

THE GOVERNMENT OF THE RUSSIAN FEDERATION
Federal State Autonomous Educational Institution
for Higher Learning

THE NATIONAL RESEARCH UNIVERSITY
HIGHER SCHOOL OF ECONOMICS

Faculty of Law
Public and Private International Law Department
Theory and History of Law Department

Bachelor Degree Curriculum
Year 2
Field of Education **40.03.01. – Jurisprudence**
Detailed Field **Jurisprudence**
Level **Bachelor Degree**

HUMAN RIGHTS IN INTERNATIONAL LAW
Course Syllabus

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“Jurisprudence” session**

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This Syllabus cannot be used by other departments of the University or by other universities without a permission of the Departments, which drafted it.

1. Sphere of Application and Normative References

This Syllabus sets up minimal requirements to knowledge and skills of students studying this discipline, content of lectures and practical exercises, as well as types of examination and requirements thereto.

The Syllabus is addressed to lecturers, giving a course on «Human Rights in International Law», study assistants and students of the Bachelor program 40.03.01. «Jurisprudence».

The Syllabus is drafted in full correspondence with:

- Educational Standard of the National Research University The Higher School of Economics on the Direction of study 40.03.01. «Jurisprudence», Bachelor level (approved by the Scientific Council of the HSE, minutes of 26 December 2014, № 10);
- Educational program on the direction of study 40.03.01 «Jurisprudence», Bachelor level;
- Curriculum of the HSE of study 40.03.01 «Jurisprudence», Bachelor level.

2. Learning Objectives and Outcomes

Learning Objectives

Main purpose of the course is to make students able to use norms of International Human Rights Law, make legal research and solve cases in this field.

Learning Outcomes

Students must gain knowledge on:

- competence and working methods of international judicial and quasi-judicial human rights bodies at the universal level and the ECHR;
- sources of International Human Rights Law;
- the scope of application and content of the basic human rights.

Skills and abilities:

- to use specific terms and sources of International Human Rights Law;
- practical abilities of research, analysis of judicial decisions and scientific works;
- skills to analyse and solve cases, building up of the legal position and composition of procedural documents on cases in the sphere of International Human Rights Law.

Students should gain the following competences:

- ability to work with information (search, evaluate, use information, necessary for fulfilment of scientific and professional tasks, from various sources, including application of the systematic approach);
- ability to carry out professional activities in the international

- environment;
- ability to search, analyse, and work with legally relevant information by using the juridical, comparative and other specific methods,
 - ability to describe legal problems and situations in the field of International Human Rights Law.

3. Competences gained as a result of the course

Code of the competence	Content of the competence
SK-2	Able to use his knowledge in practice
SK-11	Able to undertake professional activities in international framework
PK-1	Able to protect human rights and freedoms and ensure protection of law and order
PK-2	Able to undertake different types of professional activities on the basis of legal norms and ethics
PK-8	Able to search for, analyse and use relevant legal information applying formal-judicial, legal comparative and other methods
PK-12	Able to meet professional purposes on the basis of legal and professional norms, elicit, prevent, solve and investigate crimes and other offences, undertake legal actions on protection of human rights and fundamental freedoms

4. Place of the discipline in the structure of Bachelor program

This discipline belongs to the elective part of the professional courses (Major). The discipline is based on the following courses, studied by students: «Theory of state and law», «Constitutional law of Russia», «Constitutional law of foreign states», «History of state and law of foreign states».

Knowledge and skills gained by students at the course «Human Rights in International Law» can be used at the course «Public International Law» and in the process of preparation to the final interdisciplinary exam.

5. Content of the discipline

№	Topic	Department	Hour	Contact Hours	Self-
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			s in total	Lectures	Seminars	study
Part I: Department of Public and Private International Law						
1.	Main Sources of International Human Rights Law. International Human Rights Bodies	Department of Public and Private International Law	10	2	0	8
2.	The European Court of Human Rights	Department of Public and Private International Law	12	2	2	8
3.	Right to Life	Department of Public and Private International Law	12	2	2	8
4.	Prohibition of Torture	Department of Public and Private International Law	8	2	2	4
5.	Right to Liberty and Security	Department of Public and Private International Law	8	2	2	4
6.	Right to a Fair Trial. Right to an Effective Remedy	Department of Public and Private International Law	6		2	4
Part II: Department of Theory and History of State and Law						
7	Right to Respect for Private and Family Life	Department of Theory and History of State and Law	10	2	2	8
8	Freedom of Thought, Conscience and Religion.	Department of Theory and History of	10	2	2	6

		State and Law				
9	Freedom of Expression	Department of Theory and History of State and Law	10	2	2	6
10	Freedom of Assembly and Association	Department of Theory and History of State and Law	8	2	2	4
11	Prohibition of Discrimination	Department of Theory and History of State and Law	10	2	2	6
	Total:		114	20	20	74

6. Forms of control

Type of control	Forms of control	Modules				Department	Content
		1	2	3	4		
Current control	Colloquium (a Moot Court)				*	Department of Public and Private International Law; Department of Theory and History of State and Law	Moot court at the ECHR: application, response to the application, court's decision (10-15 pages, 7 days for preparation); oral pleadings (up to 20 min for each party of the process).
	Home tasks			*	*	Department of Public and Private International Law; Department of Theory and History of State and Law	1) Table on competence of the main universal and regional human rights bodies 2) Case-briefs on jurisprudence of the ECHR

