

INFORMATION SHEET OF THE SUBJECT

Code: XNUPb001	Name: Jurisprudence of the European Court of Human Rights	
Cover: Department of Theory of Law and Constitutional Law		
Type of educational activity: Lecture, Practise	Number of credits: 4	Recommended semester: WT
Scope of educational activity (in hours): Weekly: 0/2 For term of study: ZS 48/24		Study grade: Bachelor
Method of educational activity: Combined		
Underlie subjects:		
Conditions for passing the course: Method of evaluation: Completion by taking an examination Continuous evaluation: Final evaluation: Final evaluation: elaboration of a different opinion on the students' chosen court decision and an essay on a selected issue within the ongoing evaluation. The weight of the different opinion and essay will be 1:1. Grades will be averaged, but the student must have at least an E grade from each assignment. The scale is as follows: A = 20 – 15 pts.; B = 14 pts.; C = 13 pts.; D = 12 pts.; E = 11 pts.; FX = 10 - 0 pts. Finished: By exam.		
Learning outcomes: After completing the course Jurisprudence of the European Court of Human Rights, the student is able to explain the importance of the European Court of Human Rights in the context of protection of fundamental human rights and freedoms in the Slovak Republic, describe the various stages of complaints before the European Court of Human Rights and explain the interpretation methods used in court proceedings. The student is able to identify the original and current state of interpretation of selected rights enshrined in the Convention and give examples of key decisions of the European Court of Human Rights and discuss their significance. The student is able to search for and critically analyze court decisions in a specific human rights area.		
Schedule of subject: 1. Introduction to the protection of human rights and fundamental freedoms under the Convention. The position of the Convention in the international system of human rights protection. 2. Interpretation of the Convention. Procedure before the ECHR. 3. Conditions for the admissibility of a complaint focusing on the status of the victim of the infringement. The Convention as a living tool for the protection of human rights. 4. Right to life. The doctrine of “free discretion” I. 5. Right to life. The doctrine of “free discretion” II. 6. Prohibition of torture, inhuman treatment and humiliating penalty. 7. The right to personal liberty and the imposition of punishment under the law with an emphasis on the retroactivity of punishment. 8. Right to a fair trial. 9. The right to privacy and family life. 10. The doctrine of proportionality in the case law of the ECtHR. 11. The right to freedom of religion. 12. The right to freedom of expression.		
Recommended reading: Basic recommended literature: LETSAS, G.: The ECHR as a Living Instrument, Its Meaning and Legitimacy. In: Føllesdal, A. - Peters, B. - Ulfstein, G. (eds): Constituting Europe. The European Court of Human Rights in a National, European and Global Context. Cambridge: Cambridge University Press, 2013, pp. 106-141. BREMS, E.: The Margin of Appreciation Doctrine of the European Court of Human Rights. Accommodating Diversity within Europe. In: Forsythe, D. P. and McMahon, P. C. (eds.): Human Rights and Diversity: Area Studies Revisited. Lincoln: University of Nebraska Press, 2003. McBRIDE, J.: Proportionality and the European Convention on Human Rights. In: Ellis, E. (ed.): The Principle of Proportionality in the Laws of Europe. Oxford, Portland: Hart Publishing, 1997, pp. 23-38. Other recommended literature: LOUCAIDES, L. G.: The European Convention on Human Rights - Collected Essays. Leiden-Boston, Martinus Nijhoff Publishers, 2007. KRATOCHVÍL, J.: The Inflation of the Margin of Appreciation by the European Court of Human Rights. Netherlands Quarterly of Human Rights, Vol. 29/3, 2011, pp. 324-357. LETSAS, G.: A Theory of Interpretation of the European Convention on Human Rights. Oxford: Oxford University Press, 2007 (Chapter 1 - Human Rights, Legality, and the ECHR, Chapter 3 - Intentionalism, Textualism, and Evolutive Interpretation). GOLDHABER, M. D.: A People's History of the European Court of Human Rights. NY, Rutgers University Press, 2009. Electronic resources: European Court of Human Rights: www.echr.coe.int .		

Council of Europe: www.coe.int.

Language requirements: English

Notes:

Student's workload: 100 hours

Combined study (Seminars, Consultations): 24 hours

Study for seminars and for final evaluation, and study of documents in Moodle (individual study): 76 hours

Course evaluation:

Assessed students in total: 0

A	B	C	D	E	FX
0%	0%	0%	0%	0%	0%

Lecturers:

JUDr. Ing. Dominika Moravcová, PhD., MBA, lecturer, examiner, instructor

Mgr. Lucia Berdisová, PhD., LL.M., examiner, instructor

Date of last change: 01.09.2024

Approved by: prof. PhDr. JUDr. Tomáš Gábriš, PhD., LL.M., MA