

## **JAMR45, European Fundamental Rights Law, 7.5 credits**

*European Fundamental Rights Law, 7,5 högskolepoäng*

**Second Cycle / Avancerad nivå**

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### **Details of approval**

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2022-10-05 (U 2022/704 ) and was last revised on 2024-11-06 (U 2024/712). The revised syllabus comes into effect 2024-11-06 and is valid from the spring semester 2025.

### **General information**

The course is an elective course within the Master's Programme in International Human Rights Law at the Faculty of Law. The course is open to students on the programme leading to a Swedish Professional Law degree and to international students participating in exchange programmes with the Faculty of Law.

*Language of instruction:* English

*Main field of study*

*Specialisation*

Human Rights

A1F, Second cycle, has second-cycle course/s as entry requirements

### **Learning outcomes**

#### **Knowledge and understanding**

To pass examination the student shall

- understand the field of European fundamental rights,
- evaluate the case law of the European Court of Human Rights and the Court of Justice of the EU examined in the course,
- appraise the work of European institutions mandated to implement fundamental rights and
- determine the relevant legal sources, the substantive norms and the techniques for interpreting fundamental rights.

## Competence and skills

To pass examination the student shall

- critically assess the substantive rights protected by the European Convention on Human rights and the EU Charter on Fundamental Rights,
- be able to use and evaluate the case law of the two relevant European courts (the European Court of Human Rights and the Court of Justice of the EU),
- be able to analyze the interaction between the European Convention of Human Rights and the EU Charter on Fundamental Rights,
- be able to determine and use the relevant techniques for interpreting provisions that enshrine fundamental rights and
- be able to formulate arguments relevant to fundamental rights.

## Judgement and approach

To pass examination the student shall display a scientific ethos in working with European fundamental rights law. The student should be able to determine the relevant legal sources, evaluate their argumentative value, compare legal sources from different legal orders and formulate arguments relevant to fundamental rights protection.

## Course content

The systems of protection of fundamental rights in Europe have a huge impact on our lives and on the national legal frameworks.

The current setting of human rights protection in Europe is based on different sources that respond to different rationales. After the Second World War, our fundamental rights have been guaranteed in the European Convention of Human Rights and Fundamental Freedoms (the ECHR) or the Convention. Individuals who deem themselves victims of human rights law violations can complain to an international court, the European Court of Human Rights (ECtHR). In addition to the ECHR, within Europe there is another legal framework that is also relevant to the protection of fundamental rights. This is EU law. Originally, the EU was primarily focused on economic collaboration and fundamental rights were not part of the EU regulatory framework. This was, however, met with criticism. As a result, fundamental rights were recognized as fundamental principles of community law by the Court of Justice (ECJ). Thereafter, changes were introduced in the EU treaties and protection of fundamental rights was brought therein. The EU Charter of Fundamental Rights was adopted and since 2009 the Charter is binding EU law. These different instruments (ECHR and EU CFR) are overlapping and create a complicated network of human rights obligations with different risks and benefits for individuals and groups.

For these reasons, the course aims to not only offer lectures on the different systems of fundamental rights protection in Europe and their interaction, but also to focus on certain concrete themes that pose contemporary challenges in our complex societies. Examples include positive obligations, privacy rights and judicial independence.

## Course design

The students obtain knowledge and competences through individual studies of course literature and other course material, and by taking an active part in lectures and seminars. The students will analyse case law with regard to the legal questions, the legal arguments and solutions proposed, to strengthen their legal analytical skills. The course will combine lectures, seminars and group work.

For each seminar, students are required to prepare in advance within the group to which they are assigned. Participation in the seminars does not require submission of papers. It requires oral presentation of arguments. The seminars might be organized around specific judgments issued by the European Court of Human Rights or the Court of Justice of the EU. The seminars might be also organized around a specific team or subject. The purpose of the seminar is to train students' verbal abilities to present. The seminars will also offer the students possibilities to receive feedback from their mates and/or from the teachers.

The course might also contain guest lectures not only by academics, but also by practitioners, professionals and people who work at European institutions.

## Assessment

Examination is in the form of a take-home exam (90 percent of the final grade) and active oral participation in seminars as designated by responsible staff (10 percent of the final grade).

The take home exam will contain 3-6 questions that are meant to cover the issues addressed in the course. Some of these questions might be in the format of essay questions, which require longer answers. Others might be in the format of a more focused questions, where a shorter answer is demanded. A word limit for the answer to each question will be specifically indicated.

The course will include 2-4 seminars where students are required to present verbally.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

## Grades

Grading scale includes the grades: Fail, Pass, Pass with Credit, Pass with Distinction

### **B - Pass**

In order to receive B (pass), students shall show ability to evaluate the applicable legal norms, to submit valid arguments and competence to apply the conceptual apparatus related to European fundamental rights law. Students shall also show an understanding of the material scope and the personal scope of the relevant norms, and consistently cite relevant authoritative sources.

### **BA - Pass with credit**

In order to receive BA (pass with credit), students shall show good ability to evaluate the applicable legal norms, to submit valid arguments and good competence to apply the conceptual apparatus related to European fundamental rights law. Students shall also show a good understanding of the material scope and the personal scope of the relevant norms and consistently cite relevant authoritative sources

**AB - Pass with distinction**

In order to receive AB (pass with distinction), students shall show excellent ability to evaluate the applicable legal norms, to submit valid and convincing arguments and an excellent competence to apply the conceptual apparatus related to European fundamental rights law. Students shall also show an excellent understanding of the material scope and the personal scope of the relevant norms and consistently cite authoritative sources

**Entry requirements**

Passed examination in courses corresponding to the first term of the Master's programme equivalent to 30 credits.

For students on the Professional Law Degree Programme the entry requirements for semesters 7 and 8 are outlined in the Programme syllabus (utbildningsplanen).

Exchange students must have passed at least two and a half years of law studies at university level including basic knowledge of public international law.

**Further information**

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

All submitted texts must be based on independent work. The student must be able to account for, justify, develop, and modify all parts of the submitted course assignments.