Current control is carried out on the basis of a ranking system. Forms of the current control are:

- an application/response/court’s decision
- oral pleadings during Moot court
- home tasks (a table on competence of the main universal and regional human rights bodies)
- home tasks (case-briefs on jurisprudence of the ECHR)

6.1. Criteria for evaluation of knowledge and skills

(1) Colloquium (a Moot Court) (max = 10)

Type of task	Criteria of evaluation	Points
1. Drafting of application/response/court’s decision	A correct full document based on both legal sources, including relevant case-law, and consistent argumentation.	6
	In general, a correct full document based on both legal sources, including relevant case-law, and consistent argumentation, but there are few minor mistakes or omissions	5
	In general, a correct document based on both legal sources, including relevant case-law, and consistent argumentation, but there are few mistakes or omissions (< or = 5)	4
	In general, a correct document based on both legal sources, including relevant case-law, and consistent argumentation, but there are few mistakes or omissions (> 5, but < 8)	3
	A document based on main legal sources, but there are no or at least no references to relevant case-law	2-1
	A wrong choice of applicable law	0
1. Oral pleadings	A correct full speech based on both legal sources, including relevant case-law, and consistent argumentation. Strong ability to answer the questions.	4
	In general, a correct full speech based on both legal sources, including relevant case-law, and consistent argumentation, but there	3

	are few minor mistakes or omissions. Majority of questions were answered correctly.	
	In general, a correct speech based on both legal sources, including relevant case-law, and consistent argumentation, but there are few mistakes or omissions. Majority of questions were answered incorrectly.	2
	A speech based on main legal sources, but there are no or at least no references to relevant case-law. Many questions remained unanswered. Majority of questions were answered incorrectly.	1
	A wrong choice of applicable law	0

(2) Home tasks (max = 10)

Type	Criteria of evaluation	Points
A table	All lines are filled in correctly	10
	There are 1-3 mistakes	9
	There are 4-6 mistakes	8
	There are 7-9 mistakes	7
	There are 10-14 mistakes	6
	There are 15-19 mistakes	5
	There are 20-25 mistakes	4
	There are 26-31 mistakes	3
	There are 32-37 mistakes	3
	There are 38-43 mistakes	2
	There are 44-49 mistakes	1

7. Content of the discipline

Part 1.

Topic 1.

Main Sources of International Human Rights Law. International Human Rights Bodies.

2. Nature of the basic rights. Problem of basic rights in contemporary legal science and philosophy.
3. Human rights in history of political-legal thought.

4. Structure of basic rights. Status negativus, positivus and activus. Interferences into basic rights and its justification. Limits of restriction of basic rights.
5. Main stages of evolution of international human rights law. Generations of human rights.
6. Problem of universality of human rights. «Cultural relativism».
7. Sources of International Human Rights Law.
8. «International Bill of Human Rights».
9. Structure of international treaties on human rights. Derogation from obligations on human rights protection. Reservations to human rights treaties.
10. Relationship between International Human Rights Law and national law.
11. Relationship between International Human Rights Law and International Humanitarian Law.
12. Responsibility for human rights violations. Responsibility of states. Individual criminal responsibility.
13. Political-legal concept “responsibility to protect” (R2P).
14. Protection of human rights by main UN bodies: the General Assembly, the Security Council, the ECOSOC and the ICJ.
15. The UN Human Rights Council: history of creation, members, competence. Universal periodic review. Special procedures. The Advisory Committee. Expert Mechanism on the Rights of Indigenous Peoples. Forum on Minority Issues. Social Forum. Complaints procedure.
16. UN treaty-based bodies on human rights: history of creation, members, competence. Human Rights Committee (CCPR). Committee on Economic, Social and Cultural Rights (CESCR). Committee on the Elimination of Racial Discrimination (CERD). Committee on the Elimination of Discrimination against Women (CEDAW). Committee against Torture (CAT). Subcommittee on Prevention of Torture (SPT). Committee on the Rights of the Child (CRC). Committee on Migrant Workers (CMW). Committee on the Rights of Persons with Disabilities (CRPD). Committee on Enforced Disappearances (CED).
17. UN High Commissioner on Human Rights.

Topic 2.

The European Court of Human Rights (The ECtHR).

1. The Convention on Protection of Human Rights and Fundamental Freedoms (the ECHR) and Protocols thereto: history of adoption, overview of the content. Interpretation of the ECHR: main tools and particularities (the Convention as «a living instrument»), margin of appreciation, the ECtHR is not “a forth instance”, autonomous notions. Scope of application of the ECHR: territory, persons, time. Reservations to the ECHR and Protocols thereto.

2. The ECtHR: structure and composition, competence. Subjects bringing cases before the Court: individual applications (individuals, NGOs, groups of individuals, legal persons), states. Notion of a “victim”. Direct, potential and indirect victims.
3. Admissibility criteria: *ratione materiae*, *ratione personae*, *ratione loci*, *ratione temporis*; the exhaustion of local remedies; the 6-months period; a «significant disadvantage» and others.
4. Interim measures.
5. Case processing. Decisions on admissibility. Communication of the application. Friendly settlement. Judgment on Merits. Referral to the Grand Chamber.
6. Judgment of the ECtHR: structure and content. Interpretation of the Judgement on request of one of the parties to the process. Legal force of judgments. “Pilot judgments”.
7. Adherence to ECHR. Execution of judgments. Measures of individual and general character. Supervision on the execution of the ECHR judgments. Place of the ECHR and ECtHR judgments in Russian legal system.

