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

**9 - 20 July 2018**

#### Curriculum

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

<table>
<thead>
<tr>
<th>Expert / Institution</th>
<th>Topic</th>
<th>Form of Teaching</th>
<th>Content</th>
<th>Main Literature</th>
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</thead>
</table>
| **Prof. Dr. Hans-Joachim Heintze**  
Ruhr University of Bochum  
Germany | Overview of human rights regimes and institutions | Lecture: 2 h  
Seminar: 2 h | • Historical background  
o Human Rights as an issue of international law; After WW I and After WW II  
• Emergence and evolution  
o UN: UN Charter; UDHR; Genocide Convention; CCPR and CESCR  
o OSCE  
• Council of Europe: ECHR  
• Treaty-Based systems  
o ECTHR; Inter-American Court of Human Rights; African Court of Human Rights | - Albi, Ironies in Human Rights Protection in the EU, ELJ 2009, pp. 46-69  

| **Prof. Ryszard Piotrowicz**  
Aberystwyth University  
United Kingdom | Prohibition of torture  
Art. 3 ECHR | Lecture: 2 h  
Seminar: 2 h | • Introduction  
• Scope of protection and interferences  
o Torture; inhuman treatment; degrading treatment or punishment  
• No justification of an interference  
• Positive obligations  
• Cases of ill-treatment  
o Police operations; treatment of detainees; expulsion and extradition; Ill-treatment by private persons | - Deutsch, Soering Case, in R. Wolfrum (ed.), The Max Planck Encyclopedia of Public International Law, 2007  
- Kretzmer, Prohibition of Torture, in R. Wolfrum (ed.), The Max Planck Encyclopedia of Public International Law, 2010  
<table>
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<tr>
<th>European University Viadrina Frankfurt (Oder), Germany</th>
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| **Dr. Richard Burchill**  
University of Hull  
United Kingdom |
| **Prohibition of slavery and forced labour**  
Art. 4 ECHR |
| Lecture: 2 h  
Seminar: 2 h |
| • Introduction  
• Prohibition of slavery and servitude  
• Prohibition on forced or compulsory labour  
  o The term “forced or compulsory labour”; exceptions to art. 4ECHR; work during detention; Military service; Services in case of emergency; Normal civil obligations  
• Prohibition on trafficking on human beings  
• Positive obligations |
- Council of Europe, Guide on Article 4 of the Convention – Prohibition of slavery and forced labour, 2014  
| **Moritz Birk**  
LL.M.  
Ludwig Boltzman Institute of Human Rights  
Vienna  
Austria |
| **Right to liberty and security**  
Art. 5 ECHR |
| Lecture: 2 h  
Seminar: 2 h |
| • Introduction  
• Protection against arbitrary detention; provision of procedural guarantees  
• Scope of application  
  o Liberty; security; lawfulness; permissible grounds; detention on remand; detention of a foreigner  
• Proportionality  
• Procedural guarantees |
- Greer/Williams, Human Rights in the Council of Europe and the EU, EJL 2009, pp. 462-481  
- Thienel, Momentous Judgements against Germany in the European Court of Human Rights: Zaunegger v. Germany, GYIL 2009, pp. 647-656 |
| **Prof. Paul Mevis**  
Erasmus University Rotterdam  
The Netherlands |
| **Right to fair trial**  
Art. 6 ECHR |
| Lecture: 2 h  
Seminar: 2 h |
| • Introduction  
• Scope of protection  
  o Determination of “Civil Rights”; Determination of a “Criminal Charge”  
• Guarantees of Article 6 in detail  
  o “Tribunals”; Access to an independent tribunal; Fair hearing; Length of proceedings; Public hearing; Special procedural guarantees in criminal proceedings; Presumption of innocence |
| - Council of Europe: Guide on article 6 of the European Convention on Human Rights (criminal limb), 2014  
- Oetheimer/ Palomares, European Court of Human Rights (ECtHR), in R. Wolfrum (ed.), The Max Planck Encyclopedia of Public International Law, 2013  
- Trechsel, Human Rights in Criminal Proceedings, 2005 |
<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
<th>Lecture Time</th>
<th>Seminar Time</th>
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<tr>
<td>EUR-40110</td>
<td>Prohibition of discrimination Art. 14 ECHR</td>
<td>2 h</td>
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<td>EUR-40111</td>
<td>Freedom of religion Art. 9 ECHR</td>
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<td>EUR-40112</td>
<td>Freedom of expression Art. 10 ECHR</td>
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### Introduction
- Introduction
- Scope of protection
  - Determination of a discrimination
    - Unequal treatment of persons;
    - Grounds of discrimination
- Justification
  - Legitimate aim; the principle of proportionality; Grounds of discrimination
- Positive obligations

