



<b>Course title</b>	Fundamental Rights
<b>Course Code</b>	LAW410.2
<b>Category</b> (core/elective)	Elective
<b>Level</b>	LLM
<b>Duration</b> (semesters)	1
<b>Semester when taught</b> (autumn/spring)	
<b>ECTS</b>	6
<b>Prerequisites</b>	
<b>Responsible</b>	Dr Ioannis Karkalis, Supreme Court Justice, Director, Academy of Transparency & Human Rights
<b>Course objectives</b>	
<p>The European Convention on Human Rights has generated what may fairly be described as the most successful system of Fundamental Rights protection in International Law. Key to this success has been the standing enjoyed by each and every individual within the 47 Member States of the Council of Europe to claim that their Convention rights have been violated. Following the coming into force of Protocol 11 ECHR (on 1 November 1998), more than 800 million people have acquired direct access to the European Court of Human Rights. Through this process, individual instances of human rights violations have been redressed and, at the same time, human rights standards have been developed by the Court. The Convention has come to constitute a source of legitimacy both for domestic legal systems and European Union Law. The course aims to introduce participants to the European Convention on Human Rights, with specific reference to the operation and the case-law of the European Court of Human Rights. A practical perspective will be maintained to make sure that the reality of human rights protection in Europe is properly deciphered. To that effect, the Convention will be placed within its historical, political and legal context; the structure and procedures of the Court will also be given weight. The main part of the course will elaborate upon the meaning of various Convention rights, such as the prohibition of torture, right to privacy, freedom of expression, freedom from discrimination, and many others, under the light of the relevant case-law. Finally, the future of the Convention will be discussed in terms of current debates and future prospects; particular emphasis will be placed on the relationship of the Convention with domestic legal systems and European Union law.</p>	
<b>Course Description</b>	

The course will begin with an overview of the European Convention on Human Rights and an outline of its history and scope, as well as of its institutional framework. The European Court of Human Rights will be presented and its proceedings will be explained and analyzed. Attention will then be drawn to the Convention rights; the case-law of the Court will be touched upon by way of presenting the various principles that have been developed therein for interpreting the Convention. In addition to this approach, a discussion will be held on the interrelation of the case-law of the Court with the EU legal order. Further to this analytical presentation, the practical side of the development of legal arguments based on the precedents of the Court will be taught systematically from both the sides of the parties that defend a case before it and the judges that decide a case in deliberation. Finally, before the completion of the course, it will be ensured that the abovementioned sound theoretical knowledge and the obtained practical skills will harmonically and effectively collaborate in defending and/or deciding a case within the framework of numerous human rights' scenarios in simulated court procedures.

## **Course Outline**

1. The European Convention on Human Rights
  - 1.1 Historical background and institutional context
  - 1.2 Methodology of interpretation
2. Convention rights
  - 2.1 The right to life
  - 2.2 Prohibition of torture, slavery and forced labour
3. Convention rights
  - 3.1 The right to liberty and security
  - 3.2 The right to respect for private and family life
4. Convention rights
  - 4.1 Freedom of thought, conscience and religion
  - 4.2 Freedom of expression
5. Convention rights
  - 5.1 The right to marry
  - 5.2 The right to education
6. Convention rights
  - 6.1 Freedom from discrimination
  - 6.2 Protection of property
7. Convention rights
  - 7.1 Freedom of assembly and association
  - 7.2 Right to free elections
8. Convention rights
  - 8.1 Right to a fair trial
  - 8.2 Right to an effective remedy
9. Convention rights
  - 9.1 The obligation to respect human rights
  - 9.2 Derogations in time of emergency
10. The ECHR and the EU legal order
  - 10.1 The Charter of Fundamental Rights of the EU
  - 10.2 Interrelation and interaction
11. Written and oral advocacy & ethical duties before the Court
  - 11.1 Composition of legal arguments
  - 11.2 Writing techniques – Rhetorical styles - Codes of conduct
12. Decision making
  - 12.1 Public hearing and deliberation
  - 12.2 Drafting patterns and techniques - linguistic style - terminology

13. Simulated court proceedings

13.1 Workshops

13.2 Moot courts

**Educational Outcomes**

By the end of the course, participants will be well acquainted with the nature and functioning of the European Convention on Human Rights and its relationship with the EU legal order. They will also have a good grasp of how a case is brought before the European Court of Human Rights and what prospects of success a particular claim might have. Upon completion of the course, the dynamic nature of the legal reasoning which exists in the case-law of the Court becomes clear. An informed opinion will also have been developed as to the past, present and future impact of the European Convention and the European Court on domestic actors and the European Union. The course is intended to prepare skilled practitioners with sound theoretical knowledge at the field of human rights' defence and is highly recommended as a complement course to the students who focus at the area of applied judicial protection in modern Europe.

**Basic Textbook(s)**

- White, R & Ovey, C, *The European Convention on Human Rights*, (Oxford: OUP, 2010)
- Leach, P, *Taking a Case to the European Court of Human Rights* (Oxford: OUP, 2011)
- Mowbray, A, *Cases, Materials, and Commentary on the European Convention on Human Rights* (Oxford: OUP, 2012)
- Harris, D, O' Boyle, M, Bates, E and Buckley, C, *Law of the European Convention on Human Rights*, (Oxford: OUP, 2009)
- Janis, M, Kay, R, Bradley, A, *European Human Rights Law: Text and Materials*, (Oxford: OUP, 2008)

**Basic Bibliography**

- Bates, E, *The Evolution of the European Convention on Human Rights: From Its Inception to the Creation of a Permanent Court of Human Rights*, (Oxford: OUP, 2010)
- Reid, K, *A Practitioner's Guide to the European Convention on Human Rights* (London: Sweet & Maxwell, 2012)
- Xenos, D, *The Positive Obligations of the State under the European Convention of Human Rights* (London: Routledge, 2012)
- Van Dijk, P, Van Hoof, F, Van Rijn, A and Zwaak, L (eds.), *Theory and Practice of the European Convention on Human Rights* (Cambridge: Intersentia, 2006)
- Føllesdal, A, Peters, B, Ulfstein, G (eds.), *Constituting Europe, The European Court of Human Rights in a National, European and Global Context* (Cambridge: Cambridge University Press, 2013)

<b>Additional Bibliography</b>	<ul style="list-style-type: none"> <li>– Letsas, G, <i>A Theory of Interpretation of the European Convention on Human Rights</i> (Oxford: OUP, 2009)</li> <li>– Christoffersen, J and Mikael Rask Madsen, M (eds.), <i>The European Court of Human Rights between Law and Politics</i>, (Oxford: OUP, 2013)</li> <li>– Gragl, P, <i>The Accession of the European Union to the European Convention on Human Rights</i> (Oxford: Hart Publishing, 2013)</li> <li>– Flogaitis, S, Zwart, T, Fraser, J, (eds.), <i>The European Court Of Human Rights And Its Discontents: Turning Criticism into Strength</i> (Cheltenham: Edward Elgar Publishing, 2013)</li> </ul>
<b>Teaching Methodology</b>	Lectures: 13 lectures x 2 hours = 26 hours Tutorials: 7 tutorials x 2 hours = 14 hours Total: = 40 hours
<b>Evaluation</b>	Final Exam = % Course Participation = % Paper(s) = % Total = %
<b>Language</b>	English
<b>Location</b>	Legraina, Sounion & Achaiou Str., Athens