Reading:

1. Practical Guide on Admissibility Criteria, CoE, 2014, http://www.echr.coe.int/Documents/Admissibility_guide_ENG.pdf
2. Research Report, The new admissibility criterion under Article 35 § 3 (b) of the Convention: case-law principles two years on, CoE, 2012, http://www.echr.coe.int/Documents/Research_report_admissibility_criterion_ENG.pdf

Case-law:

1. ECHR, Decision, *Dusan Markovic and Others v. Italy* (Application №1398/03), 12 June 2003.
2. ECHR, Judgment, *Loizidou v. Turkey* (Preliminary Objections) (Application № 15318/89) от 23 марта 1995 г.
3. ECHR, Decision, *Al-Saadoon and Mufdhi v. UK* (Application № 61498/08) 30 June 2009.
4. ECHR, Decision, *Bancović and Others v. Belgium and Others* (Application № 52207/99), 12 December 2001.
5. ECHR, Judgment, *Cyprus v. Turkey* (Application №25781/94), 10 May 2001.
6. ECHR, Judgment, *Khatsiyeva and Others v. Russia* (Application no. 5108/02), 17 January 2008, <http://hudoc.echr.coe.int/eng?i=001-84450>
7. ECHR, Judgment, *Janowiec and Others v. Russia* (Applications nos. 55508/07 and 29520/09), 21 October 2013, <http://hudoc.echr.coe.int/eng?i=001-127684>

Topic 3.

Right to Life.

1. Protection of Right to Life: general characteristics. Sources of International Law, dealing with protection of right to life. Content of the “right to life”. Beginning and end of right to life. Classification of obligations of states in respect of right to life.
2. Negative and positive obligations of states in respect of protection of right to life. Content of the negative obligations. Deprivation of life during antiterrorist operations. Death in facilities in “hands of a state”. Unacknowledged detentions. Death penalty.
3. Positive obligations. Procedural duties. Criteria of “effective investigation”. Environmental security. Medical services.

Reading:

Research Report, Bioethics and the case-law of the Court, CoE, 2012,
http://www.echr.coe.int/Documents/Research_report_bioethics_ENG.pdf

Case-law:

1. UN Human Rights Committee, *General Comment № 06 “The right to life (Art. 6)”*,
<http://www.unhcr.ch/tbs/doc.nsf/0/84ab9690ccd81fc7c12563ed0046fae3>.
2. UN Human Rights Committee, Views, *Bautista de Arellana v. Colombia* (Communication No. 563/1993), 27 October 1995, U.N. Doc. CCPR/C/55/D/563/1993.
3. UN Human Rights Committee, Views, *Celis Laureano v. Peru* (Communication 540/1993), 25 March 1996, CCPR/C/56/D/540/1993.
4. UN Human Rights Committee, Views, *Lantsova v. Russia*, 26 March 2002.
5. UN Human Rights Committee, Views, *Telitsin v. Russia* (Communication № 888/1999), 29 March 2004.
6. ECHR, Judgment, *Aslakhanova and Others v. Russia* (Applications nos. 2944/06 and 8300/07, 50184/07, 332/08, 42509/10), 18 December 2012,
<http://hudoc.echr.coe.int/eng?i=001-115657>
7. ECHR, Judgment, *Finogenov and Others v. Russia* (Applications nos. 18299/03 and 27311/03), 20 December 2011,
<http://hudoc.echr.coe.int/eng?i=001-108231>
8. ECHR, Judgment, *Isayeva v. Russia* (Application no. 57950/00), 24 February 2005 (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-68381>)
9. ECHR, Judgment, *Isayeva, Yusupova and Bazayeva v. Russia* (Applications nos. 57947/00, 57948/00 and 57949/00), 24 February 2005 (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-68379>)
10. ECHR, Judgment, *McCann and Others* (Application no. 18984/91), 27 September 1995,
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57943>.
11. ECHR, Judgment, *Pretty v. The United Kingdom* (Application no. 2346/02), 29 April 2002, <http://hudoc.echr.coe.int/eng?i=001-60448>

12. ECHR, Judgment, *Vo v. France* (Application no. 53924/00), 8 July 2004.
<http://hudoc.echr.coe.int/eng?i=001-61887>

Topic 4.

Prohibition of Torture.

1. Prohibition of torture, inhuman or degrading treatment or punishment in sources of International Law.
2. Scope of notions «torture», «inhuman treatment», «degrading treatment» and their distinction.
3. A torture: special purpose or general intent, intensiveness of suffering, physical and/or mental suffering.
4. Inhuman treatment and punishment: physical interference, psychological pressure, conditions of detention and imprisonment, body punishments, extradition or deportation.
5. Inhuman or degrading treatment or punishment: conditions of detention and imprisonment, solitary confinement, failure to provide medical treatment, coercive measures of medical character, discrimination.

