

THE EUROPEAN CONVENTION OF HUMAN RIGHTS

18 hours – 3 ECTS – Semester 1

Juge Ledi BIANKU

Module open to Semester 1 CES students (unit 4) and to exchange students

Module *NOT OPEN* to students who intend to take the CES in the 2nd semester

I -Introduction

The “European Convention on Human Rights” has become a fundamental document for the protection of individuals’ rights in Europe and in setting guidelines for the operation of public and private institutions in the member States.

It is therefore crucial for students of political sciences to understand legal issues and solutions around some of the most interesting and difficult debates taking place in the European society and political and judicial institutions.

The development of an academic process in relation to this subject will attempt first of all to give the basic understanding of the European Convention of Human Rights as interpreted by the Strasbourg Court and the impact it has had over the years in shaping legal and social notions amongst the European societies.

The course will offer information on how the system of the European Convention of Human Rights, especially the Court, works. It will also analyse some of the major achievement of the case-law of the Court in relation to the most important substantive and procedural individual rights protected by the Convention.

Most of the course will consist in power point presentation by the professor, L. Bianku, and students are very much invited to participate in the debate during these presentations. Part of the course will be papers prepared by the students on specific judgments to be indicated by the professor. Besides written presentations students will be invited to make very short (10-15 min) presentation of the cases during class discussions.

II. The Instruments to achieve the objectives

1. Theoretical lectures by the lector.
2. The organisation of work-shops, so the presentation and interpretation of cases by the students themselves.
3. Possible simulation games.
4. Visits at the European Court of Human Rights

III. Academic obligations:

- 40% presentation during the classes and participation in the debate
- 60% final examination

IV. COURSE STRUCTURE

1. The character of the international human rights law (1 hour).
2. The European system on the protection of human rights and fundamental freedoms. Problems and solutions. The mechanisms offered by the European Convention for the Protection of Human Rights and Fundamental Freedoms. (1 hour).
3. Right to life - the article 2 of the Convention and its 6th and 13th Protocols - Slavery and servitude - article 4 of the Convention. (2 hours).
4. Torture and inhuman treatments - article 3 of the Convention and the European Convention on the prevention of torture. (2 hours).
6. Right to liberty and security - the article 5 of the Convention. (2 hours).
7. Right to a fair trial, non- retro applicability of criminal law and right to an effective remedy - articles 6, 7 & 13 of the Convention. (4 hours).
8. Right for private and family life. Right to found a family - articles 8 & 12 of the Convention. (2 hours).
9. Freedom of thought, conscience and religion, freedom of expression and of peaceful assembly and association - articles 9, 10 & 11 of the Convention. (2 hours).
10. Right to property, education and free elections - Protocol 1 of the Convention. (2 hours).