

EUROPEAN HUMAN RIGHTS LAW

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	European Human Rights Law
Course title:	European Human Rights Law
Članica nosilka/UL Member:	UL PF

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Pravo, prva stopnja, univerzitetni	Ni členitve (študijski program)	4. letnik	1. semester	izbirni

Univerzitetna koda predmeta/University course code:	0070368
Koda učne enote na članici/UL Member course code:	EHRL

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
20	30	0	0	70	60	6

Nosilec predmeta/Lecturer: Samo Bardutzky, Saša Zagorc

Vrsta predmeta/Course type: Posebni program študijskih izmenjav/Special elective course for Erasmus students

Jeziki/Languages:

Predavanja/Lectures:	Angleščina
Vaje/Tutorial:	

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Prerequisites:	Exchange student of the University of Ljubljana
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Vsebina:

Content (Syllabus outline):	<ol style="list-style-type: none">1. Protection of human rights at international level<ol style="list-style-type: none">1.1. The United Nations1.2. The Council of Europe1.3. The European Union2. International documents on protection of human rights<ol style="list-style-type: none">2.1. Universal Declaration of Human Rights2.2. International Covenant on Economic, Social and Cultural Rights2.3. International Covenant on Civil and Political Rights2.4. European Convention for the Protection of Human Rights and Fundamental Freedoms2.5. Charter of Fundamental Rights of the European Union
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	<p>2.6. Inter-American, African and Arab documents on protection of human rights</p> <p>3. Ombudsmen/Commissioners for human rights at national and international level</p> <p>4. European Convention for the Protection of Human Rights and Fundamental Freedoms with protocols (ECHR)</p> <p>4.1. Right to life</p> <p>4.2. Right to liberty and security</p> <p>4.3. Prohibition of torture</p> <p>4.4. Right to respect for private life</p> <p>4.5. Right to a fair trial</p> <p>4.6. Freedom of expression</p> <p>4.7. Right to an effective remedy</p> <p>4.8. Protection of property</p> <p>4.9. Other rights</p> <p>5. The European Court of Human Rights (ECtHR)</p> <p>5.1. Establishment and evolution of the ECtHR</p> <p>5.2. Reforms of the ECtHR</p> <p>5.3. Admissibility and an access to the ECtHR</p> <p>5.4. Procedure before the ECtHR</p> <p>5.5. Implementation of ECtHR judgments in national systems</p> <p>6. Jurisprudence of the ECtHR</p> <p>6.1. Minimal standards of human rights' protection</p> <p>6.2. Subsidiarity principle</p> <p>6.3. Margin of appreciation</p> <p>6.4. Analysis of relevant cases</p> <p>7. Slovenia before the ECtHR</p> <p>7.1. Rehbock, Matko, Šilih cases</p> <p>7.2. Pilot judgements (Lukenda, Kurić and Ališić cases)</p> <p>7.3. Other important cases</p> <p>8. Human rights in the European Union</p> <p>8.1. Charter of Fundamental Rights of the European Union</p> <p>8.2. Human rights in the Treaty of Lisbon</p> <p>8.3. Accession of the European Union to ECHR</p> <p>8.4. ECtHR and Court of Justice of the European Union</p>
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Temeljna literatura in viri/Readings:

Main reading:

D. Harris, M. O'Boyle, E. Bates, C. Buckley. Harris, O'Boyle, and Warbrick. Law of the European Convention on Human Rights, 5. izdaja. Oxford University Press: Oxford 2023.

Recommended reading:

P. Leach. Taking Case to the European Court of Human Rights, 4th edition. Oxford University Press: Oxford 2017.

E. Bates. The Evolution of the European Convention on Human Rights. Oxford University Press: Oxford 2011.

M.-B. Dembour, Who believes in human rights? : reflections on the European Convention. Cambridge University Press: Cambridge 2006.

Cilji in kompetence:**Objectives and competences:**

	The purpose of the course is to provide a student with a profound knowledge in the field of protection of human rights at national and international level (in the framework of the United Nations, the Council of Europe and the European Union). In order to upgrade the theoretical knowledge students develop the ability to resolve concrete practical issues by analyzing relevant treaty provisions and case-law of the European Court of Human Rights and strengthen basic skills for preparing applications to the European Court of Human Rights.
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Predvideni študijski rezultati:**Intended learning outcomes:**

	After finished assignments students will be capable to understand principles and rules of international protection of human rights and will possess fundamental skills necessary for analysis of judgments of the ECtHR.
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Metode poučevanja in učenja:**Learning and teaching methods:**

	<ul style="list-style-type: none"> • Lectures (passing basic theoretical knowledge, analysis of legal acts and selected case-law of the ECtHR and other courts). • Other (preparation of a short case analysis). • Individual studying and preparation for the exam.
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Načini ocenjevanja:**Delež/Weight Assessment:**

pisni izpit		Written examination (70%) Presentation of a judgment, coursework (20%) Participation in class (10%).
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Ocenjevalna lestvica:**Grading system:**

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Reference nosilca/Lecturer's references:

<p>Prof. dr. Saša Zagorc</p> <ol style="list-style-type: none"> 1. GRAD, Franc, KAUČIČ, Igor, ZAGORC, Saša. Ustavno pravo, 2. spremenjena in dopolnjena izd., Pravna fakulteta Univerze v Ljubljani, Ljubljana 2018. 2. ZAGORC, Saša. Odškodninska odgovornost za kršitev človekovih pravic. Pravni letopis, 2013, str. 167-184 3. ZAGORC, Saša. Dvojna predramitev za slovensko oblast: odprava kršitev pravice do sojenja v razumnem roku - kako naprej?. Revus, nov. 2005, št. 5, str. 45-53. 4. ZAGORC, Saša. Pravice begunskih otrok in otrok-prosilcev za mednarodno zaščito : zamegljeni kontekst?. V: ŠELIH, Alenka (ur.), et al. Otrokove pravice v Sloveniji : sedanje stanje in izzivi za prihodnost, (Razprave, 29). Ljubljana: Slovenska akademija znanosti in umetnosti, 2015, str. 176-188. <p>Izr. prof. dr. Samo Bardutzky</p> <ol style="list-style-type: none"> 1. BARDUTZKY, Samo. Monetary compensation for violations of human rights and fundamental freedoms in Slovenia. V: BAGIŃSKA, Ewa. Damages for violations of human rights : a comparative study of domestic legal systems, (Ius Comparatum - Global Studies in Comparative Law, Vol. 9 (2016)). New York: Springer, 2016, str. 329-354.

2. BARDUTZKY, Samo. The Strasbourg Court on the Dayton Constitution : judgement in the case of Sejdić and Finci v. Bosnia and Herzegovina, 22 December 2009. European constitutional law review, 2010, vol. 6, issue 2, str. 309-333.
3. BARDUTZKY, Samo. Odvzem prostosti prosilcem za azil : sodba ESČP v primeru Saadi proti Združenemu kraljestvu. Revus, jun. 2008, št. 7, str. 115-123.