Case-law:

1. ECHR, Judgement, *Aksoy v Turkey* (Application no. 21987/93), 18 December 1996,
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58003>.
2. ECHR, Judgement, *Al-Saadoon and Mufdhi v UK* (Application no. 61498/08), 2 March 2010,
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-97575>
3. ECHR, Judgement, *Ananyev and Others v. Russia* (Applications nos. 42525/07 and 60800/08), 10 January 2012.
<http://hudoc.echr.coe.int/eng?i=001-108465>
4. ECHR, Judgment, *Aksoy v. Turkey* (Application № 59741/00), 18 December 1996.
5. ECHR, Judgment, *Arcila Henao v. the Netherlands* (Application No. 13669/03), 24 June 2003.
6. ECHR, Judgment, *Ireland v. UK* (Application № 5310/71), 18 April 1978.
7. ECHR, Judgment, *Kurt v. Turkey*, 25 May 1998.
8. ECHR, Judgement, *Öcalan v Turkey* (Application no. 46221/99), 12 May 2005, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-69022>
9. ECHR, Judgment, *Ribitsch v. Austria* (Application № 18896/91), 4 December 1995.
10. ECHR, Judgment, *Salmanoplu and Polattaş v. Turkey* (Application No. 5828/03), 17 March 2009.
11. ECHR, Judgment, *Selmouni v. France* (Application № 25803/94), 28 July 1999.

Topic 5.

Right to liberty and security of person.

1. Right to liberty and security in sources of International law. Prohibition of enforced disappearances.
2. Structure of Article 5 of the ECHR. “Lawfulness” of the deprivation of liberty. Protection from arbitrariness as a general purpose of Art. 5. Legitimate grounds for deprivation of liberty.
3. Right to be informed about reasons of the arrest.
4. Right to be released pending trial. Trial within of a reasonable time.
5. Guarantee of *habeas corpus*.

Reading:

Guide on Article 5 of the Convention, Right to Liberty and Security, CoE, 2014, http://www.echr.coe.int/Documents/Guide_Art_5_ENG.pdf

Case-law:

1. ECHR, Judgment, *De Wilde, Oomc and Versyp v. Belgium* (Applications № 2832/66; 2835/66; 2899/66), 18 June 1971.
2. ECHR, Judgment, *Winterwerp v. The Netherlands* (Application № 6301/73), 24 October 1979.
3. ECHR, Judgment, *Guzzardi v. Italy* (Application № 7367/76), 6 November 1980.
4. ECHR, Judgment, *Fox, Campbell and Hartley v. the UK* (Application № 12244/86; 12245/86; 12383/86), 30 August 1990.
5. ECHR, Judgment, *Leteiller v. France* (Application № 12369/86), 26 June 1991.
6. ECHR, Judgment, *Menesheva v Russia*, (Application no. 59261/00), 9 March 2006, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-72700>
7. ECHR, Judgment, *Nolan and K. v. Russia* (Application no. 59261/00), 9 March 2006 (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-91302>).
8. ECHR, Judgment, *Rantsev v. Cyprus and Russia* (Application no. 25965/04), 7 January 2010, <http://hudoc.echr.coe.int/eng?i=001-96549>.
9. ECHR, Judgment, *Krupko and Others v. Russia* (Application no. 26587/07), 26 June 2014, <http://hudoc.echr.coe.int/eng?i=001-145013>
10. ECHR, Judgment, *Nasrulloev v. Russia* (Application no. 656/06), 11 October 2007, <http://hudoc.echr.coe.int/eng?i=001-82654>
11. ECHR, Judgment, *Vasileva v. Denmark* (Application no. 52792/99), 25 September 2003, <http://hudoc.echr.coe.int/eng?i=001-61309>

Topic 6.

Right to a Fair Trial. Right to an Effective Remedy

1. Scope and structure of Art. 6 of the ECHR. Notions of “civil rights and obligations”, “dispute over right based in domestic law”, “criminal charge”. Applicability of Art. 6 to pre-trial investigations, appeals, constitutional and other review proceedings.
2. *Res judicata* principle. Enforcement of domestic judgments.
3. “Fair” trial.
4. Access to a court. An “independent and impartial tribunal, established by law”
5. Principle of legal certainty.
6. Procedural guarantees provided for by Art. 6 of the ECHR.
7. Reasonable time of a trial.
8. Right to an effective remedy.

Reading:

1. Guide on Article 6. Right to Fair Trial (Criminal Limb). CoE, 2014, http://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf
2. Guide on Article 6. Right to Fair Trial (Criminal Limb). CoE, 2013, http://www.echr.coe.int/Documents/Guide_Art_6_ENG.pdf
3. The Right to a Fair Trial. A guide to the implementation of Article 6 of the European Convention on Human Rights, CoE, 2006, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007ff49>

Case-law:

1. UN Human Rights Committee, Views, *Gridin v. Russia*, (Communication № 770/1997), 20 July 2000.
2. UN Human Rights Committee, Views, *Dugin v. Russia* (Communication № 815/1998), 5 July 2004.
3. ECHR, Judgment, *Burdov v. Russia* (Application № 59498/00), 7 May 2002.
4. ECHR, Judgment, *Burdov v. Russia (№ 2)* (Application № 33509/04), 15 January 2009.
5. ECHR, Judgment, *Borshchevskiy v. Russia* (Application № 14853/03), 21 September 2006.
6. ECHR, Judgment, *Gaefgen v. Germany* (Application no. 22978/05), 1 June 2010. <http://hudoc.echr.coe.int/eng?i=001-99015>
7. ECHR, Judgment, *Bentham v. The Netherlands* (Application no. 8848/80), 23 October 1985, <http://hudoc.echr.coe.int/eng?i=001-57436>

Part 2.

