



## Summer Course “The European System of Human Rights Protection”

3 - 14 July 2023

### Curriculum

<http://www.rewi.europa-uni.de/hrcourse>

Expert / Institution	Topic	Form of Teaching	Content	Main Literature
<b>Prof Dr Hans-Joachim Heintze</b> Ruhr University of Bochum Germany	<b>Overview of human rights regimes and institutions</b>	Lecture: 2 h Seminar: 2 h	<ul style="list-style-type: none"> <li>• Historical background                             <ul style="list-style-type: none"> <li>○ Human Rights as an issue of international law; After WW I and after WW II</li> </ul> </li> <li>• Emergence and evolution                             <ul style="list-style-type: none"> <li>○ UN: UN Charter; UDHR; Genocide Convention; CCPR and CESCR</li> <li>○ OSCE</li> </ul> </li> <li>• Council of Europe: ECHR</li> <li>• Treaty-Based systems                             <ul style="list-style-type: none"> <li>○ ECtHR; Inter-American Court of Human Rights; African Court of Human Rights</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Albi, Ironies in Human Rights Protection in the EU, ELJ 2009, pp. 46-69</li> <li>- Damrosch, Gross and Systematic Human Rights Violations, in R. Wolfrum (ed.), The Max Planck Encyclopedia of Public International Law, 2011</li> <li>- Krause/Scheinin, International Protection of Human Rights, 2009</li> <li>- Scheinin, International Mechanisms and Procedures for Monitoring, 2013</li> </ul>
<b>Doc JUDr PhDr Veronika Bilkova</b> Charles University Prague Czechia	<b>Right to life</b> Art. 2 ECHR	Lecture: 2 h Seminar: 2 h	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Positive obligation to protect life</li> <li>• Prohibition of intentional killing</li> <li>• Obligation to investigate suspicious deaths</li> <li>• Prohibition of death penalty</li> </ul>	<ul style="list-style-type: none"> <li>- Korff, The right to life. A guide to the implementation of Article 2 of the European Convention on Human Rights Strasbourg, Council of Europe, 2006</li> <li>- Wicks, The Right to Life and Conflicting Interests, Oxford 2010</li> </ul>
<b>Jasmine Sommerdahl</b>	<b>Prohibition of torture</b> Art. 3 ECHR	Lecture: 2 h Seminar: 2 h	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Scope of protection and interferences                             <ul style="list-style-type: none"> <li>○ Torture; inhuman treatment; degrading treatment or punishment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Deutsch, Soering Case, in R. Wolfrum (ed.), The Max Planck Encyclopedia of Public International Law, 2007</li> <li>- Kretzmer, Prohibition of Torture, in R. Wolfrum (ed.), The Max Planck Encyclopedia of Public International Law, 2010</li> </ul>

<p>European University Institute Fiesole Italy</p>			<ul style="list-style-type: none"> <li>• No justification of an interference</li> <li>• Positive obligations</li> <li>• Cases of ill-treatment                             <ul style="list-style-type: none"> <li>○ Police operations; treatment of detainees; expulsion and extradition; Ill-treatment by private persons</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Lerner, The UN Convention on Torture, IsrYBHR 1986, pp. 126-142</li> <li>- McGlynn, Rape, Torture and the European Convention on Human Rights, ICCQ 2009, pp. 565 ff.</li> </ul>
<p><b>Prof Natalia Szablewska</b> The Open University Milton Keynes United Kingdom</p>	<p><b>Prohibition of slavery</b> Art. 4 ECHR</p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Prohibition of slavery and servitude</li> <li>• Prohibition on forced or compulsory labour                             <ul style="list-style-type: none"> <li>○ The term “forced or compulsory labour”; exceptions to art. 4ECHR; work during detention; Military service; Services in case of emergency; Normal civil obligations</li> </ul> </li> <li>• Prohibition on trafficking on human beings</li> <li>• Positive obligations</li> </ul>	<ul style="list-style-type: none"> <li>- Allain, Rantzev v. Cyprus and Russia: The European Court of Human Rights and Trafficking as Slavery, HRLR 2010, pp. 546 ff.</li> <li>- Council of Europe, Guide on Article 4 of the Convention – Prohibition of slavery and forced labour, 2014</li> <li>- Cullen, Siliadin v. France: Positive obligations under Article 4 of the European Convention on Human Rights, HRLR 2006, pp. 585 ff.</li> <li>- Thienel, The Burden and Standard of Proof in the European Court of Human Rights, GYIL 2007, pp. 543 ff.</li> </ul>
<p><b>Andreas Sauer Moser</b> Ludwig Boltzman Institute of Human Rights Vienna Austria</p>	<p><b>Right to liberty and security</b> Art. 5 ECHR</p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Protection against arbitrary detention; provision of procedural guarantees</li> <li>• Scope of application                             <ul style="list-style-type: none"> <li>○ Liberty; security; lawfulness; permissible grounds; detention on remand; detention of a foreigner</li> </ul> </li> <li>• Proportionality</li> <li>• Procedural guarantees</li> </ul>	<ul style="list-style-type: none"> <li>- Council of Europe, Guide on Article 5 of the Convention – Right to Liberty and Security, 2014</li> <li>- Greer/Williams, Human Rights in the Council of Europe and the EU, EJI 2009, pp. 462-481</li> <li>- Harris/O'Boyle/Warbrick, Law of the European Convention on Human Rights, 3<sup>rd</sup> edn., 2014</li> <li>- Thienel, Momentous Judgements against Germany in the European Court of Human Rights: Zaunegger v. Germany, GYIL 2009, pp. 647-656</li> </ul>
<p><b>Prof Dr Paul Mevis</b> Erasmus University Rotterdam Netherlands</p>	<p><b>Right to fair trial</b> Art. 6 ECHR</p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Scope of protection                             <ul style="list-style-type: none"> <li>○ Determination of “Civil Rights”; Determination of a “Criminal Charge”</li> </ul> </li> <li>• Guarantees of Article 6 in detail                             <ul style="list-style-type: none"> <li>○ “Tribunals”; Access to an independent tribunal; Fair hearing; Length of proceedings; Public hearing; Special procedural</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Council of Europe: Guide on article 6 of the European Convention on Human Rights (criminal limb), 2014</li> <li>- Grabenwarter, European Convention on Human Rights – Commentary, 2014</li> <li>- Oetheimer/ Palomares, European Court of Human Rights (ECtHR), in R. Wolfrum (ed.), The Max Planck Encyclopedia of Public International Law, 2013</li> <li>- Trechsel, Human Rights in Criminal Proceedings, 2005</li> </ul>

