

# INTRODUCTION TO THE EUROPEAN CONVENTIONS ON HUMAN RIGHTS – COURSE SYLLABUS

## COURSE OUTLINE

This course aims to give students a comprehensive introduction to European human rights law. I also expect you to gain critical and comparative insights in the various human rights mechanisms in the region.

We will concentrate on the European Convention on Human Rights (ECHR) system, and specifically the text of the Convention, its Additional Protocols and the jurisprudence of the European Court of Human Rights. We will examine the institutional framework and undertake examination of substantive rights contained in the treaty.

## COURSE REQUIREMENTS

Students are expected to attend all classes and read assigned weekly reading. The assigned course book is *Alastair Mowbray, Cases and Materials on the European Convention on Human Rights, 2 ed., 2007*. In addition, there will be case assignments for each class. These are available through the Council of Europe portal <http://www.echr.coe.int/echr/>. You will get more specific instructions during the introduction class.

## ASSESSMENT

The grade in this class will be determined by an 8-hour open book “take-home” essay examination. The examination will cover all assigned readings, with a substantial emphasis on the material specifically discussed in class. The final examination is scheduled for **December 7, 2009**.

## HOURS

Monday 3.35 – 5.30, Room 475  
Office hours by appointment

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## CLASS 1 INTRODUCTION

### Historical Background, Origins and Structure of the Convention System

Required reading pp. 1-10  
Matthews v. UK (App no 24883/94) 18 Feb 1999

The case is meant to illustrate the differences between the Council of Europe and the EU (former EC treaty as mentioned the case) as a starting point for this course. You are not supposed to go into details.

## **CLASS 2 EUROPEAN COURT ON HUMAN RIGHTS**

### **Composition, Structure and Functions, Impact on Member States, Convention as Constitutional text**

Required reading pp. 11 – 75

## **CLASS 3 SUBSTANSIVE RIGHTS: NON-DEROGABLE RIGHTS**

### **Art. 2 The Right to Life**

Required reading 77 – 143  
McCann v UK

### **Art. 3 Prohibition of Torture**

Required reading pp. 145 – 227  
Ireland v. UK A 25 (1978)  
Yankov v Bulgaria

## **CLASS 4 SUBSTANSIVE RIGHTS: DEROGABLE RIGHTS**

### **Art. 5 Right to Liberty and Security of Person**

Required reading pp. 241 – 340,

### **Protocol 4 Art. 2 Freedom of Movement**

Required reading pp. 989 – 995  
Paragraph 13 Swedish Police Act (will be distributed)

Is the Swedish paragraph compatible with the convention?

## **CLASS 5 SUBSTANSIVE RIGHTS: DEROGABLE RIGHTS**

### **Art. 6 Due Process, Right to a Fair Trial, Civil Rights and Obligations**

Required reading pp. 341 – 467  
Golder v. UK

What is **not** a civil right or obligation?

## **CLASS 6 SUBSTANSIVE RIGHTS: DEROGABLE RIGHTS**

### **Art. 8 – 11 General**

#### **Accordance with the Law**

Silver and others v. UK

Sunday Times v. UK

Hartman and Hewitt v. UK

#### **Necessary in a Democratic Society: Margin of Appreciation**

Handyside v. UK

Required reading pp. 585 – 594, 616 – 622, 687 – 722, 771 – 778 and mentioned cases

Identify differences and similarities between the articles

## **CLASS 7 SUBSTANSIVE RIGHTS: DEROGABLE RIGHTS**

### **Art. 8 Privacy, Family, Home and Correspondence**

Required reading pp. 485 – 593

Niemetz v. Germany

Why is the Court reluctant to provide a comprehensive definition of the concept of Privacy?

### **Art. 9 Freedom of Thought, Conscience and Religion**

Required reading pp. 595 – 616

Kokkinakis v. Greece

What is **not** included in article 9?

## **CLASS 8 SUBSTANSIVE RIGHTS: DEROGABLE RIGHTS**

### **Art. 10 Freedom of Expression**

Required reading pp. 624 – 687

Handyside v. UK

### **Art. 11 Freedom of Assembly and Association**

Required reading 723 – 778  
Ezelin v. France  
United Communist Party of Turkey v. Turkey  
National Union of the Belgium Police Force v. Belgium

## **CLASS 9 GENERAL PROVISIONS AFFECTING CONVENTION RIGHTS**

### **Art. 13 Right to an Effective Remedy Before a National Authority**

Required reading pp. 789 – 806  
Silver v UK  
Segerstedt-Wiberg v. Sweden  
Leander v. Sweden

### **Art. 14 Prohibition of Discrimination**

Required reading pp. 807 - 833  
Van Dijk and van Hof v. Netherlands

## **CLASS 10 THE CONVENTION AND THE EU**

## **CLASS 11 POSITIVE OBLIGATIONS**

Required reading pp. 112 – 123  
Osman v. UK  
Hannover v. Germany

## **CLASS 12 SANCTION AND SUPERVISION OF THE COURTS JUDGMENTS**

### **Art. 41 Just satisfaction**

Required reading pp. 867 – 888