**Syllabus to the course Jurisprudence of the European Court of Human Rights[[1]](#footnote-1)**

**1. Introduction to the protection of human rights and fundamental freedoms under the Convention. European Convention in the system of international instruments of protection of human rights.**

1. the making of the Convention and its evolution
2. the position of the Convention among other means of protection of human rights
3. function and competence of the European Court of Human Rights

**2. Interpretation of the Convention. The procedure before ECtHR.**

1. fundamental doctrines of interpretation of the Convention
2. applicability of the Vienna Convention on the Law of Treaties on Convention
3. procedure before the European Court of Human Rights

**3. Admissibility of the complaints with a focus on the “victim of violation of rights” condition. The Convention as the living instrument of protection of human rights.**

1. conditions of admissibility of the complaint and the case-law concerning them
2. the philosophical background behind the doctrine of the living convention (evolutive approach to interpretation)
3. benefits and disadvantages of the doctrine of the living convention

**4. Right to life. The doctrine of the margin of appreciation I.**

1. positive and negative obligation of state while protecting the right to life (shoot-to-kill policy, requirements of the investigation, etc.)
2. Convention and the artificial insemination – the question of the right to life of embryos
3. evolution of the doctrine of the margin of appreciation (narrow v. broad margin)

**5. Right to life. The doctrine of the margin of appreciation II.**

1. Convention and euthanasia
2. Convention and termination of pregnancy
3. benefits and disadvantages of the doctrine of the margin of interpretation

**6. Prohibition of torture, inhuman and degrading treatment.**

1. positive and negative obligation not to torture
2. absoluteness of the right not to be tortured
3. case-law of the ECtHR and what constitutes torture

**7. Right to liberty and security, no punishment without law with a focus on aretroactivity of the punishment.**

* 1. roots of the right to liberty and its casuistic wording in the Convention
  2. legitimate restrictions of the right to liberty
  3. retroactivity and transition to justice

**8. Right to a fair trial.**

1. importance of procedural rights
2. the scope of the right (no criminal law, limited access for public officials)
3. case-law concerning each guarantee of the fair trial

**9. Right to private and family life. The doctrine of proportionality in the jurisprudence of the ECtHR.**

1. evolution of the concept of the private and family right and the change of the scope of the Art. 8 of the Convention
2. legitimate restrictions of the right to privacy and the new dynamics of the right of privacy
3. evolution of the doctrine of proportionality and the way it is tested

**10. Freedom of religion.**

1. the origins of the freedom of religion
2. the legitimacy of restriction of the freedom of religion and secularism, security, fraternity, etc.
3. case-law of the ECtHR in the field of the freedom of religion

**11. Freedom of expression.**

1. importance of the freedom of expression and the new challenges to freedom of expression
2. restrictions of the freedom of expression (with a focus on hate speech, morality and security of the state)
3. case-law of the ECtHR in the field of the freedom of expression

1. Each week considers one topic. Part time students program will be accomodated at to their schedule. [↑](#footnote-ref-1)