			<p>guarantees in criminal proceedings; Presumption of innocence</p>	
<p><b>Em Prof Gerard C. Rowe</b> European University Viadrina Frankfurt (Oder) Germany</p>	<p><b>Prohibition of discrimination</b> Art. 14 ECHR</p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Scope of protection</li> <li>• Determination of a discrimination                             <ul style="list-style-type: none"> <li>○ Unequal treatment of persons; Grounds of discrimination</li> </ul> </li> <li>• Justification                             <ul style="list-style-type: none"> <li>○ Legitimate aim; the principle of proportionality; Grounds of discrimination</li> </ul> </li> <li>• Positive obligations</li> </ul>	<ul style="list-style-type: none"> <li>- Council of Europe: European Court of Human Rights, Handbook on European non-discrimination law, 2011</li> <li>- Packer/ Myntti, The Protection of Ethnic and Linguistic Minorities in Europe, 1993</li> <li>- Tobler, Equality and Non-Discrimination under the ECHR and EU Law - A Comparison Focusing on Discrimination against LGBTI Persons, ZaöRV 2014, pp. 521-561</li> <li>- Wintemute, Within the Ambit: How Big is the „Gap“ in Article 14 European Convention on Human Rights?, EHRLR 2004, pp. 366 ff.</li> </ul>
<p><b>Dr Pawel Kwiatkowski</b> UAM Poznan Poland</p>	<p><b>Freedom of religion</b> Art. 9 ECHR</p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Scope of protection                             <ul style="list-style-type: none"> <li>○ Personal scope; Material scope; Freedom of religion and belief</li> </ul> </li> <li>• Interferences</li> <li>• Justification                             <ul style="list-style-type: none"> <li>○ Prescribed by law; Legitimate aim; Necessary in a democratic society</li> </ul> </li> <li>• Positive obligations</li> </ul>	<ul style="list-style-type: none"> <li>- Jacobs/White/Ovey, The European Convention on Human Rights, 6<sup>th</sup> edn., 2014</li> <li>- Mowbray, Cases, Materials, and Commentary on the European Convention on Human Rights, 3<sup>rd</sup> edn., 2012</li> <li>- Taylor, Freedom of Religion – UN and European Human Rights Law in practice, 2005</li> <li>- Uitz, Freedom of Religion in European constitutional and international case law, 2007</li> </ul>
<p><b>Dr Dimitrios Kagiarios</b> Durham University United Kingdom</p>	<p><b>Freedom of expression</b> Art. 10 ECHR</p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Scope of Protection                             <ul style="list-style-type: none"> <li>○ Freedom of: expression; information; the press; academic work</li> </ul> </li> <li>• Interferences</li> <li>• Justification                             <ul style="list-style-type: none"> <li>○ Prescribed by law; legitimate aim; necessary in democratic society; restriction on political activity of aliens</li> </ul> </li> <li>• Positive obligations</li> </ul>	<ul style="list-style-type: none"> <li>- Ash, Defying the Assassin’s Veto, New York Review of Books, 2015</li> <li>- Cram, Coercing Communities or Promoting Civilised Discourse? Funeral Protests and Comparative Speech Jurisprudence, Human Rights Law Review Vol. 12, 2012, pp. 455-478</li> <li>- Jacobs/White/Ovey The European Convention on Human Rights, 6<sup>th</sup> edn., 2014,</li> <li>- Keane, Cartoon Violence and Freedom of Expression, Human Rights Quarterly Vol. 30 No. 4, 2008, pp. 845-873</li> </ul>

