

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

EUROPEAN SYSTEM OF HUMAN RIGHTS

Specialty "Jurisprudence"

40.04.01, Master Degree

"International Protection of Human Rights"

Goals and objectives of course

The main goal of the discipline is to give the students sight of historical and political context, stages and background of appearance and evolution of European system of human rights protection. Another objective is to examine the mechanisms of human rights protection existing in the Council of Europe, to analyze the activity of Commissioner for Human Rights and European Court of Human Rights (ECtHR), focusing on the organization of activity and competence of the latter to consider individual claims. To get acquainted with the conditions and procedure of application to the ECtHR, procedure of claims consideration and execution of ECtHR decisions on substance of the case, amendments made by Protocols 14-16 to the Convention on Human Rights of 1950 and the trends of further reformation of ECtHR. To analyze the agreements of Council of Europe aimed at protection of separate groups of people and(or) concrete human rights, above all, European Social Charter of 1996, Convention on Prevention of Torture, Inhuman or Dishonorable Treatment or Punishment of 1987, Framework Convention on Protection of National Minorities of 1995.

The goal is to make the students get acquainted with the history of formation and evolution of concept of human rights respect in the European Union (EU). To analyze the EU Charter on Main Human Rights of 2000, including in comparison with the Convention of Human Rights of 1950, provisions of EU Agreement in version of Lisbon Treaty (Art. 6), activity of EU Agency on the

main rights. To analyze the cooperation of Council of Europe and the EU in the sphere of human rights.

Position of course in curriculum

The course is delivered as subject to be selected in 3rd semester. The volume of the course is 3 ESTC credits.

№	Competences	Previous disciplines	Subsequent disciplines
Professional competences			
1	the ability to competently apply legal acts in specific areas of legal activities, to implement the norms of substantive and procedural law in professional activities (PC-2)	International Law and Development Protection of Human Rights in the UN System The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law
2	able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3)	International Law and Development Protection of Human Rights in the UN System The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law
3	able to draw up an expert opinion reflecting the progress and results of the study on the issues raised	International Law and Development Protection of Human Rights	African System of Human Rights Indigenous Peoples and Minorities Rights Protection

	by the initiator of the expert task (PC-4)	in the UN System The Right to Health in International Law International Labour Rights in the Global Economy	International Humanitarian Law
4	able to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5)	International Law and Development Protection of Human Rights in the UN System The Right to Health in International Law International Labour Rights in the Global Economy	African System of Human Rights Indigenous Peoples and Minorities Rights Protection International Humanitarian Law

Requirements for the results of the course

The graduate should have the following professional competences (PC):

he ability to competently apply legal acts in specific areas of legal activities, to implement the norms of substantive and procedural law in professional activities (PC-2);

able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3);

able to draw up an expert opinion reflecting the progress and results of the study on the issues raised by the initiator of the expert task (PC-4);

able to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5).

As a result, student must:

Know:

- history of establishment and development of European system of human rights protection;
- history of establishment and development of EU system of human rights protection, key provisions related to human rights implemented into the law of EU by Lisbon Treaty, key human

rights guarantees of the EU Charter on main rights, and additional mechanisms of human rights protection in the EU;

- main agreements on human rights existing in the Council of Europe and EU;
- the procedure of taking a case to the ECtHR.

Be able to:

- be able to apply the definitions and categories correctly in accordance with their legal meaning;
- be well acquainted with the system of bodies and institutes on human rights existing in the Council of Europe and the EU, competence, powers and functions executed by each of them and legal cooperation order between the corresponding structures;
- analyze resolutions and recommendations, judicial decisions and reports of the competent authorities of the Council of Europe and the EU related to human rights;
- give reasonable ideas on the urgent problems of human rights protection in Europe;
- determine, analyze and discuss current problems of cooperation between the member states of the Council of Europe and the EU in the sphere of human rights protection;
- analyze the level of compliance by the Russian Federation with its obligations under international agreements aimed at protection of human rights (Council of Europe);
- individually monitor, analyze and discuss national and foreign literature related to cooperation between the member states of the Council of Europe and the EU in the sphere of human rights;
- individually use special search systems (for example, there is a system of the ECtHR «HUDOC»), and other information electronic recourses on human rights (for example http://fra.europa.eu/fraWebsite/home/home_en.htm, http://www.coe.int/T/R/Human_Rights_Court)

Be skilled in:

- work with international agreements and documents, decisions and reports, analytical research of judicial, quasi-judicial and other special bodies of the Council of Europe and the EU;
- conduct of analytical research on theoretical and practical issues related to the protection of human rights in Europe;
- analytical and comparative analysis of urgent problems of protection of rights of certain groups of people (women, children, disable people and etc.) in the Council of Europe and the EU.

