



## UNSW Course Outline

# JURD7691 International Law of Equality and Discrimination - 2024

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## General Course Information

Course Code : JURD7691

Year : 2024

Term : Term 3

Teaching Period : T3B

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Global and Public Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

Equality and the principle of non-discrimination are central to the enjoyment of human rights and freedoms. This course explores the fundamental principles of the international law of equality and non-discrimination and their place in human rights law. It also examines the application of

these principles to selected contemporary circumstances. The course focuses particularly on sex, disability and race discrimination, looking closely at gross or entrenched violations, comparing the approaches of various domestic nondiscrimination law regimes and analysing the main policy debates. Special attention is given to the role and accountability at law of non-state actors. Several eminent guest speakers will address the class on particular topics.

## **Main Topics**

- Theories of equality
- The principle of equality: conceptual and historical background
- The prohibition on discrimination
- Concepts in anti-discrimination: prohibited grounds and special measures
- The International Bill of Human Rights
- Discrimination on the basis of sex and sexual orientation
- Race, religion, ethnicity and discrimination
- Indigenous peoples and discrimination
- Discrimination on the basis of age.
- New grounds of discrimination: disability and other developments
- International mechanisms for implementation and compliance
- Comparing and contrasting domestic implementation and enforcement of anti-discrimination principles
- Competing claims: business perspectives on anti-discrimination in employment
- Advocacy for equality, including litigation.

## **Course Aims**

### **Relationship to Other Courses**

While prior study of international law or international human rights law is not required, those who have not studied one or both of these areas may need to undertake some additional reading. However, the classes will endeavour to introduce or review basic concepts of international law and human rights law that are especially relevant to this course.

## Course Learning Outcomes

Course Learning Outcomes
CLO1 : Engage in complex critical discussions regarding analysis of international human rights law in practice from a range of perspectives. (PLOs 1, 6 & 9)
CLO2 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner. (PLOs 6, 9 & 10)
CLO3 : Demonstrate advanced written communication skill and an ability to incorporate a range of legal and interdisciplinary research sources by successfully completing a short answer question. (PLOs 1, 5, 6 & 12)
CLO4 : Demonstrate an ability to utilise research principles and methods in the context of international law of equality and discrimination. (PLOs 6 & 9)
CLO5 : Engage in advanced critical analysis of key implementation problems in international human rights law by successfully completing a research essay (PLOs 1, 5, 6, 9 & 12)

Course Learning Outcomes	Assessment Item
CLO1 : Engage in complex critical discussions regarding analysis of international human rights law in practice from a range of perspectives. (PLOs 1, 6 & 9)	• Class Participation
CLO2 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner. (PLOs 6, 9 & 10)	• Class Participation
CLO3 : Demonstrate advanced written communication skill and an ability to incorporate a range of legal and interdisciplinary research sources by successfully completing a short answer question. (PLOs 1, 5, 6 & 12)	• Short Answer Questions
CLO4 : Demonstrate an ability to utilise research principles and methods in the context of international law of equality and discrimination. (PLOs 6 & 9)	• Research Essay (6000 words)
CLO5 : Engage in advanced critical analysis of key implementation problems in international human rights law by successfully completing a research essay (PLOs 1, 5, 6, 9 & 12)	• Research Essay (6000 words)

## Learning and Teaching Technologies

Moodle - Learning Management System

## Learning and Teaching in this course

My expectation is that everyone will make a genuine effort to read the required reading assignments for each class (or at least most of them) and be prepared to participate in class discussions – by volunteering comments or answers to questions, being prepared to respond to

questions asked of the class as a whole or of individuals, in group work or short informal presentations. Many of the United Nations documents we will be reading are available in the various UN languages.

Many of the subjects we will be discussing are contentious and often form the subject of fierce debate and disagreement. It is important in a university context that everyone be able to express their honest and considered views, provided they do so respectfully and do their best to explain the basis for their views. Equally we must all be prepared to listen to the views of other members of the class even where we fundamentally disagree with them (we can of course explain why we disagree). It is important that we challenge ourselves intellectually by engaging with positions different from ours and exploring the strengths and weaknesses of different positions.

