European Convention on Human Rights: Law and Politics

LW5120

2023-2024 Course Outline

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| **Objective** | This module will introduce students to the key principles underpinning the Council of Europe’s human rights system primarily focusing on the European Convention on Human Rights and core tenets of the Strasbourg Court’s case law, including areas of doctrinal tension and expansion, while examining current issues affecting the influence of the Convention and the Court on European legal and political systems. | | | |
| **Lecturer** | **Name** | **Office Hours** |  | **E-mail** |
| Dr Gerard Maguire  Dr Andrew Forde | Email for appointment |  | [Gerard.maguire@universityofgalway.ie](mailto:Gerard.maguire@universityofgalway.ie)  [andrewforde@gmail.com](mailto:andrewforde@gmail.com) |
| **Learning Outcomes** | On successful completion of this module students will have:   * Researched and discussed the procedures of the European Court of Human Rights (ECtHR) and the supervisory function of the Council of Europe Committee of Ministers; * Read, summarised the key facts and legal findings of, and critically appraised case law relating to several articles of the European Convention on Human Rights (ECHR); * Demonstrated a clear understanding of the key underpinning principles, and the doctrinal development in a range of areas, of ECHR law; and * Communicated their critical analysis of the current position of ECHR law and politics as it relates to an issue or set of issues arising in one or more European jurisdictions. | | | |
| **Timetable** | **Semester 2 Weeks 1-8:**  Fridays 14:00 – 17:00 | | | |
| **Workload** | 10 ECTS 24 Teaching Hours | | | |
| **Format** | In-person  **Class venue is the seminar room, Irish Centre for Human Rights** | | | |
| **Programme(s)** | All LLM programmes at the School of Law, University of Galway. | | | |
| **Course Material** | Course materials will be available on Blackboard and through the University of Galway Library. Required reading will be posted a week in advance of each seminar.  **Core texts**  You are encouraged to use, as a main text for this course, William A Schabas, *The European Convention on Human Rights: A Commentary* (OUP 2015), **available online**: <https://search.library.nuigalway.ie/permalink/f/3b1kce/TN_cdi_askewsholts_vlebooks_9780191066771>  The European Court of Human Rights’ case-law guides are another extremely useful resource: [https://www.echr.coe.int/Pages/home.aspx?p=caselaw/analysis/guides&c=#](https://www.echr.coe.int/Pages/home.aspx?p=caselaw/analysis/guides&c=)  **Other useful texts**:  Janneke Gerards, *General Principles of the European Convention on Human Rights* (CUP 2019), **available online:**  <https://search.library.nuigalway.ie/permalink/f/1pmb9lf/353GAL_ALMA_DS51140097840003626>  Schmahl and Breuer, *The Council of Europe: Its Law and Policies,* (OUP 2016)  Harris, O'Boyle & Warbrick, (4th ed.) *Law of the European Convention on Human Rights* (OUP 2018)  Jonas Christoffersen, Mikael Rask Madsen, *The European Court of Human Rights between Law and Politics* (OUP 2013)  Janis, Kay & Bradley, *European Human Rights Law: Text & Materials* (3rd Edition) (OUP 2008)    Ovey, Jacobs & White, *The European Convention on Human Rights* (6th Edition), (OUP, 2014)  Merrills, *The Development of International Law by the European Court of Human Rights* (Manchester University Press, 1993)  A. Mowbray, *Cases and Materials on the European Convention on Human Rights* (OUP 2012)  See also the Council of Europe’s human rights handbooks: <https://www.coe.int/en/web/human-rights-rule-of-law/human-rights-handbooks>  **Useful Web Addresses:**  European Court of Human Rights Home Page:  [*http://www.echr.coe.int*](http://www.echr.coe.int)  European Court of Human Rights HUDOC case search page: <https://hudoc.echr.coe.int/eng#{"documentcollectionid2":["GRANDCHAMBER","CHAMBER"]}>    Recent decisions by the European Court are available by accessing HUDOC. Please note, the easiest way to do a text search through HUDOC is to list the respondent (state) and by the main article involved, and then to search by date or alphabetically. The system does not always respond if you list the title so make sure to try a few ways.  Council of Europe Execution of Judgments Database (HUDOC EXEC): <https://hudoc.exec.coe.int/>  HUDOC EXEC contains the most up to date status of implementation of judgments handed down by the European Court of Human Rights. It is entirely separate from the HUDOC case database mentioned above, and should not be confused. | | | |
| **Assessment** | This module is assessed by way of **a 5,000 word essay** (excluding footnotes, excluding bibliography).  Students will choose their own title subject to lecturer approval based on the core tenets of the module and learning outcomes.  The essay submission date and instructions are set out in the ‘Guidelines for LLM students’.  Assessment Timeline:  **Essay Proposal due between 9th – 18th February to Lecturer via Email**  **Essay due 28th March 2024 @ 23:59 via CANVAS/Turnitin** | | | |

**Seminar outline**

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| Week No. | Date | Topic | Lecturer |
| 1 | 12/01/2024 | Introduction to the Council of Europe System and the European Convention on Human Rights | AF |
| 2 | 19/01/2024 | Article 1: Jurisdiction, Conflict and Contestation under the ECHR | AF |
| 3 | 26/01/2024 | The Right to Life: Focusing on Art.2 of the ECHR | GM |
| 4 | 02/02/2024 | Prohibition of Torture: Focusing on Art.3 of the ECHR | GM |
| 5 | 09/02/2024 | Expression and Prohibition of Discrimination: Focusing on Art.10 and Art.14 of the ECHR | GM |
| 6 | 16/02/2024 | The Principle of Good Faith: Focusing on Article 18 of the ECHR | AF |
| 7 | 23/02/2024 | Russia’s Legacy on the Council of Europe and the ECtHR | AF |
| 8 | 01/03/2024 | Contemporary Issues and Challenges to the ECHR: Culture and Climate | GM |