

LAWS 7014 HUMAN RIGHTS IN PRACTICE AND THEORY

Credit Points 10

Legacy Code 200953

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Description This subject examines the place of regional human rights systems in the global architecture of human rights. Concepts of universalism, relativism and the 'Asian values' debate are examined. The record of human rights treaty ratification and compliance in Asia and the Pacific is examined within the context of the international treaty system as well as the ASEAN regional human rights regime. The development and implementation of international and domestic human rights protections in criminal law, constitutional law and institutional construction are examined across the region.

School Law

Discipline Business and Commercial Law

Student Contribution Band HECS Band 4 10cp

Check your fees via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Postgraduate Coursework Level 7 subject

Restrictions

Students must be enrolled in 2824 Master of Laws, 2784 or 2810 Master of Laws (International Governance), 8083 Bachelor of Research Studies, 8084 Master of Research - HC or 8085 Master of Research - LC.

Assumed Knowledge

Knowledge such as is gained through completion of a law degree (Bachelor of Laws or Juris Doctor) or equivalent in any jurisdiction.

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Demonstrate mastery of theoretical knowledge of how human rights are protected at the domestic, regional and international levels in the countries of Asia and the Pacific.
2. Demonstrate an advanced and integrated understanding from a range of disciplines to evaluate how different philosophical, religious and cultural traditions in Asia and the Pacific relate to the international law of human rights.
3. Demonstrate mastery of knowledge to critically evaluate and analyse the effectiveness of different mechanisms and institutions for the protection and promotion of human rights in Asia and the Pacific.
4. Integrate theoretical and practical knowledge to develop and present coherent arguments about complex human rights issues.
5. Demonstrate a highly developed ability to communicate analysis effectively in a variety of appropriate scholarly and professional formats.
6. Ethically and accurately reference (using the Australian Guide to Legal Citation) legal information from a range of domestic and international primary and secondary sources.

Subject Content

1. The global architecture of human rights.
2. Universalism, relativism and the "Asian values" debate.
3. Regional human rights systems in the global order.
4. Human rights and international criminal law: the arc of justice from Tokyo to Phnom Penh.
5. Implementation of international human rights at the state level.
6. National Human Rights Institutions - Protectors or Pretenders?
7. Protection of Human Rights in Communist states: China and Vietnam.
8. Human rights under military dictatorships: Myanmar (Southeast Asia) Fiji (the Pacific) North Korea (North Asia).
9. The role of civil society in the promotion and protection of human rights.
10. Australia and New Zealand: Middle Powers and the politics of human rights persuasion.

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

| Type | Length | Percent | Threshold | Individual/ Group Task | Mandatory |
|---------------------|-------------|---------|-----------|---------------------------|-----------|
| Class Presentation | 20 minutes | 20 | N | Individual | |
| Research Assignment | 5,000 words | 80 | N | Individual | |

Prescribed Texts

- Readings and materials will be provided on vUWS.