<p><b>Prof Dr Jernej Letnar Čerňič</b> New University Ljubljana Slovenia</p>	<p><b>Freedom of assembly and association</b> Art. 11 ECHR</p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Scope of protection                             <ul style="list-style-type: none"> <li>○ Freedom of assembly; Freedom of association</li> </ul> </li> <li>• Interferences</li> <li>• Justification                             <ul style="list-style-type: none"> <li>○ General requirements; Limitation clause for state employees; Restrictions on political activity of aliens</li> </ul> </li> <li>• Positive obligations</li> </ul>	<ul style="list-style-type: none"> <li>- Grabenwarter, European Convention on Human Rights – Commentary, 2014</li> <li>- Harris/O'Boyle/Warbrick, Law of the European Convention on Human Rights, 3<sup>rd</sup> edn., 2014</li> <li>- Kovacs, the Right to Strike in the European Social Charter, Comparative Labor Law &amp; Policy Journal Vol. 26, 2006, pp. 445 ff.</li> <li>- Weiß, Freedom of Assembly – International Protection, in R. Wolfrum (ed.), The Max Planck Encyclopedia of Public International Law, 2013</li> </ul>
<p><b>Dr Anikó Szalai</b> University of Szeged Hungary</p>	<p><b>Right to private and family life</b> Art. 8 ECHR</p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Scope of protection:                             <ul style="list-style-type: none"> <li>○ Private life</li> <li>○ Family life</li> <li>○ Home</li> </ul> </li> <li>• Interference</li> <li>• Justification</li> </ul>	<ul style="list-style-type: none"> <li>- Kilkelly, A guide to the implementation of Article 8 of the European Convention on Human Rights, Council of Europe, 2013</li> <li>- Council of Europe, Protecting the right to respect for private and family life under the European Convention on Human Rights, 2013</li> </ul>
<p><b>Dr Ulrike Brandl</b> University of Salzburg Austria</p>	<p><b>Migration and refugees</b></p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Political, sociological and demographic background of migration</li> <li>• Regulatory sources</li> <li>• Exegesis                             <ul style="list-style-type: none"> <li>○ Public International Law obligations; Universal Human Rights Instruments; ECHR; European Union Law; Migrant Workers</li> </ul> </li> <li>• Enforcement, case law                             <ul style="list-style-type: none"> <li>○ Human Rights Committee; ECtHR; CJEU</li> </ul> </li> <li>• Exegesis                             <ul style="list-style-type: none"> <li>○ Convention on Refugees; Non-refoulement; Other Forms of status; Other rights guaranteed in the Convention; Asylum; Procedures</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Azoulay/ de Vries, EU Migration Law, 2014</li> <li>- Cholewinski, Migrant Workers in International Human Rights Law, 1997</li> <li>- Goodwin-Gill, The Refugee in International Law, 2<sup>nd</sup> edn., 1996</li> <li>- Hyndman, Refugees under International Law with a Reference to the Concept of Asylum, ALJ 1986, pp. 148-155</li> </ul>
<p><b>Prof Pablo Pareja Alcaraz</b></p>	<p><b>UPR of the UN Human Rights</b></p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Preliminary remarks</li> <li>• UN Human Rights Council</li> <li>• Advisory Committee</li> </ul>	<ul style="list-style-type: none"> <li>- Blackburn/ Polakiewicz, Fundamental Rights in Europe, 2001</li> <li>- Harris/O'Boyle/Warbrick, Law of the European Convention on Human Rights, 3<sup>rd</sup> edn., 2014</li> </ul>