### Prohibition of discrimination Art. 14 ECHR
- Council of Europe: European Court of Human Rights, Handbook on European non-discrimination law, 2011
- Packer/Myntti, The Protection of Ethnic and Linguistic Minorities in Europe, 1993
- Tobler, Equality and Non-Discrimination under the ECHR and EU Law - A Comparison Focusing on Discrimination against LGBTI Persons, ZaöRV 2014, pp. 521-561

### Freedom of religion Art. 9 ECHR
- Uitz, Freedom of Religion in European constitutional and international case law, 2007

### Freedom of expression Art. 10 ECHR
- Jacobs/White/Ovey The European Convention on Human Rights, 6th edn., 2014,
<table>
<thead>
<tr>
<th>Faculty Member</th>
<th>Course Title</th>
<th>Lectures:</th>
<th>Seminars:</th>
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<tbody>
<tr>
<td>Prof. Dr. Jernej Letnar Černič</td>
<td>Freedom of assembly and association</td>
<td>2 h</td>
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<td>University of Ljubljana, Slovenia</td>
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<td>Freedom of assembly; Freedom of association</td>
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<td>General requirements; Limitation clause for state employees; Restrictions on political activity of aliens</td>
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<td>Prof. Dr. Manfred Mohr</td>
<td>Human rights and the protection of environment during armed conflicts</td>
<td>2 h</td>
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<td>IALANA, Germany</td>
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<td>Environmental protection in times of war</td>
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<td>Cases: Agent Orange; Salto di Quirra; Iraq and Syria</td>
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<td>Applicable law – 3 pillars</td>
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<td>Human Rights in armed conflict</td>
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<td>Advantages of HRL; Victim perspective; Concept of humanitarian disarmament; Right to a healthy environment; Management of hazardous</td>
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<td>Dr. Ulrike Brandl</td>
<td>Migration and refugees</td>
<td>2 h</td>
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<td>University of Salzburg, Austria</td>
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<td>Political, sociological and demographic background of migration</td>
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<td>Regulatory sources</td>
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<td>Public International Law obligations; Universal Human Rights Instruments; ECHR; European Union Law; Migrant Workers</td>
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<td>Human Rights Committee; ECtHR; CJEU</td>
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<td>Convention on Refugees; Non-refoulement; Other Forms of status; Other rights guaranteed in the Convention; Asylum; Procedures</td>
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- Azoulaï/ de Vries, EU Migration Law, 2014
- Cholewinski, Migrant Workers in International Human Rights Law, 1997
- Hyndman, Refugees under International Law with a Reference to the Concept of Asylum, ALJ 1986, pp. 148-155

- Atapattu, Emerging Principles of International Environmental Law, 2006
- Brunnee/ Ping, With Consent: Lawmaking under Multilateral Environmental Agreements, LJI 2002, pp. 1-52
- Carr, Multinational treaties and the environment: a case study in the formation of customary international law, DJILP 1999, pp. 313-335
- Kellay, Pollution Politics: Power, Accountability and Toxic Remnants of War, 2014
- Weir, A healthy environment must be a human right – especially in armed conflict, 2016
<table>
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<tr>
<th>Substances</th>
<th>Implementation schemes</th>
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<td>Advocacy, campaigning, networking</td>
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**Prof. Dr. Silvio Devetak**<br>University of Maribor Slovenia

