

**Vår 2016**

## **JUR-3615 European Human Rights - 15 stp**

### **The course is administrated by**

Faculty of Law

### **Type of course**

European Human Rights Law is a course at master degree level. The students on the integrated masterprogramme in law may choose this course as a partial fulfillment of the requirements for the elective part of the programme's fifth year, cf. Programme Specification for the Master's Degree in Jurisprudence at the University of Tromsø (Studieplan for graden Master i rettsvitenskap ved Universitetet i Tromsø), Sec. 4. Following an application, other students may also be admitted to this course, cf. Regulations for the Elective Component in the Master's Degree Programme in Jurisprudence (Reglement for den valgfrie delen av masterstudiet i rettsvitenskap) (Regulation). Students at the Faculty of Law may only commence with the fifth year of the programme after they have passed the third year of the programme, cf. Regulation § 6 No. 3

### **Course contents**

The course offers students an in-depth understanding of the European Convention on Human Rights (Convention), as well as an overview over the European regime for the protection of human rights. The course focuses on the Convention's substantive guarantees and its system of supervision, including Strasbourg case law and its underlying principles.

The course consists of three main components. The first component focuses on general matters such as the genesis and structure of the Convention and its scope (*ratione materiae*, *temporis*, *personae* and *loci*). Furthermore, the procedure for the right of complaint will be addressed. Central issues are the admissibility requirements and the consequences of a finding by the European Court of Human Right (Court) of a violation of the Convention. Attention is also directed to the institutional frames of the Convention supervision mechanism, *inter alia* the organization and procedure of the Court and the role of the Committee of Ministers in executing the Court's judgments.

The second component concentrates on methodological aspects concerning the interpretation of the Convention, *inter alia* the principle of autonomous interpretation, the principle of dynamic interpretation, the margin of appreciation and the fourth instance doctrine.

The third component of the course turns its attention to a selection of the substantive guarantees of the Convention as *inter alia* the right to life, the prohibition of torture, the prohibition of slavery and forced labor, the freedom of expression, the protection of property, and the right to an effective remedy before the national authority to redress convention violations.

## Admission requirements

European Human Rights Law is a course at master degree level. Students should have basic knowledge of international law. For students on the integrated master programme in Tromsø, the course builds upon their knowledge of international law acquired during their first year of study, and their knowledge of internal human rights law acquired during their first and fourth year of study.

## Objective of the course

Knowledge:

Having passed the exam, the student ~~should have~~has:

- Advanced knowledge of the methodology applied and developed by the European Court of Human Rights
- Advanced knowledge of the right to life (Art. 2 and Prot. 6 and 13)
- Advanced knowledge of the prohibition of torture (Art. 3)
- Advanced knowledge of the prohibition of slavery and forced labour (Art. 4)
- Advanced knowledge of the right to respect for private and family life (Art. 8)
- Advanced knowledge of the freedom of thought, conscience and religion (Art. 9)
- Advanced knowledge of the freedom of expression (Art. 10)
- Advanced knowledge of the freedom of assembly and association (Art. 11)
- Advanced knowledge of the protection of property (Prot. 1 Art. 1)
- Advanced knowledge of the prohibition of discrimination (Art. 14 and Prot. 12)
- Advanced knowledge of the opportunity to limit the application of rights and freedoms in the Convention
- ~~Specialized-Good~~ knowledge of the scope of the Convention (Arts. 1 and 56 58)
- ~~Specialized-Good~~ knowledge about the structure of the European Court of Human Rights (Arts. 19 31, 36 52, 54 55, and the Rules of Court)
- ~~Specialized-Good~~ knowledge of the admissibility criteria (Arts. 33 35)
- ~~Specialized-Good~~ knowledge of the right to an effective remedy (Art. 13)
- ~~Specialized-Good~~ knowledge about the possibility to derogate (Art. 15)
- Knowledge of the European regime for the protection of international human rights, including the European Social Charter and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- Knowledge about the prohibition of abuse of rights, limitation on the use of restrictions on rights, and the safeguarding for existing human rights (Arts. 17 18 and 53)
- Knowledge of the right to education (Prot. 1 Art. 2)
- Knowledge of the right to free elections (Prot. 1 Art. 3)
- Knowledge of the freedom of movement (Prot. 4 Art. 2)

- Knowledge of the prohibition of expulsion (Prot. 4 Arts. 3 and 4, and Prot. 7 Art. 1)

#### ~~Skills-and-competences:~~

Having passed the exam, the student ~~will~~:

- ~~is~~Be able to identify and analyze legal problems of both theoretical and practical character regarding human rights in light of the Convention
- ~~is~~Be able to apply the relevant sources and discuss methodological issues in a critical and independent way
- ~~is~~Be able to identify and discuss de lege ferenda some of the more controversial topics within the field of law covered
- ~~has~~Have obtained enhanced skills in constructing and communicating legal reasoning in a clear and precise manner
- ~~is~~Be able to use English terminology applicable to this field of law

#### General competence

After passing the specialization, the student can:

- Use their advanced knowledge to carry out complex tasks and projects.

~~See also Specification for the Masters Degree in Jurisprudence at the University of Tromsø, Sec 1, last paragraph.~~

### **Language of instruction**

All teaching will be held in English and the exam must be written in English.

### **Teaching methods**

The teaching consists of a combination of lectures and seminars, comprising a total of 30 hours. The students are expected to be prepared and active during both lectures and seminars in discussing legal approaches to the issues at hand. Student participation is sought through discussions, voluntary case law presentations and participation in two moot courts at the end of the first and third part of the course. Some of the lectures and seminars may be held by external guest speakers. The classes will be sought spread throughout the semester. Students are expected to study independently in periods without seminars or lectures.

### **Assessment**

The course is assessed through a 6 hours closed book written school exam where the student is nevertheless allowed to bring into the examination room a dictionary, as long as it merely provides translations and no definitions. The exam may include theoretical and/or scenario questions. The grading scale of A to F is applied, where F constitutes fail. Students who fail their examination are entitled to re-sit the examination, cf. Regulations for examinations at the University of Tromsø Sec. 22.

### **Date for examination**

Written 12.05.2016

The date for the exam can be changed. The final date will be announced at your faculty early in May and early in November.

## **Recommended reading/syllabus**

The list of recommended reading material may be found [here](#)