



SYLABUS

Human Rights (Winter 2023)

Lecturer: Tomáš Lalík
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Evaluation: 20% preliminary evaluation (written test, activity on seminars, etc.)
80% final evaluation (written exam)

Literature:

Karen Reid: A Practitioner's Guide to the European Convention on Human Rights, 4th edition, Sweet/Maxwell, 2012.

Jacobs, White and Ovey: The European Convention on Human Rights, 7th edition, Oxford University Press, 2017.

Steven Greer: The European Convention on Human Rights. Achievements, Problems and Prospects, Cambridge University Press, 2008.

1. General introduction into Human Rights (20.9.)

- aim of the subject, its structure, evaluation and organizational matters
- basics

2. Introduction into the European Convention on Human Rights; conventional law and its principles (27.9.)

- creation, history, basic structure and purpose of the ECHR
- evolution of the ECHR and its change
- European Court of Human Rights and its composition
- principles governing the Conventional Law





Seminar:

Paper: M. Villiger: The Dialogue of Judges. In: Christine Hohmann-Dennhardt, Peter Masuch, Mark Villiger (Eds.): Grundrechte und Solidarität. Leinen: 2011, p. 195-209.

Practical examples and case studies

3. Right to life + Prohibition of Torture (4.10.)

- value of human life in democratic society, „absolute necessary“,
- substantial limb (use of force)
- procedural limb (effective investigation)
- elements of article 3, nature of the right, procedural safeguards
- relevant factors taken into consideration
- conditions for detentions, deportations, interrogation, physical integrity

Seminar:

Practical examples and case studies

Gäfgen v. Germany (Decision of the Grand Chamber, App. No. 22978/05, from 01.06. 2010)

4. Right to Liberty and Security (11.10.)

- liberty and security, presumptions and requirements
- substantial limb – legality (grounds art. 5.1. a) – f))
- procedural safeguards of the Article
- promptness, right to bail, challenge of detention, right to compensation etc.

Seminar:

Practical examples and case studies





5. Right to Fair Trial (18.10.)

- its importance and nature, limitations
- independence and impartiality of a tribunal
- trial within a reasonable time
- other requirements of the article
- criminal charge
- presumption of innocence and freedom from self-incrimination
- entrapment and other issues of the Art. 6

Seminar:

Practical examples and case studies

6. Private and family life (25.10.)

- concept of private life and family life (conventional and unconventional)
- evolution from negative to positive right

Seminar:

Practical cases

Schalk and Kopf v. Austria (App. No. 30141/04) from 24.06.2010

7. Freedom of religion (8.11.)

- religious freedom - content of the right
- notion of a neutral state

Seminar:

Lautsi v. Italy (Grand Chamber Judgment, App. No. 30814/06 from 18.03. 2011)

S.A.S. v. France (App. No. 43835/11) Grand Chamber Judgment from 1.7.2016





8. Freedom of expression (15.11.)

- importance, public figures, scope of the protection, hate speech
- value judgment and statement of facts
- duties and responsibilities of the press, limitations of freedom
- conflict between Art. 8 and Art. 10
- defamation

Seminar:

Practical cases

9. Right to assembly and association (22.11.)

- right to protest, peaceful assembly
- associations, trade unions
- democracy and concept of militant democracy

Seminar:

Eva Molnár v. Hungary (App. No. 10346/05) from 07.10.2008

Refah Partisi v. Turkey (App. No. 41340/98) Decision of the Grand Chamber from 13.02.2003

10. Discrimination + Right to Property (29.11.)

- nature and content of Art. 14
- how does the prohibition work in practice
- issues arising out of Art. 14
- meaning and content of property
- three rules governing the Conventional protection of property
- limitation and expropriation





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Seminar:

Béláné Nagy v. Hungary (App. No. 53080/13), Grand Chamber Judgment from 13.12.2016

Practical examples and case studies

11. ECHR and the EU (6.12.)

- protection of human rights in the EU and Charter of Fundamental Rights
- accession of the EU into ECHR
- relationship between CJEU and ECtHR

Discussion: Bosphorus Hava Yollari Turizm ve ticaret anonim sirketi v. Ireland (App. No. 45036/98) from 30.06. 2005

O'Sullivan McCarthy Mussel Development Ltd v. Ireland (App. No. 44460/16) from 07.06. 2018

12. Exam (13.12.)

- written exam