Topic 7.

Right to Respect for Private and Family Life.

1. Court's approach to legal analysis of cases: concepts of "interference", "pressing social need", "margin of appreciation", "legitimate aim", "prescribed by law".
2. The concept of private life. Scope of private life under Art. 8 of the European Convention on human rights: beginning and end of life, personal autonomy, gender identity, right to a name and ethnic identity, the right to reputation, privacy, reproductive rights, and other rights under Art. 8.
3. The concept of family life. Marriage. Cohabitation. Blood ties. Adopted children.
4. The derogation clause. Taking children into public care. Prisoners. Surveillance measures.
5. Positive obligation of the states in protecting private life. The right to know one's own origin, the determination of legal ties, protection of healthy environment and providing information about health risks, preserving of family ties and protection of family life from external threats.
6. Contemporary problems in protection of privacy and family: transformation of the notions of 'family', 'privacy', 'home'. The right to privacy in modern age. The secrecy of correspondence. Internet and privacy. Social networks and privacy.

Reading:

Roagna, Ivana. Protecting the right to respect for private and family life under the European Convention on Human Rights. Council of Europe, Strasbourg, 2012. http://www.coe.int/t/dgi/hr-natimplement/Source/documentation/hb11_privatelife_en.pdf

Case law:

1. *Marckx v. Belgium*, App. no. 6833/74, Judgment of 13 June 1979.
2. *Inze v. Austria*, App. no. 8695/79, Judgment of 28 October 1987.
3. *Suz v. Austria*, App. no. 17371/90, Judgment of 16 September 1996.
4. *Đorđević v. Croatia*. App. no. 41526/10. Judgment of 24 July 2012. <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-112322>
5. *Gladysheva v. Russia*. App. no. 7097/10. JUDGMENT of 6 December 2011 <http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-107713>
6. *Drakšas v. Lithuania*. Judgment of 31 July 2012. <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-112588>
7. *X v. Slovenia*. App. no. 40245/10. JUDGMENT of 28 June 2012. [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{"languageisocode":\["ENG"\],"documentcollectionid":\["COMMITTEE","DECISIONS","COMMUNICATEDCASES","CLIN","ADVISORYOPINIONS","REPORTS","RESOLUTIONS"\],"violation":\["8","8-1","12"\],"itemid":\["001-111688"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{)
8. *Koch v. Germany*. App. no. 497/09. Judgment of 19 July 2012. [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{"languageisocode":\["ENG"\],"documentcollectionid":\["COMMITTEE","DECISIONS","COMMUNICATEDCASES","CLIN","ADVISORYOPINIONS","REPORTS","RESOLUTIONS"\],"violation":\["8","8-1","12"\],"itemid":\["001-111688"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{)

- UNICATEDCASES","CLIN","ADVISORYOPINIONS","REPORTS","RESOLUTIONS"],"violation":["8","8-1","12"],"itemid":["001-112282"]}
9. Shimovolos v. Russia. Application no. 30194/09, Judgment of 21 June 2011. [http://hudoc.echr.coe.int/eng?i=001-105217#{\"itemid\":\[\"001-105217\"\]}](http://hudoc.echr.coe.int/eng?i=001-105217#{\)
 10. Shtukurov v. Russia. Application no. 44009/05 Judgment of 27 March 2008.

Optional:

11. Evans v. the United Kingdom. App. no. 6339/05. Judgment of 10 April 2007. [http://hudoc.echr.coe.int/eng?i=001-80046#{\"itemid\":\[\"001-80046\"\]}](http://hudoc.echr.coe.int/eng?i=001-80046#{\)
12. Niemietz v. Germany, App. no. 13710/88), 1992.
13. Peck v. United Kingdom, App. No. 44647/98), 2003.
14. Odièvre v. France. App. No. 42326/98, 2003.
15. A, B, and C v. Ireland, App. No. 25579/05), (GC) 2010.
16. Gaskin v. United Kingdom, App. No. 10454/83), 1989.
17. Goodwin v. United Kingdom (Application No. 28957/95), 2002.
18. Mikuli v. Croatia (Application No. 53176/99), 2002.
19. Schalk and Kopf v. Austria (Application No. 30141/04), 2010.

Topic 8.

Freedom of Thought, Conscience and Religion.

1. Freedom of religion or belief: international norms and institutions. The nature and minimum standards of freedom of religion and belief under international law: UN and Council of Europe. Religious liberty and OSCE commitments.
2. The scope of Art. 9 of the European Convention: *ratione materiae*. What is meant by “thought, conscience and religion”. *Forum internum* of the right to freedom of religion. Manifestation of religion. Individual and collective aspects of freedom of religion.
3. Permissible restrictions on freedom of religion and belief.
4. Conscientious objection. Proselytism. The right of religious groups to association. Visual signs of belonging to religion in public space. New religious movements. Religion in the workplace.
5. Protection against gratuitous offence, incitement to violence and hatred against a religious community.
6. Discrimination on religious grounds: Art. 9 in conjunction with Art. 14.

