

UČNI NAČRT PREDMETA / COURSE SYLLABUS**Predmet:****Course title:**

European Human Rights Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Prvostopenjski univerzitetni študijski program Pravo			
	Law		

Vrsta predmeta / Course typePosebni program študijskih izmenjav /
Special elective course for Erasmus
students**Univerzitetna koda predmeta / University course code:**

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
20	30			40		6

Nosilec predmeta / Lecturer:

prof. dr. Saša Zagorc, doc. dr. Samo Bardutzky

**Jeziki /
Languages:****Predavanja /
Lectures:** English
Vaje / Tutorial:**Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:****Prerequisites:****Vsebina:****Content (Syllabus outline):**

1. Protection of human rights at international level

1.1. The United Nations

1.2. The Council of Europe

1.3. The European Union

2. International documents on protection of human rights

2.1. Universal Declaration of Human Rights

2.2. International Covenant on Economic, Social and Cultural Rights

2.3. International Covenant on Civil and Political Rights

2.4. European Convention for the Protection of Human Rights and Fundamental Freedoms

2.5. Charter of Fundamental Rights of the European Union

2.6. Inter-American, African and Arab documents on protection of human rights

3. Ombudsmen/Commissioners for human rights at national and international level

4. European Convention for the Protection of Human Rights and Fundamental Freedoms with protocols (ECHR)

4.1. Right to life

4.2. Right to liberty and security

4.3. Prohibition of torture

4.4. Right to respect for private life

4.5. Right to a fair trial

4.6. Freedom of expression

4.7. Right to an effective remedy

4.8. Protection of property

4.9. Other rights

5. The European Court of Human Rights (ECtHR)

5.1. Establishment and evolution of the ECtHR

5.2. Reforms of the ECtHR

5.3. Admissibility and an access to the ECtHR

5.4. Procedure before the ECtHR

5.5. Implementation of ECtHR judgments in national systems

6. Jurisprudence of the ECtHR

	<ul style="list-style-type: none"> 6.1. Minimal standards of human rights' protection 6.2. Subsidiarity principle 6.3. Margin of appreciation 6.4. Analysis of relevant cases 7. Slovenia before the ECtHR <ul style="list-style-type: none"> 7.1. Rehbock, Matko, Šilih cases 7.2. Pilot judgements (Lukenda, Kurić and Ališić cases) 7.3. Other important cases 8. Human rights in the European Union <ul style="list-style-type: none"> 8.1. Charter of Fundamental Rights of the European Union 8.2. Human rights in the Treaty of Lisbon 8.3. Accession of the European Union to ECHR 8.4. ECtHR and Court of Justice of the European Union
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Temeljni literatura in viri / Readings:

D. Harris, M. O'Boyle, E. Bates, C. Buckley. Harris, O'Boyle, and Warbrick Law of the European Convention on Human Rights, 4th edition. Oxford University Press: Oxford 2018.

F. Benoit–Rohmer, H. Klebes, Council of Europe Law. Council of Europe Publishing: Strasbourg 2005.

P. Leach, Taking Case to the European Court of Human Rights, 3rd edition. Oxford University Press: Oxford 2011.

The ECtHR case law (Hudoc, <https://hudoc.echr.coe.int>); HELP Online Courses, Council of Europe, Strasbourg (internet source); Case-law Guides, ECtHR, Strasbourg (internet source).

Cilji in kompetence:

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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 analysing 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.

Predvideni študijski rezultati:

Znanje in razumevanje:

Intended learning outcomes:

Knowledge and understanding:

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.

Metode poučevanja in učenja:**Learning and teaching methods:**

- presentation of basic theoretical knowledge through lectures;
- seminars (analysis and presentations of jurisprudence of the ECtHR concerning cases from students' countries);
- attending public hearings of the ECtHR;
- simulation of decision making in Chambers of the ECtHR.

Delež (v %) /

Načini ocenjevanja:

Weight (in %)

Assessment:

Written examination (70%)
Presentation of a judgment, coursework (20%)
Participation in class (10%).

Reference nosilca / Lecturer's references:

Prof. dr. Saša Zagorc

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.

Doc. dr. Samo Bardutzky

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.