<p>University Pompeu Fabra Barcelona Spain</p>	<p><b>Council and Europe</b></p>		<ul style="list-style-type: none"> <li>• Universal Periodic Review (UPR) <ul style="list-style-type: none"> <li>○ Mechanism; Rationale, Objectives and Modalities; Process and steps; Actors involved</li> </ul> </li> <li>• Final Remarks <ul style="list-style-type: none"> <li>○ Role of Europe within the UN Human Rights Council; Europe's participation in the UPR Mechanism; Implications of the UN HRC and the UPR Mechanism for Europe as a global actor</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Rathgeber, Reviewing the UN Human Rights Council. Perspectives from Civil Society, International Policy Analysis, 2010</li> <li>- Van Rijn/ Van Dijk/ Van Hoof/ Zwaak, Theory and Practice of the European Convention on Human Rights, 4<sup>th</sup> edn., 2006</li> </ul>
<p><b>Anne Fock</b> European University Viadrina Frankfurt (Oder) Germany</p>	<p><b>Human Rights Protection in armed conflicts</b></p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• Definition and fields of application of IHL and HRL</li> <li>• Relationship between IHL and HRL</li> <li>• Classification of Human Rights</li> <li>• Systems of protecting human rights <ul style="list-style-type: none"> <li>○ Convention for the wounded in armies in field; Hague Convention X; Convention for the treatment for prisoners of war; Additional Protocols</li> </ul> </li> <li>• Regional Frameworks of Human Rights Protection</li> <li>• Possibility of Derogation</li> </ul>	<ul style="list-style-type: none"> <li>- Abbott, A Brief Overview of Legal Interoperability Challenges for NATO Arising from the Interrelationship between IHL and IHRL in Light of the European Convention on Human Rights, IRRIC Vol. 96, 2015, pp. 107 ff.</li> <li>- Clapham, Protection of Civilians under International Human Rights Law, in: Willmot, Mamiya, Sheeran and Weller, Protection of Civilians, 2016, pp. 141 ff.</li> <li>- Doswald-Beck, Human Rights in Times of Conflict and Terrorism, 2011</li> </ul>
<p><b>Prof Dr Carmen Thiele</b> European University Viadrina Frankfurt (Oder) Germany</p>	<p><b>Self-determination and minorities</b></p>	<p>Lecture: 2 h</p>	<ul style="list-style-type: none"> <li>• Right to self-determination <ul style="list-style-type: none"> <li>○ Content; Subjects</li> </ul> </li> <li>• Enforcement</li> <li>• Critical assessment and expectations for future development</li> <li>• Minority protection <ul style="list-style-type: none"> <li>○ Definition; Types of minorities; Rights as citizens or human rights</li> </ul> </li> <li>• Enforcement <ul style="list-style-type: none"> <li>○ Treaty-based and non-treaty-based monitoring mechanisms</li> </ul> </li> <li>• Critical assessment and expectations for future development</li> </ul>	<ul style="list-style-type: none"> <li>- Cassese, Self-Determination of Peoples, Vol. 12, 2008</li> <li>- Council of Europe, Mechanisms for the Implementation of Minority Rights, 2004</li> <li>- Moltchanova, National Self-Determination and Justice in Multinational State, 2009</li> <li>- Pentassuglia, Minority Groups and Judicial Discourse in International Law, 2009</li> </ul>

<p><b>Dr Marton Sulyok</b> University of Szeged Hungary</p>	<p><b>Individual complaint procedure</b></p>	<p>Lecture: 2 h Seminar: 2 h</p>	<ul style="list-style-type: none"> <li>• International/Regional - PHR                             <ul style="list-style-type: none"> <li>○ Local: Principle of national protection; Global protections; Right of individual complaint</li> </ul> </li> <li>• How to apply</li> <li>• Admissibility Criteria                             <ul style="list-style-type: none"> <li>○ Exhaustion of domestic remedies; Violation of a conventional right; Victim status</li> </ul> </li> <li>• Victim status                             <ul style="list-style-type: none"> <li>○ Being personally effected; Groups or organizations; Third parties</li> </ul> </li> <li>• New criteria</li> </ul>	<ul style="list-style-type: none"> <li>- Bjørge, Domestic Application of the ECHR: Courts as Faithful Trustees, 2015</li> <li>- Grabenwarter, European Convention on Human Rights – Commentary, 2014</li> <li>- Leach, Taking a Case to the European Court of Human Rights, 3<sup>rd</sup> edn., 2011</li> <li>- Trindade, The Access of Individuals to International Justice, 2011</li> </ul>
<p><b>Linda Aguilar Linus Stampehl</b> European University Viadrina Frankfurt (Oder) Germany</p>	<p><b>Moot Court ECtHR</b></p>	<p>18 h</p>	<p>Simulation of a court hearing before the European Court of Human Rights</p> <p><b>Assessment:</b></p> <ul style="list-style-type: none"> <li>• Preparation of a written individual application, memorial of the state or judgment of the court</li> <li>• Presentations in the oral hearing</li> </ul>	<p>Individual complaint procedure: <a href="http://www.echr.coe.int/Pages/home.aspx?p=applicants&amp;c=#n1365511805813_pointer">http://www.echr.coe.int/Pages/home.aspx?p=applicants&amp;c=#n1365511805813_pointer</a></p>

**Language: English**  
**Assessment: written and oral**

**Total hours: 80**  
**ECTS-Points: 10**