Reading:

Murdoch, Jim. Freedom of thought, conscience and religion: A guide to the implementation of Article 9 of the European Convention on Human Rights. Council of Europe, Human rights handbooks, No. 9. 2007. [http://www.echr.coe.int/LibraryDocs/DG2/HRHAND/DG2-EN-HRHAND-09\(2007\).pdf](http://www.echr.coe.int/LibraryDocs/DG2/HRHAND/DG2-EN-HRHAND-09(2007).pdf)

Case law:

1. Buskarini and others v. San Marino, application no. 24645/94, Judgment of 18 February 1999. [http://hudoc.echr.coe.int/eng?i=001-58915#{"itemid":\["001-58915"\]}](http://hudoc.echr.coe.int/eng?i=001-58915#{)
2. Eweida and Others v. the United Kingdom, no. 48420/10, Judgment of 15 January 2013. [http://hudoc.echr.coe.int/eng?i=001-115881#{"itemid":\["001-115881"\]}](http://hudoc.echr.coe.int/eng?i=001-115881#{)
3. Giniewski v. France , no. 64016/00, Judgment of 31 January 2006. [http://hudoc.echr.coe.int/eng?i=001-72216#{"itemid":\["001-72216"\]}](http://hudoc.echr.coe.int/eng?i=001-72216#{)
4. Kokkinakis v. Greece, 14307/88, Judgment of 25 May 1993. [http://hudoc.echr.coe.int/eng?i=001-57827#{"itemid":\["001-57827"\]}](http://hudoc.echr.coe.int/eng?i=001-57827#{)
5. Metropolitan Church of Bessarabia and Others v. Moldova, no. 45701/99 Judgment of 13 December 2001. [http://hudoc.echr.coe.int/eng?i=001-59985#{"itemid":\["001-59985"\]}](http://hudoc.echr.coe.int/eng?i=001-59985#{)
6. Obst v. Germany, no. 425/03, Judgment of 23 September 2010. 3. Schüth v. Germany, no. 1620/03, 2010.
7. Otto-Preminger-Institut, app. no. 13470/87, Judgment of 20 September 1994 [http://hudoc.echr.coe.int/eng?i=001-57897#{"itemid":\["001-57897"\]}](http://hudoc.echr.coe.int/eng?i=001-57897#{)
8. Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria, no. 40825/98, Judgment of 31 July 2008. [http://hudoc.echr.coe.int/eng?i=001-88022#{"itemid":\["001-88022"\]}](http://hudoc.echr.coe.int/eng?i=001-88022#{)
9. Sidiropulos v. Greece. App. No 26695/95, Judgment of 10 July 1998. [http://hudoc.echr.coe.int/eng?i=001-58205#{"itemid":\["001-58205"\]}](http://hudoc.echr.coe.int/eng?i=001-58205#{)

Optional reading:

1. ECtHR, Overview of the Court's case law on freedom of religion. http://www.echr.coe.int/Documents/Research_report_religion_ENG.pdf
2. Uitz R. "Freedom of religion" // European constitutional and international case law – Strasbourg : Council of Europe, 2007.

Additional case law :

1. Fédération chrétienne des témoins de Jéhovah de France v. France ((dec.), no. 53430/99, ECHR 2001-XI.
2. Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia, no. 71156/013, Judgment of May 2007.

Topic 9.

Freedom of Expression.

1. The meaning of 'expression' and 'speech'.
2. Freedom of expression and its limits in the Universal Declaration of Human Rights (Art.19), the International Covenant on Civil and Political Rights (Art. 19), the European Convention on human rights and fundamental freedoms (Art. 10).

3. Case law of the UN Committee on Human Rights.
4. Art. 10 of the ECHR: provisional grounds for restriction and their interpretation by the Court, 'duties and responsibilities' clause, 'necessity in a democratic society' clause.
5. Press and political criticism. Public figure. Public servants. Authority and impartiality of judiciary. Censorship. Protection of reputation. Facts and opinions. Private and family life. Public morals.
6. Hate speech. Holocaust Denial Cases in the UNCHR and the European Court of Human Rights.
7. Artistic freedoms.

Case-law:

UN Human Rights Committee:

1. Albert Womah Mukong v. Cameroon, Communication No. 458/1991
2. Kivenmaa v. Finland (Human Rights Committee Views on Communication 412/1990)
3. Robert Faurisson v. France, Human Rights Committee (United Nations). UN Doc. CCPR/C/58/D/550/1993 (1996),
<http://www1.umn.edu/humanrts/undocs/html/VWS55058.htm>

ECtHR:

1. Castells v. Spain. Judgment of 23 April, 1992.
2. De Haes and Gijssels v. Belgium. Judgment of 24 February 1997.
3. Grinberg v. Russia. Judgment of 21 July 2005.
<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>
4. Handyside v. United Kingdom. Judgment of 7 December 1976 (№ 24).
5. Janowsky v. Poland, app. no. 25716/94, Judgment of 21 January 1999. [http://hudoc.echr.coe.int/eng?i=001-58909#{\"itemid\":\[\"001-58909\"\]}](http://hudoc.echr.coe.int/eng?i=001-58909#{\)
6. Krasulya v. Russia, Judgment of 22 February 2007.
<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>
7. Lingens v. Austria. Decision of 8 July 1986 (№ 103), E.H.R.R. 103
8. Muller and Others v. Switzerland. Judgment of 24 May 1988 (№ 130).
9. Oberschlick v. Austria, Judgment of 23 May 1991.
10. Romanenko et al. v. Russia. ECHR, Judgment of 8 October, 2009.
<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>
11. Wingrove v. The United Kingdom (19/1995/525/611) , Judgment of 25 November 1996.

