

5.00 credits


30.0 h

Q2


This learning unit is not open to incoming exchange students!

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| Teacher(s) | Bailleux Antoine ; |
| Language : | English |
| Place of the course | Louvain-la-Neuve |
| Prerequisites | This is an advanced EU law course. Only students who have obtained at least 5 ECTS in an introductory EU law class are allowed to take this course. |
| Main themes | <ol style="list-style-type: none"> 1. Introduction – human rights and values in Europe 2. The architecture of human rights protection in Europe (I) – the Council of Europe 3. The architecture of human rights protection in Europe (II) – the European Union 4. The architecture of human rights protection in Europe (III) – the challenges of a multi-level system 5. The architecture of human rights protection in Europe (IV) – the challenges of a multi-level system 6. The legal regime of human rights protection in Europe (I) – direct effect and positive obligations 7. The legal regime of human rights protection in Europe (II) – proportionality and margin of appreciation 8. Group tutorials I 9. Group tutorials II 10. Students lectures 11. Students lectures 12. Students lectures 13. Students lectures |
| Learning outcomes | <p>At the end of this learning unit, the student is able to :</p> <p>This course seeks to achieve four different objectives.</p> <p>First, it aims to provide a general overview of the system(s) of fundamental rights protection in Europe. In this respect, the first part of the course will focus on the place and role of fundamental rights within both the Council of Europe and the European Union and will seek to unpack the interplay between the judicial bodies of these two international organisations in the field of human rights.</p> <p>Second, this course purports to introduce the students to the basic concepts and patterns of reasoning used in fundamental rights adjudication. The second part of the course will therefore analyse a number of key elements of the human rights' « toolkit », namely the concepts of direct effect and positive obligation, the proportionality test, and the margin of appreciation doctrine.</p> <p>A third goal of this course is to explore a number of clashes or tensions between different values and/or rights that lie at the core of the EU and the Council of Europe. This is why the third part of the class will be dedicated to a presentation, by students, of case-studies illustrating such clashes.</p> <p>Finally, it is expected that, through this course, the students will acquire a better perception of the mutually beneficial relationship between fundamental rights and Europe. Whereas fundamental rights need Europe to develop and thrive, Europe needs fundamental rights to consolidate its unity and define its specificity. At the same time, it is hoped that the students will come to realise that the concepts of « fundamental rights » and of « Europe » are nothing more than intellectual constructs, the evolving products of the never-ending interaction of law, ethics and politics.</p> |
| Evaluation methods | 50% of the final mark will depend on the quality of the student's lecture and of the handout / ppt presentation supporting it. The other 50% will be based on an oral exam regarding the material covered during all the lectures, including those delivered by the students. |

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| Teaching methods | <p>The first seven lectures will be taught by the professor. Students will be provided with a handout summarising the main issues discussed during each lecture.</p> <p>The students will then have to work on a case-study illustrating a clash between values and/or fundamental rights in Europe and their comparative treatment by the ECJ and the ECtHR. They will be asked to team up and deliver a 40-45 minute-lecture, based on a self-made handout.</p> <p>This handout will include:</p> <ul style="list-style-type: none"> • The legal background of the clash • The relevant ECtHR and ECJ judgments • How this clash is reflected in selected public policies / positions taken by EU or Member State authorities • How it relates to the ECJ's / ECtHR's earlier case-law • The potential reactions to / fallouts of the judgments • A general critical comment, from a legal / political / normative angle. |
| Bibliography | |
| Faculty or entity in charge | EURO |

| Programmes containing this learning unit (UE) | | | | |
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| Program title | Acronym | Credits | Prerequisite | Learning outcomes |
| Master [120] in European Studies | EURO2M | 5 | |  |