Faculty of Law

JAMR45, European Fundamental Rights Law, 7.5 credits
European Fundamental Rights Law, 7,5 högskolepoäng
Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2022-10-05 to be valid from 2022-10-05, spring semester 2023.

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 studies	*Depth of study relative to the degree requirements*
Human Rights	A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

Knowledge and understanding
With this course the students will

- understand the field of European fundamental rights
- understand the case law of the European Court of Human Rights and the Court of Justice of the EU
- gain knowledge as to the European institutions mandated to implement fundamental rights
- understand the relevant legal sources, the substantive norms and the techniques for interpreting fundamental rights
- develop knowledge how to formulate arguments relevant to fundamental rights.

Competence and skills
To pass examination the student shall

- know the functioning of the European institutions that are mandated to protect fundamental rights
- know and critically assess the substantive rights protected by the European Convention on Human rights and the EU Charter on Fundamental Rights
- be able to use 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 use the relevant techniques for interpreting provisions that enshrine fundamental rights.

Judgement and approach
To pass examination the student shall display a scientific ethos in working with European fundamental rights law.

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 primary 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 from the teachers. Students are required to show in-depth engagement with the controversial issues raised within each seminar.

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 student must pass each component separately to obtain a pass grade for the course.

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.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.
B - Pass

In order to receive B (pass), students are required to demonstrate an ability to evaluate the applicable legal norms and to submit valid arguments. Students are required to show good degree of competence to apply the conceptual apparatus related to European fundamental rights law, which has been covered during the course. Students are required to demonstrate good understanding of the material scope and the personal scope of the relevant norms. Students are required to consistently cite relevant authoritative sources, including judgments by the European Court of Human Rights and the Court of Justice of the EU.

BA - Pass with credit

In order to receive BA (pass with credit) students are required to demonstrate very good ability to evaluate the applicable legal norms and to submit convincing arguments. The structure in which they present their answers is also of importance. Students are required to show very good degree of competence to apply the

conceptual apparatus related to European fundamental rights law, which has been covered during the course. Students are required to demonstrate very good understanding of the material scope and the personal scope of the relevant norms. Students are required to consistently cite relevant authoritative sources, including judgments by the European Court of Human Rights and the Court of Justice of the EU, and academic writings and reports that have used and analyzed these judgments and/or the issues that they raise.

AB - Pass with distinction

In order to receive AB (pass with distinction) students are required to demonstrate very high ability to evaluate the applicable legal norms and to submit convincing arguments. Students should be able to evaluate the weaknesses and the strengths of the different arguments and formulate these in a competent matter. Clarity in structure and content of the answers submitted for the questions are essential for receiving AB. In addition to clarity, the rationale behind the structure has to be communicated. Students are required to show a high degree of competence to apply the conceptual apparatus related to European fundamental rights law, which has been covered during the course. Students are required to compare legal norms emerging from different legal instruments. They should be able to demonstrate excellent understanding of the material scope and the personal scope of the relevant norms. Students are required to consistently cite relevant authoritative sources including judgments by the European Court of Human Rights and the Court of Justice of the EU, and academic writings and reports that have used and analyzed these judgments and/or the issues that they raise. Students should be able to critically engage with the ideas and arguments advanced in the academic writings.

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.

Subcourses in JAMR45, European Fundamental Rights Law

Applies from V23

2301   Take home examination, 7,5 hp
        Grading scale: Fail, Pass, Pass with credit, Pass with distinction