Topic 10.

Freedom of Assembly and Association.

1. Role of freedom of association and peaceful assembly for democracy. UN, OSCE and Council of Europe instruments. OSCE Guidelines on peaceful assemblies and on NGOs.
2. Freedom of peaceful assembly. Definition of ‘assembly’ and types of peaceful assemblies. General international principles in regulation of assemblies. Counter-demonstrations. ‘Hate audience’ response.
3. Freedom of association. Rights of trade-unions. Case law of the ECtHR. Venice Commission and its recommendations.
4. Legitimate restrictions on freedom of assembly and associations.

Case-law on associations:

1. Freedom and Democracy Party (Özdep) v. Turkey. App. № 23885/94, Judgment of 08.12.1999.
2. Gorzelik et al. V. Poland. App. No. 44158/98, Judgment of 20.12.2001.
3. National Union of Belgian Police v. Belgium. App. no № 4464/70, Judgment of 27.10.1975.
4. Presidential Party of Mordovia v. Russia. App. No. 65659/01, Judgment of 05.10.2004.
5. Republican Party of Russia v. Russia. App. No 12976/07. Judgment of 12 April 2011. [http://hudoc.echr.coe.int/eng?i=001-104495#{"itemid":\["001-104495"\]}](http://hudoc.echr.coe.int/eng?i=001-104495#{)
6. The Welfare Party et. Al. V. Turkey. Apps. №№ 41340/98, 41342/98, 41343/98, 41344/98, Judgment of 13 February 2003.
7. United Communist party of Turkey et al. V. Turkey. App. No. 19392/92. Judgment of 30.01.1998.
8. Vatan v. Russia. App. No 47978/99, Judgment of 7 October 2014.
9. Zhechev v. Bulgaria. App. No. 57045/00, Judgment of 21.09. 2007.

Case-law on freedom of peaceful assembly:

1. Bączkowski et al. V. Poland. App. no №1543/06, Judgment of 3 May 2007
2. Kasparov and others v. Russia. App. No 21613/07. Judgment of 03 October 2013. [http://hudoc.echr.coe.int/eng?i=001-126541#{"itemid":\["001-126541"\]}](http://hudoc.echr.coe.int/eng?i=001-126541#{)
3. Navalny and Yashin v. Russia. App. No. 76204/11. Judgment of 4 December 2014. [http://hudoc.echr.coe.int/eng?i=001-148286#{"itemid":\["001-148286"\]}](http://hudoc.echr.coe.int/eng?i=001-148286#{)
4. Plattform “Ärzte Für Das Leben” v. Austria. №10126/82, Judgment of 21 June 1988.
5. Stankov and the United Macedonian Organisation Ilinden v. Bulgaria. Apps. No. 29221/95, 29225/95, Judgment of 2 October 2001.

**Topic 11.
Prohibition of Discrimination.**

1. Equality and equal treatment in the theory of human rights. Discrimination: definition, types, protected grounds. Direct and indirect discrimination. Harassment and instruction to discriminate. Victimization.
2. Affirmative action for vulnerable groups. Discrimination and differentiation. Legitimate restrictions of the right to equal treatment.
3. International anti-discrimination law. UN and Council of Europe anti-discrimination standards. Methodology for proving discrimination under the European Convention of Human Rights and Protocol 12. Need for a comparator. Equal and unequal situation.
4. Prohibition of discrimination on grounds of race, ethnicity, religion, language, gender, sex, disability, HIV-status, age and place of residence. Discrimination of disadvantaged groups and individuals in employment, medical care, housing, education and in access to fundamental rights. Citizenship and equality.
5. ECtHR case law on Art. 14.

Readings:

Handbook on European non-discrimination law (FRA handbook). - European Union Agency for Fundamental Rights, European Court of Human Rights, Council of Europe. 2011.
http://fra.europa.eu/sites/default/files/fra_uploads/1510-FRA-CASE-LAW-HANDBOOK_EN.pdf

Case-law:

1. Abdulaziz, Cabales and Balkandali v. United Kingdom (1985)
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57416>
2. Belgium Linguistics Case (1970)
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57525>
3. Danilenkov v. Russia (2009)
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-93854>
4. DH v. The Czech Republic, App. No. 57325/00, Judgment date 13 November 2007. [http://hudoc.echr.coe.int/eng?i=001-83256#{\"itemid\":\[\"001-83256\"\]}](http://hudoc.echr.coe.int/eng?i=001-83256#{\)
5. Hoffmann v. Austria (1994)
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57825>
6. Opez v. Turkey (2009)
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-92945>
7. Paraskeva Todorova v. Bulgaria.
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-97954>
8. Rasmussen v. Denmark
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57563>
9. Sedjić and Finci v. Bosnia and Herzegovina (2009)
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96491>
10. Thlimmenos v. Greece (2001)
<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58561>

9. Methods of Instruction

- use of interactive educational technologies (problematic lectures, Socrates method, work in small groups);
- use of ratings and accumulative system of control.