The volume of course and types of activities

Type	Total hours	Module	
			5
Total classes workload	18		18
Lectures			
Classes	18		18
Independent work	90		90
Volume, hours	108		108
Volume, credits	3		3

Contents of course

Section I. RESPECT FOR HUMAN RIGHTS AS THE CHARTER AIM OF THE COUNCIL OF EUROPE

The Council of Europe as a forum for intergovernmental cooperation. The purpose and objectives of the Council of Europe, as well as the statutory means to achieve them. Competence of the Council of Europe. Respect for human rights - values, principles and priorities of the Council of Europe. The control mechanisms of the Council of Europe on the promotion and protection of human rights in the Council of Europe member states.

Section II. EUROPEAN COURT OF HUMAN RIGHTS: ORGANIZATION AND COMPETENCE

The Convention on the Protection of Human Rights and Fundamental Freedoms 1950: structure and content. The principle of "margin of appreciation of the state" and the restriction of the rights and freedoms allowed by the Convention on the Protection of Human Rights and Fundamental Freedoms 1950. The competence of the European Court of Human Rights and the domestic law of States Parties to the Convention (the principle of subsidiarity, the principle of non-abstract control, the principle of proportionality). History of establishment and the main stages of reforming the European Court of Human Rights. Protocols 14-16 to the Convention on the Protection of Human Rights and Fundamental Freedoms 1950: key stories and their implementation. The structure and the formation of the European Court of Human Rights. Subject matter jurisdiction of the European Court of Human Rights: consideration of complaints, the interpretation of the Convention on Human Rights 1950 and the Protocols thereto, the preparation of advisory opinions. Interlaken, Izmir and the Brighton Declaration on improving the efficiency of the European Court of Human Rights. Prospects for expanding the circle of rights and freedoms guaranteed under the Convention on Human Rights 1950. The subjects of the right to appeal to the European Court of Human Rights: individuals, non-governmental organizations and groups of individuals (individual complaints) and

state (interstate disputes). The status of "victim of a violation of human rights" guaranteed by the Convention on Human Rights 1950 and its Protocols. Indirect and potential victims of human rights violations. The state as a defendant in complaints lodged with the Court, and as a third party in the case. Conditions for admissibility of individual complaints. The procedure for individual complaints. Judicial assistance to applicants: procedures for requesting assistance and the conditions of its provision. Claim for compensation for material losses and moral harm to individuals and non-governmental organizations: the order of presentation of proof and features. Referral to the Grand Chamber of the Court. Consideration of individual complaints by the Grand Chamber of the Court. The procedure for enforcement of judgments. Measures overall and individual character. Fair compensation. Supervision of the execution of judgments and settlement agreements as a function of the Committee of Ministers. Protocol № 15 of the Convention on the Protection of Human Rights and Fundamental Freedoms 1950. Protocol № 16 of the Convention on the Protection of Human Rights and Fundamental Freedoms 1950.

Section III. COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE. COMMISSION AGAINST RACISM AND INTOLERANCE.

The history and purpose of establishing the post of Commissioner for Human Rights. Legal basis and mandate of the Commissioner for Human Rights. Monitoring human rights situation in the Member States of the Council of Europe and its results in recommendations, opinions, case opinions, statements and other documents of the Commissioner for Human Rights. The participation of the Commissioner for Human Rights as a third party in cases before the European Court of Human Rights. Reports of the Commissioner for Human Rights on human rights situation in the Russian Federation.

Legal grounds for the Commission. Goals and objectives of the Commission in the context of a general policy of the Council of Europe on combating racism and intolerance. The order of formation and structure of the Commission. The main activities of the Commission. Review of general policy and thematic recommendations of the Commission.