The use of particular language is also an area where there are opportunities to learn through discussing why particular terms are used or are no longer used to describe particular groups or people or practices. Language usage can change rapidly and vary within and between jurisdictions that speak the same language; moving from language to language can be challenging. We can help each other to explore these linguistic dynamics by thinking about and explaining our choice of words where appropriate and trying to understand the role that words can play in ensuring or limiting the enjoyment of human rights on the basis of equality and with others and without discrimination.

Some of the issues we will consider in the course may also speak directly to members of the class who have themselves experienced (or be experiencing) discrimination or distress or who have family or friends who have been subjected to discrimination or other human rights violations. If you are concerned about particular issues, please feel free to speak with me.

## **Additional Course Information**

### **Course convener**

The course convener is Emeritus Professor Andrew Byrnes, who can be reached on [andrew.byrnes@unsw.edu.au](mailto:andrew.byrnes@unsw.edu.au).

He is Emeritus Professor of International Law and Human Rights at the University of New South Wales and is an associate investigator of the Ageing Futures Institute at UNSW and a research associate of the Australian Human Rights Institute at UNSW where he is Director of the project on *The human rights of older persons in international and national law*.

His work includes [publications](#) on women's human rights, gender and human rights, disability and human rights, older persons' human rights under international law, national human rights institutions, economic and social rights, peoples' tribunals and international law, and the incorporation of human rights in domestic law. He is a Fellow of the Academy of Social Sciences in Australia and of the Australian Academy of Law. He has served as President of the Australian and New Zealand Society of International Law and as a Vice-President of the Asian Society of International Law, as well as external legal adviser to the Australian Parliament's Joint Committee on Human Rights (2012-2014). He serves on the Board of the Seniors Rights Service (NSW) and on the Human Rights Committee of the Law Council of Australia, and has served on the Asian Development Bank's External Forum on Gender and Development, the Board of the Diplomacy Training Program and the Advisory Committee of the International Women's Rights Action Watch Asia Pacific.

He was involved in the drafting of the CEDAW Optional Protocol and the Conventions the Rights of Persons with Disabilities, and has acted as pro bono adviser to the Asia Pacific Forum of NHRIs in the context of the UNGA Open-ended Working Group on Ageing. He has also acted as a consultant to the UN on human rights, most recently as a consultant in the preparation of OHCHR studies in 2021 and 2022 on older persons and the international human rights framework and in a UNESCAP project on the harmonization of national laws with the Convention on the Rights of Persons with Disabilities in the Asia and Pacific region.

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Short Answer Questions	20%	
Class Participation	20%	
Research Essay (6000 words)	60%	

### Assessment Details

#### Short Answer Questions

##### Assessment Overview

Not specified

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

## Course Learning Outcomes

- CLO3 : Demonstrate advanced written communication skill and an ability to incorporate a range of legal and interdisciplinary research sources by successfully completing a short answer question. (PLOs 1, 5, 6 & 12)

## Detailed Assessment Description

### 2. Short-answer questions (two) (20%)

You are required to submit two short answer assignments to questions that will be provided to you no later than the first day of the course (14 October 2024). These will be accompanied by a marking rubric. Each answer should be no longer than 750 words (including everything).

The first response will be due on 23 October 2024. The second short answer will be due on 7 November 2024. Assignments should be submitted via Moodle.

You may NOT make any use of generative AI or similar technology in the preparation of these short answers – they must be entirely your own work.

I will try to provide feedback by the end of the course for the first short-answer assignment, and by mid-November for the second short-answer assignment.

## Generative AI Permission Level

### Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

## Class Participation

### Assessment Overview

Not specified

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CLO1 : Engage in complex critical discussions regarding analysis of international human rights law in practice from a range of perspectives. (PLOs 1, 6 & 9)
- CLO2 : Demonstrate effective oral communication skills by discussing and debating course concepts in an scholarly, reflective and respectful manner. (PLOs 6, 9 & 10)

### Detailed Assessment Description

Assessing your class participation is intended to encourage you to engage actively in the classes and to contribute your ideas and experiences to our discussions.

Your class participation mark will be calculated with regard to the following criteria:

- your attendance at classes
- your willingness to participate in class discussion, including your contribution on the topic of your short reflective paper
- whether you demonstrate knowledge of and engagement with the prescribed readings
- whether your contributions to class are clear, precise and thoughtful
- whether you express your own views on issues being discussed
- whether you engage in active listening to others' views
- whether you adopt an appropriate and respectful tone and conduct

I will provide you with the opportunity to provide your own assessment of your class participation towards the end of the course and I will take this into account when finalising your mark.