10. Evaluation tools and samples

10.1 Current evaluation

(1) Home task (please, fill in this table)

«International Human Rights Instruments»

Title of the international instrument	Date of adoption	Date of entry into force	Number of participants	Competence of a special body	Russian Federation	
					Date of entry into force	Recognition of the competence to receive individual communications
The International Covenant on Civil and Political Rights ...						

(2) Examination (in a written form)

Type of tasks	Criteria of evaluation	Points
1. Open question	The answers are correct	5
	The answers are partly correct	1 - 4
	The answers are wrong	0
2. Case-study	A correct full answer based on legal	5

	sources and consistent argumentation	
	In general, a correct full answer based on legal sources and consistent argumentation, but there are few minor mistakes or omissions	4
	In general, a correct full answer based on legal sources and consistent argumentation, but there are few mistakes or omissions (< or = 5)	3
	In general, a correct full answer based on legal sources and consistent argumentation, but there are few minor mistakes or omissions (> 5, but < 10)	2
	In general, a correct answer, which is not based on legal sources	1
	A wrong choice of applicable law	0

A sample of an examination task:

1. Provide a short answer to the question:

Does a politician enjoy a stronger protection under Art. 10 for damages to his or her reputation in case when this politician is criticized by journalists, that an ordinary person? Why?

2. Analyze the case, using the scheme of reasoning, developed by the ECtHR. Identify the article(s), which may be engaged in this case.

Please, note! IN ANALYSING THE CASE, YOU SHOULD FOLLOW THE SCHEME THAT IS USED BY THE ECtHR.

The applicants, a wife and a husband Wellers, have five children. One day, on an application by the social protection department, the District Court made an order for the supervision of the applicants' children to ensure that the parents would quickly have found suitable housing. Three months later the social protection department applied for a temporary care order for the children on the grounds that the family had not had a suitable and stable home since 1997 and that the applicants had been trying to evade the supervision the previous order entailed. Later, on grounds of art 35 of the Code of Civil Procedure, the District Court ordered the temporary placement of the three oldest children in one social care institution and the two youngest in another.

In December 2000 the District Court gave custody of the applicants' five children to a children's home. It noted in particular that Mr Weller did not have stable employment and that his wife, who was unemployed, had not yet complied with the formalities which would have enabled her to obtain social

benefits. Finding that the applicants had therefore not made sufficient effort to overcome their material difficulties and find a home for their family, the District Court ruled that they were not in a position to bring the children up properly. It further noted that they had not shown any interest in the children, with whom they had not been in contact since their placement to the institution.

The Constitutional Court dismissed an appeal by the applicants as regards the fact that the children had been taken into care on the ground that this had been the only possible solution and that it had been in accordance with the law and in the children's interest.

The oldest child ceased to be affected by the care order when he reached the age of majority; custody of the two youngest children was given to some other family; the care orders concerning the second and third children were annulled in February 2006 and they were able to return to living with their parents, under educational supervision of the social protection department. As grounds for lifting the care orders, the courts noted that the applicants had recently started renting a flat, that Mr Weller had been working for some months and that his wife was receiving an invalidity allowance.

The two youngest children are apparently still living with the foster family.

11. Final mark for the discipline

Mark final = 0,4 x Mark_{exam} + 0,6 Mark_{cumulative}

Mark_{cumulative} = 0,3 x Mark home task 1 + 0,3 x Mark home task 2 + 0,4 Mark_{colloquium}

Re-examination is carried out in form of a written assignment (1 h 20 min, open questions and case-studies).

12. Reading list and Internet-resources

12.1. Basic text-book

Harris D., O'Boyle M., Bates E., Buckley C. Law of the European Convention on Human Rights. 3rd Ed. Oxford, 2014.

12.2. Basic literature:

1. *Bantekas I., Oette L.* International Human Rights Law and Practice. Cambridge, 2013.
2. *De Schutter O.* International Human Rights Law: Cases, Materials, Commentary. 2nd Ed. Cambridge, 2014.
3. International Human Rights Law: an Introduction / By D. S. Weissbrodt, C.

- de la Vega. 2010.
4. *Leach Ph.* Taking a Case to the European Court of Human Rights. 3rd Ed. Oxford, 2012.
 5. *Schabas W.* The European Convention on Human Rights: A Commentary. Oxford, 2015.
 6. *Shelton D.* The Oxford Handbook of International Human Rights Law (Oxford Handbooks in Law). 1st Ed. Oxford, 2015.
 7. Glossary of the European Convention on Human Rights: Russian-English. CoE. 2015. http://www.coe.int/t/dgi/hr-natimplement/source/documentation/Glossary_rus_web.pdf

12.3. Internet-resources:

- 1) http://www.coe.int/T/R/Human_Rights_Court
- 2) <http://www.echr.coe.int/ECHR/EN/hudoc>
- 3) <http://www.coe.ru>
- 4) <http://www.europeancourt.ru>
- 5) www.echr.ru
- 6) <http://www.un.org/>
- 7) <http://ohchr.org>

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