Section IV. COUNCIL OF EUROPE MECHANISMS OF PROTECTION OF SOCIAL HUMAN RIGHTS

Legal guarantees for the promotion and protection of social rights in the Council of Europe. The history and reasons for adoption of the European Social Charter, 1961. European Social Charter of 1996: the structure and content. The control mechanism of the European Social Charter of 1996: the organization and powers. The procedure for collective complaints to the regulatory authorities of the Charter 1996 and analysis of its effectiveness. The system of reporting by States Parties to the

Charter in 1961 and 1996. "Social legal standards" of the Council of Europe and the national legislation of the States Parties to the Charter. The Russian Federation as a member of the European Social Charter of 1996: a list of selected human rights and freedoms.

Section V. CONVENTION ON PREVENTION OF TORTURE, INHUMAN OR DEGRADING TREATMENT AND PUNISHMENT

The Convention on the Prevention of Torture 1987: the structure and content. Goals, Objectives and Principles of the Committee for the Prevention of Torture (cooperation and confidentiality). The organization and powers of the Committee. The legal position of the European Court of Human Rights, Art. 3 of the Convention on the Protection of Human Rights 1950 (prohibition of torture). The European Prison Rules. Preventive control measures taken by the Committee. Visits to the States Parties to the Convention as a form of cooperation and control of the national implementation of the commitments.

Section VI. MONITORING SYSTEM OF PROTECTION OF RIGHTS OF NATIONAL MINORITIES

The definition of "national minority". The Framework Convention for the Protection of National Minorities 1995: structure and content. The list of guaranteed rights and freedoms. Features a commitment to respect human rights and freedoms of national minorities states - parties to the treaty. Advisory Committee of the Convention 1995: the organization and powers. The mechanism for monitoring States' implementation of commitments under the Convention 1995.

Section VII. PROTECTION OF HUMAN RIGHTS UNDER THE EUROPEAN UNION LAW

The history of the formation and evolution of the concept of promoting and protecting human rights in the EU. Decisions of the Court of Justice, landmark for the formation of the concept of human rights the EU. The EU Charter of Fundamental Rights of the 2000. Treaty on European Union as amended by the Treaty of Lisbon: the main stories in the field of human rights. Mechanisms of protection of human rights in the EU. EU Agency for Fundamental Rights. European Initiative for Democracy and Human Rights. EIDHR Strategy for 2011-2013. The European Data Protection Supervisor. EU accession to the ECHR: the arguments "for" and "cons". Problems of implementation intentions of the EU to accede to the ECHR.

Sections of Course and Education forms

Sections	Lectures	Classes	Independent work	Total hours
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1		4	20	24
2		4	20	24
3		2	10	12
4		2	10	12
5		2	10	12
6		2	10	12
7		2	10	12

Technical equipment

Inter-University Resource Center for Human Rights Master Studies, ECtHR database, Oxford Journals database, desktop computers, laptop PCs, a bookbinding machine, a projector with a screen, a magnetic board, a flip chart, a laminating machine and a multifunction device.

Bibliography

1. William A. Schabas. *The European Convention on Human Rights: A Commentary*. Oxford: Oxford University Press, 2015 (Resource Center on Human Rights, RUDN University).
2. Cohen-Jonathan G. “La protection des droits fondamentaux dans l’Union Européenne et la Convention européenne des droits de l’homme”, in *Les mutations contemporaines du droit public: mélanges en l’honneur de Benoit Jeanneau*. Paris: Dalloz. 2002.
3. European court of human rights. *Opinion of the Court on the Wise Person's Report: (as adopted by the Plenary Court on 2 April 2007) // European Court of Human Rights. – Strasbourg. Council of Europe. 2007.*
4. Fribergh E. *Pilot judgments from the Court’s perspective. Towards stronger implementation of the European Convention on Human Rights at national level*. Directorate General of Human Rights. Council of Europe, 2008. - P. 86.
5. Furrerans P. *La contribution du Conseil de l’Europe à la construction européenne in Société française pour le droit international. Les organisations internationales contemporaines: crise, mutation, développement // Colloque de Strasbourg, 21-23 mai 1987. Paris. 1988.*