**Cultural rights and equality principle**<br>Lecture: 2 h Seminar: 2 h

- Achievements after the Dissolution of cold war division of Europe
  - Improvement of the rights of ethnic minorities; The European law on elimination of discrimination; Prohibition of discrimination
- Under the surface of European harmony exist dangerous reefs
  - Raising trends of xenophobia, discrimination and violence in Europe; Five outstanding social problems within the EU
- Urgent need for re-considering the implementation of the EU basic principle of Unity in diversity

- Baker, Capitalism’s Achilles Heel: Dirty Money and How to Renew the Free-Market System, 2005

**Prof. Pablo Pareja Alcaraz**<br>University Pompeu Fabra Barcelona Spain

**UPR of the UN Human Rights Council and Europe**<br>Lecture: 2 h Seminar: 2 h

- Preliminary remarks
- UN Human Rights Council
- Advisory Committee
- Universal Periodic Review (UPR)
  - Mechanism; Rationale, Objectives and Modalities; Process and steps; Actors involved
- Final Remarks
  - 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

- Blackburn/ Polakiewicz, Fundamental Rights in Europe, 2001
- Rathgeber, Reviewing the UN Human Rights Council. Perspectives from Civil Society, International Policy Analysis, 2010
| **Katja Schöberl LL.M.** | Relationship between human rights protection and international humanitarian law | Lecture: 2 h Seminar: 2 h | • Definition and fields of application of IHL and HRL  
• Relationship between IHL and HRL  
• Classification of Human Rights  
• Systems of protecting human rights  
  - Convention for the wounded in armies in field; Hague Convention X; Convention for the treatment for prisoners of war; Additional Protocols  
• Regional Frameworks of Human Rights Protection  
• Possibility of Derogation |
| **Dr. Agata Hauser** | Economic, social and cultural rights | Lecture: 2 h Seminar: 2 h | • Protection of economic, social and cultural rights  
  - Introduction; classification; Principle of progressive realisation; examination; Right to Work; Right to social security; Right to health; Right to education  
• Protection of these rights by different systems  
  - ICESCR; ECHR; OSCE; AU; NGOs  
• Institutions for monitoring  
• Monitoring mechanisms – ECHR; ECJ |
| **Prof. Dr. Carmen Thiele** | Self-determination and minorities | Lecture: 2 h | • Right to self-determination  
  - Content; Subjects  
• Enforcement  
• Critical assessment and expectations for future development  
• Minority protection  
  - Definition; Types of minorities; Rights as citizens or human rights  
• Enforcement  
  - Treaty-based and non-treaty-based monitoring mechanisms  
• Critical assessment and expectations for future development |

- Doswald-Beck, Human Rights in Times of Conflict and Terrorism, 2011  
- Council of Europe, Mechanisms for the Implementation of Minority Rights, 2004  
- Moltchanova, National Self-Determination and Justice in Multinational State, 2009  
- Pentassuglia, Minority Groups and Judicial Discourse in International Law, 2009
| Dr. Marton Sulyok | Individual application to the European Court of Human Rights (ECtHR) | Lecture: 2 h Seminar: 2 h | • International/Regional - PHR  
  o Local: Principle of national protection; Global protections; Right of individual complaint  
  • How to apply  
  • Admissibility Criteria  
  o Exhaustion of domestic remedies; Violation of a conventional right; Victim status  
  • Victim status  
  o Being personally affected; Groups or organizations; Third parties  
  • New criteria | - Bjørge, Domestic Application of the ECHR: Courts as Faithful Trustees, 2015  
- Leach, Taking a Case to the European Court of Human Rights, 3rd edn., 2011  
- Trindade, The Access of Individuals to International Justice, 2011 |
| Linda Aguilar LL.M.; Shimels Belete LL.M. | Moot Court ECtHR | 16 h | Simulation of a court hearing before the European Court of Human Rights  
**Assessment:**  
• Preparation of a written individual application, memorial of the state or judgment of the court  
• Presentations in the oral hearing | Individual complaint procedure:  
http://www.echr.coe.int/Pages/home.aspx?p=applicants&c=#n1365511805813_pointer |

**Language:** English  
**Assessment:** written and oral  
**Total hours:** 80  
**ECTS-Points:** 10