### Generative AI Permission Level

**Not Applicable**

Generative AI is not considered to be of assistance to you in completing this assessment. If you do use generative AI in completing this assessment, you should attribute its use.

For more information on Generative AI and permitted use please see [here](#).

## **Research Essay (6000 words)**

### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CLO4 : Demonstrate an ability to utilise research principles and methods in the context of international law of equality and discrimination. (PLOs 6 & 9)
- CLO5 : Engage in advanced critical analysis of key implementation problems in international human rights law by successfully completing a research essay (PLOs 1, 5, 6, 9 & 12)

## Detailed Assessment Description

### 3. Research essay (4,500 words)

*Submission of essay plan: 8 November 2024*

*Final submission of essay: 2 December 2024 at 1600*

You must submit a research essay of no more than 4,500 (NOT 6,000 words). The word count will not include a list of sources or footnotes that comprise just references. **Your essay is due by 2 December 2024 at 1600 and should be submitted via Moodle.** Detailed instructions on presentation, marking criteria and related matters will be provided when I issue a list of possible topics (by 21 October). In every case, I will ask you to submit an essay plan to me (more details below).

You may also choose your own topic or modify one of the suggested topics. However, you must discuss this with me and get my formal approval in order to choose this option. If you wish to choose your own topic, please let me know as early as you can, so that I can provide you with some initial feedback on whether the topic you propose is suitable and suggestions for research sources.

**Thus, everyone will need to seek my approval of your essay proposal (including when you choose one of the suggested topics or areas). You should submit your essay proposal to me 8 November 2024 (or earlier if you wish).** However, I would encourage you to start discussions about a topic with me during or immediately after the course. Please feel free to contact me before the course if you would like to discuss a possible essay topic. I will provide some suggestions for topics on Moodle, but these are just suggestions and you are free to choose any topic that falls within the broad field of international law of equality and (non-discrimination).

Your essay proposal/plan should be no more than 3-5 pages long (approx. 1200 words) and should contain:

1. a brief description or abstract of the topic that you propose to address in your essay. ideally setting out the specific questions that you wish to explore or the particular argument that you want to make or test;
2. an overview of the structure of the essay (it may be useful to indicate how many words you anticipate assigning to each section of the essay); and
3. a list of the sources you have consulted as well as other sources that you will consider and completing your research for the paper.



You may use generative AI in your research for this plan and in preparing your initial draft essay plan. If you do this, you must indicate this in a footnote. You should also take care to check whatever AI produces and you should supplement it with your own independent research in library databases and other primary and secondary sources.

**You may not use generative AI in writing up your essay.**

### **Generative AI Permission Level**

#### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

## **General Assessment Information**

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

### **Grading Basis**

Standard

### **Requirements to pass course**

In order to pass the course you must attain a mark of 50/100. You must make a good faith effort to undertake each form of assessment, but you are not required to pass all items of assessment in order to pass the course.

# Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 14 October - 20 October	Seminar	
Week 2 : 21 October - 27 October	Seminar	
Week 3 : 28 October - 3 November	Seminar	
Week 4 : 4 November - 10 November	Seminar	

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

## General Schedule Information

### Class venue and schedule

All our classes are scheduled to be held in Tyree Energy Technology G15 (K-H6-G15).

We will meet from 9 am - 5 pm on:

- Monday, 14 October 2024
- Monday, 21 October 2024
- Monday, 28 October 2024
- Monday, 4 November 2024

For the breakdown of topics and reading see the Course reading guides on the Moodle website.

## Course Resources

### Prescribed Resources

There are no prescribed books or other materials. All required and optional reading is available on the Internet, through the UNSW Library website or in documents posted to the course Moodle website. Links will be included in the list of required and recommended reading for each day and session (this will be published shortly on Moodle). If links are missing or do not work, a

Google search should pull up the documents.

Recommendations of other sources that may assist you in your preparation for class and in assignments is provided in the Course document that will be posted to Moodle shortly.

## Course Evaluation and Development

The usual evaluation will be undertaken and student feedback will be taken into account in the next offering of this course. The course this term has been substantially revised since it was last offered in 2023.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Theunis Roux					Yes	No
Lecturer	Andrew Byrnes					Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

### UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class

Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

## Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

## Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written

assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.