

Course Outline

Course number	
Course title	Human Rights Litigation at the ECHR
Credit points	3 (ECTS)
Total hours	
Lecture hours	24
Seminar and other hours	0
Course level	Masters
Prerequisites	None

COURSE TEACHERS

No.	Name	Academic degree	Academic position
1	Ineta Ziemele	Ph.D.	Professor
2	Kristaps Tamužs	LL.M.	Visiting Lecturer
3			

COURSE ABSTRACT

The course will offer a perspective of an insider and a practitioner on how individuals defend their rights in the European Court of Human Rights, the most common difficulties for representatives in bringing claims to the Court and the challenges faced by the Court today in Europe. The course will provide several practical ideas on how the Court works.

COURSE OBJECTIVES

The European Court of Human Rights is considered the most effective mechanism for the protection of human rights. The course will put an emphasis on explaining in detail the procedure before the Court. Considerable body of case-law elaborates important issues concerning admissibility of claims. During the course, participants will also study the methodology of the Court in adjudicating cases, i.e., the rules of interpretation and the relevant principles of case-law. Participants have to understand how the Court might go forward in adjudicating their case. By the end of the course, students will have important and unique insight into the Court's work.

GRADING CRITERIA

Criteria	Weighting
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Seminar paper	50%
Written exam	50%

COURSE PLAN – MAIN SUBJECTS

No.	Subject	Planned hours
1	Admissibility of applications to the ECHR	8
2	Interpretation of the Convention	
3	Presentation of Seminar papers	
4		
5		

COURSE PLAN – SESSIONS

Session	Subject	Lecturer/date
1.	<ul style="list-style-type: none"> - Introduction to the course - Statistics, the Court's workload, past, present, future - The life of an application at the ECHR (stages of decision making, communication with the applicants) - Practical issues related to completing an application form to the ECHR (Rule 47 of the Rules of the Court) - Admissibility criteria: <ul style="list-style-type: none"> o the competence of the Court 	Ineta Ziemele and Kristaps Tamužs
2.	<ul style="list-style-type: none"> - Admissibility criteria: <ul style="list-style-type: none"> o the competence of the Court (continued) o exhaustion of the domestic remedies o time-limits 	Kristaps Tamužs
3.	<ul style="list-style-type: none"> - Admissibility criteria: <ul style="list-style-type: none"> o manifestly ill-founded applications o no significant disadvantage o substantially repetitive applications 	Kristaps Tamužs
4.	<ul style="list-style-type: none"> - Overview of the European Convention on Human Rights and its Protocols: rights and freedoms, the Court, ECHR as a self-contained regime, development of the case law, separate opinions 	Ineta Ziemele
5.	<ul style="list-style-type: none"> - Interpretation of the Convention in accordance with the general rule of interpretation as set forth in the 1969 Vienna Convention on the Law of Treaties - Methods of interpretation specific to the Convention <ul style="list-style-type: none"> • the Convention as a living instrument • European consensus • margin of appreciation • subsidiarity • effective protection of human rights • proportionality 	Ineta Ziemele

Session	Subject	Lecturer/date
	<ul style="list-style-type: none"> • necessity • systemic interpretation 	
6.	<ul style="list-style-type: none"> - Methods of Interpretation specific to the Convention (cont.) • methods of interpretation applied to absolute rights and qualified rights under the Convention and its Protocols • negative v positive obligations 	Ineta Ziemele
7.	Seminar: participants will have prepared a paper and will present it to the class. The paper will contain a legal reasoning to substantiate (a) the existence of the right and (b) a disproportionate interference with the enjoyment of that right	Ineta Ziemele
8.	Seminar continued	Ineta Ziemele
9.	Conclusions to the course	Ineta Ziemele
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15.		
16.		

COURSE LITERATURE

Session No.	Author, title, publisher
1.	European Convention on Human Rights (http://www.echr.coe.int/Documents/Convention_ENG.pdf)
2.	Rules of the Court (http://www.echr.coe.int/Documents/Rules_Court_ENG.pdf)
3.	Practical Guide on Admissibility Criteria (http://www.echr.coe.int/Documents/Admissibility_guide_ENG.pdf)
4.	Harris, O'Boyle & Warbrick, Law of the European Convention on Human Rights, 3rd ed., Oxford University Press, 2014 (Chapter 4)
5.	Ineta Ziemele, Separate Opinions at the European Court of Human Rights, RGSL, 2017.

6.	Golder v the United Kingdom (1978)
7.	Soering v the United Kingdom (1989)
8.	Demir and Baykara v Turkey (2008)
9.	Evans v the United Kingdom (2007)
10.	A, B and C v Ireland (2010)
11.	Oliari and Others v Italy (2015)
12.	Gafgen v Germany (2010)
13.	Marguš v Croatia (2014)
14.	Animal Defenders v United Kingdom (2013)
	All decisions and judgments available on hudoc http://hudoc.echr.coe.int/ During the course participants will be asked to consult more decisions and judgments.