




5.00 credits

30.0 h

Q2

Teacher(s)	Callewaert Johan ;
Language :	English
Place of the course	Louvain-la-Neuve
Main themes	By way of introduction, the course will first deal with the basic principles governing the procedure before the Court and the latter's competence (distinction between admissibility and merits, admissibility requirements, scope of the case, etc.). This will be followed by an in-depth analysis of the leading cases relating to each of the substantial rights laid down in the Convention (including the right to life, the prohibition of torture, the right to freedom and security, to a fair trial, to respect for private and family life, the freedom of expression and association, the prohibition of discrimination and the protection of property). Finally, the most relevant case-law on the award of just satisfaction and the execution of the Court's judgments as well as on the relationship between the Convention and EU law will be addressed.
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <p>The European Court of Human Rights is tasked with authoritatively interpreting the European Convention on Human Rights which contains the only pan-European, binding and justiciable catalogue of fundamental rights available to date. Nearly all European States, including Belgium, have incorporated the Convention into their domestic legal system, often conferring on it precedence over ordinary law.</p> <p>The course aims at making the students familiar with the most important principles and trends emerging from the Court's case-law, so as to enable them to usefully rely on the Convention in the expanding number of fields where it applies. In addition, the course will provide students with an opportunity to familiarize themselves with the use of legal English, which plays an ever increasing role in the international sphere. For this purpose, the emphasis will be placed on reading, understanding and discussing the main Court's judgments, a collection of which will be made available as course material. Finally, it should be mentioned that the content of the course will be determined so as to be complementary to the other two courses making up the human rights option (DROP2091 and DROP2092).</p>
Evaluation methods	At the end of the course there will be a written exam whereby students are asked to apply the Court's case-law to a fictitious story based on the cases examined in class. They can do so with the help of their casebook, using either the Court's or their own words, it being understood that purely linguistic mistakes will be disregarded. Upon request students can be allowed to take the exam in French but a somewhat reduced level of marks will then be applied.
Teaching methods	In the class, the emphasis will be on reading, understanding and discussing the Court's judgments, a collection of which will be made available in a casebook. This will be achieved via the explanations by the lecturer but also via an interactive dialogue between the lecturer and the students initiated by a series of questions from the lecturer on the implications of the judgments under consideration. While active participation in this dialogue is not mandatory for students, it has a positive impact on their marks at the exam.
Content	The course will focus on a selection of leading cases of the European Court of Human Rights covering the main rights laid down in the European Convention on Human Rights and its Protocols. Topics thereby addressed include, among others, the protection against ill-treatment, the protection of children and other vulnerable persons, the protection against arbitrary detention, the right to a fair trial (due process), the protection of private and family life, the protection against environmental pollution, the protection of personal data in the information society, the prohibition of discrimination, the protection of property, freedom of expression of citizens and of the press, protection against hate speech and, last but not least, the protection of democracy.
Other infos	<p>Since this course is not a language but a law course, students will not be penalized for linguistic mistakes they might make either in class or at the exam. Medium-level English should therefore be sufficient to follow the course successfully.</p> <p>Further information on this course can be found on the Moodle-page dedicated to it.</p>
Faculty or entity in charge	BUDR

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Advanced Master in European Law	DREU2MC	5		
Master [120] in Law	DROI2M	5		
Advanced Master in International Law	DRIN2MC	5		
Master [120] in Law (shift schedule)	DRHD2M	5		