6. Imbert, Pierre-Henri, De l'adhésion de l'Union Européenne à la CEDIH. Symposium des Juges au Château de Bourglinster, le 16.09.2002 // *Droits fondamentaux*. - №2. - janvier-décembre. – 2002. - p.3-8.
7. Jacobs, G. Human rights in the European Union // *E.L. Rev.* – 2001. - Aug. 26. - P. 331-341.
8. Le Bot, Olivier, Charte de l'Union Européenne et Convention de sauvegarde des droits de l'homme: la coexistence des deux catalogues de droits fondamentaux, *in* *Revue trimestrielle des droits de l'homme*. - № 55/2003. - p.791-799.
9. Lenaerts Koen The Court of Justice of the European Communities and the European Court of Human Rights: an old couple in a new setting / by Koen Lenaerts. – *In*: *La Cour de justice des Communautés européennes: 1952-2002: bilan et perspectives: actes de la conférence organisée dans le cadre du cinquantième anniversaire de la Cour de justice // Amicale des référendaires et anciens référendaires de la Cour de justice et du Tribunal de première instance des Communautés européennes*. - Bruxelles: Bruylant. - 2004. – p. 89-104.
10. Krüger H.C. and Polakiewicz J. Propositions pour la création d'un système cohérent de protection de l'homme en Europe // *Revue Universelle des Droits de l'homme*. – Vol. 13. – Nos. 1-4. – 2001. – p. 1-9.
11. Scheer Hester The interaction between the ECHR and EC law: a case study in the field of EC competition law // Hester Scheer. – *In*: *Zeitschrift für europarechtliche Studien (ZEuS)*, Jahrg. 7. – H. 4 (2004). – p. 663-691.
12. Le Bot, O. Charte de l'Union Européenne et Convention de sauvegarde des droits de l'homme: la coexistence des deux catalogues de droits fondamentaux // *Revue trimestrielle des droits de l'homme*. – 2003 - № 55 - P.791.
13. Lambert-Abdelgawad E. «Le protocole 14 et l'exécution des arrêts de la Cour européenne des droits de l'homme» *in* G. Cohen-Jonathan, J.F. Flauss «La Réforme du système de contrôle contentieux de la Convention européenne de droits de l'homme». *Droit et Justice*, Vol.61. Bruxelles: Bruylant, 2005. - P. 102.
14. Lenaerts Koen The Court of Justice of the European Communities and the European Court of Human Rights: an old couple in a new setting / by Koen Lenaerts. – *In*: *La Cour de justice des Communautés européennes: 1952-2002: bilan et perspectives: actes de la conférence organisée dans le cadre du cinquantième anniversaire de la Cour de justice // Amicale des référendaires et anciens référendaires de la Cour de justice et du Tribunal de*

- première instance des Communautés européennes. - Bruxelles: Bruylant. - 2004. – p. 89-104.
15. Renucci, J.-F. Droit européen des droits de l'homme / J.-F. Renucci/ - 2me éd. – Paris : LGDJ, 1999.
 16. Shelton, D. The Boundaries of Human Rights Jurisdiction in Europe // Duke Journal of International and Comparative Law. - 2003. - Vol. 13, № 4. - P. 96.
 17. Scheer Hester The interaction between the ECHR and EC law: a case study in the field of EC competition law // Hester Scheer. – In: Zeitschrift für europarechtliche Studien (ZEuS), Jahrg. 7. – H. 4 (2004). – p. 663-691.
 18. Sudre, F. La Communauté européenne et les droits fondamentaux après le Traité d'Amsterdam: Vers un nouveau système européen de protection des droits de l'homme? // La Semaine Juridique. – 1998. – Jan. 7. N.Y., 1996.

Guidelines on the organization of the course:

Lectures. Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia and audiovisual and presentation. Classes. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of lecture material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical report on them. Methodological model of the learning process. In framework of classes the following techniques and methods: survey, discussion, interactive. Independent work. In a broad sense, the independent work of master should be understood as the set of all self-employment in the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source. Forms of control. Under the two forms of control means in the form of certification testing, writing essays.

Evaluation

Materials for assessing the level of the educational materials of the course (evaluation materials), including questions on the topics of the course, concepts, roles and expected result for each task, examples of test tasks, an example of a hypothetical case, topics of reports / abstracts / term papers are developed in full and are available to students on the course page on system.rudn.ru.

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