

HUMAN RIGHTS PROTECTION SYSTEMS

seminar – winter semester 2018/2019

I. BASIC INFORMATION

University of Wrocław – Faculty of Law, Administration and Economics

SSP II – full-time graduate studies in law (2nd year)

Academic teacher: mgr Agata Jagna Wróbel / doctoral candidate / Department of Constitutional Law

All information about the dates and place of office hours, as well as the announcements and teaching resources can be found on the website: <https://prawo.uni.wroc.pl/> -> Pracownicy i doktoranci -> Doktoranci -> mgr Agata Wróbel

Please notify at least one day in advance about your planned presence during office hours, together with some information about the issues to be discussed. This will help to plan the schedule of our meetings.

Please feel invited to contact me via e-mail: agata.wrobel@uwr.edu.pl

II. GOAL

The goal of this course is to present essential information on human rights law, delving into both theory and practice. The subjects to be discussed include the categories of rights and freedoms, as well as mechanisms for the promotion and protection of human rights at the international and regional levels.

III. CREDIT

1. attendance

Each student is entitled to 1 absence. Each further absence may be made up either by:

- i. oral correct answer to 2 questions on the subject discussed during student's absence within 14 days from the date of absence (office hours only),
- ii. or in writing – short (1-2 pages) essay on the subject discussed during student's absence, sent via e-mail within 14 days from the date of absence.

Each failed absence reduces the final grade by 0.5 of the grade.

2. test

Each student is obliged to pass a written test which shall take place in the next to last class (20.12.2018). The test consists of 20 single choice questions (3 options, 1 correct answer; max. 20 points) and case-study (max. 15 points) on the subjects discussed during classes.

3. final grade

The basis for determining the final grade is the result of the test [2,0-5,0]. This grade shall be reduced by the failed absences (according to the point III. 1.). As a result, the student who obtained a positive test grade, however, due to the number of the failed absences, obtains final grade below 3.0, cannot therefore obtain course credit.

Finally, active participation entitles each student to receive the final grade increased by 0.5 of the grade.

IV. SUBJECTS

Theory:

1. Historical background; philosophical and political bases of human rights; development of human rights law.
2. Generations of human rights.
3. Definitions of right and freedom.
4. Subject of human rights.
5. Sources of human rights law; human rights treaties.
6. Categories of rights and freedoms: civil, political, economic, social and cultural rights and freedoms; analysis of specific rights and freedoms.
7. Mechanisms for the promotion and protection of human rights.
8. Limitations to human rights and freedoms.
9. Universal system of human rights law: UN.
10. Selected regional systems of human rights law: Council of Europe, EU.
11. International Criminal Court.
12. Human rights challenges.

Practice:

The subject of discussions during the seminars shall be selected cases from the case-law of the ECtHR (*case study*). Before each class the teacher shall publish/send ECtHR judgment. Students are expected to read material in advance and to engage in debate and discussion of the relevant issues. During seminar the teacher shall present briefly the facts of the case. The task of the students, divided into two groups, shall be formulating arguments of the applicant(s) or the government of respondent State.

V. LITERATURE

Essentials:

- Moeckli D., Shah S., Sivakumaran S., Harris D., *International Human Rights Law*, Oxford 2014

Extra:

- Bhuiyan J.H., Chowdhury A.R., *An introduction to international human rights law*, Leiden, Boston, 2010
- Conde V. H., *A Handbook of International Human Rights Terminology, Second Edition (Human Rights in International Perspective)*, 2010
- Hannum H., *Guide To International Human Rights Practice*, 2004
- Jabłoński M., Jarosz-Żukowska S., *Prawa człowieka i systemy ich ochrony. Zarys wykładu*, Wrocław 2010
- Joseph S., Mcbeth A., *Research Handbook on International Human Rights Law (Research Handbooks on International Law)*, 2010
- Lewis James R., *The Human Rights Encyclopedia*, 1999
- Lyons G. M., *International Human Rights in the 21st Century: Protecting the Rights of Groups*, 2004
- Martin F.F., Schnably S. J., Simon J., Stephen J., Tushnet M., Wilson R., *International Human Rights and Humanitarian Law: Treaties, Cases, and Analysis*, 2006
- Merris A., *Human rights law*, 2006
- Provost R., *International Human Rights and Humanitarian Law*, 2002
- Ramcharan B. G., *The Fundamentals of International Human Rights Treaty Law*, 2011
- Schutter O., *International Human Rights Law: Cases, Materials, Commentary*, 2010

VI. SELECTED LEGAL ACTS

- Universal Declaration of Human Rights [1948]
- European Convention for the Protection of Human Rights and Fundamental Freedoms [1950]
- Covenant on Civil and Political Rights (ICCPR) [1966]
- Covenant on Economic, Social and Cultural Rights (ICESCR) [1966]
- First Optional Protocol to the ICCPR [1966]
- Second Optional Protocol to the ICCPR [1989]
- Constitution of the Republic of Poland [1997]

VII. JUDICATURE (CASE-LAW)

- selected case-law of Polish Constitutional Tribunal, European Court of Human Rights and Court of Justice of European Union

VIII. THE INTERNET

- United Nations: <http://www.un.org/en/index.html>
- International Criminal Court: <https://www.icc-cpi.int/>
- Council of Europe: <http://www.coe.int/en/>
- European Court of Human Rights: <http://www.echr.coe.int/Pages/home.aspx?p=home>
- European Union: <https://europa.eu/>
- Human Rights Watch: <https://www.hrw.org/>
- Amnesty International: <https://www.amnesty.org/en/>
- Human Rights House Network: <http://humanrightshouse.org/>