and policy	Privacy in Australian law and policy	Quiz
10	13/5	Asylum seekers, refugees and human rights	Asylum seekers, refugees and human rights	Short essay due.
11	20/5	Australia's Asylum seeker policy	Australia's Asylum seeker policy	
12	27/5	A breach of international law?	A breach of international law?	Quiz
13	3/6	Reading week	Reading week	Major essay due

## 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](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 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)

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.

## 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 and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

#### Assessment tasks

- Theory essay
- Research report

### 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
- Research report

## 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

- Explain 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 and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

## Assessment tasks

- Theory essay
- Research report
- 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

- Explain 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 and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

## **Assessment tasks**

- Quiz
- Quiz
- Quiz
- Theory essay
- Quiz
- Research report
- 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**

- Explain 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 and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

## **Assessment tasks**

- Theory essay
- Research report

- 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

- Explain 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 and appreciate the role played by these disciplines in influencing legal processes and policy-making forums.

### Assessment task

- Research report

## 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

- Explain 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 report
- 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**

- Explain 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
- Research report
- 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**

- Explain 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 report
- Tutorial participation