



Course Outline

Course number	RMP139				
Course title	Litigation at the European Court of Human Rights				
Credit points	3 ECTS (2 CP)				
Total hours	24				
Lecture hours	20				
Course level	Masters				
Prerequisites	None				
Category	Mandatory		Restricted elective		Free elective X

COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Kristaps Tamužs	LL.M.	Visiting lecturer

COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Kristaps Tamužs	LL.M.	Visiting lecturer
Inita Čīma	Mag. iur.	Visiting lecturer

COURSE ABSTRACT

The course will offer a perspective of (former) insiders on how individuals can defend their rights in the European Court of Human Rights, the most common difficulties encountered by 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.

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.

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.

COURSE OBJECTIVES

Knowledge Upon successful completion of the course students will have acquired in-depth information about litigation at the European Court of Human Rights. They will know the arguments to be used in order to substantiate the admissibility of complaints as well as the interpretative methods that the Court employs and is accordingly

receptive to in applications it receives. The students will also be aware of the present-day challenges faced by the ECHR and the potential future solutions to those problems.

Competencies Based on the information received during the course, successful students will receive the skill-set necessary to successfully represent applicants to the ECHR. They will be aware of practical issues that might be encountered when completing the application form, will know the steps to anticipate when the case is being processed by the Court and will be able to present legal arguments in a manner that would be the most persuasive to the European Court.

Skills Upon successful completion of the course the students will be able to present and defend an application to the European Court of Human Rights in a manner that is most likely to lead to a successful outcome for their future clients. At the same time, they will have obtained awareness of modern-day challenges encountered by the Court and thus will possess the background information necessary to engage in meaningful study of the related issues

GRADING CRITERIA

Criteria	Weighting
Seminars (moot court)	30%
Written exam	70%

COURSE REQUIREMENTS

COURSE PLAN – MAIN SUBJECTS

No.	Main subjects	Planned hours
1	Admissibility of applications to the ECHR	6
2	Convention case-law	12
3	Moot court (seminars)	4

COURSE PLAN – SESSIONS

Session	Session subjects and readings	Lecturer/ session type
1	<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 - Statistics, the Court's workload, past, present, future - The life of an application at the ECHR (stages of decision making, communication with the applicants) 	Lecture KT
2	<ul style="list-style-type: none"> - 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 	Lecture IČ

Session	Session subjects and readings	Lecturer/ session type
3	- Admissibility criteria: <ul style="list-style-type: none"> o the competence of the Court (continued) o exhaustion of the domestic remedies o time-limits 	Lecture IČ
4	- Admissibility criteria: <ul style="list-style-type: none"> o manifestly ill-founded applications o no significant disadvantage o substantially repetitive applications o abuse of the right of petition 	Lecture IČ
5	Interpretation of the Convention – the relevance of 1969 Vienna Convention on the Law of Treaties? (Golder; Demir and Baykara)	Lecture KT
6	- Methods of Interpretation specific to the Convention <ul style="list-style-type: none"> o methods of interpretation applied to qualified rights under the Convention and its protocols 	Lecture KT
7	- Methods of Interpretation specific to the Convention <ul style="list-style-type: none"> o methods of interpretation applied to absolute rights under the Convention and its protocols (Gafgen, Soering, Evans) 	
8	- Methods of interpretation specific to the Convention <ul style="list-style-type: none"> o the Convention as a living instrument o European consensus o margin of appreciation o subsidiarity o effective protection of human rights 	Lecture KT
9	- Methods of interpretation specific to the Convention <ul style="list-style-type: none"> o proportionality o necessity o systemic interpretation o negative v. positive obligations 	Lecture KT
10	Moot court	Seminar KT
11	Moot court	Seminar KT
12	Overview of the course	Lecture KT

COURSE RESULTS

By completing the study course and successfully passing the examination, the student will be able to:

Study results	Evaluation criteria
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	(40-69%)	(70-89%)	(90-100%)
Knowledge	The student has acquired only basic knowledge of the course subject. The student lacks understanding of some of the core issues of the course subject.	Overall, the student's knowledge complies with the expectations. However, there are issues that the student does not fully understand.	The student has demonstrated in-depth knowledge and understanding of the issues related to the course subject.
Skills	The student has demonstrated only basic level of skills.	The student has demonstrated good skills.	The student has demonstrated excellent skills.
Competences	The student can apply the knowledge only at a basic level. The student struggles with assessment and evaluation of legal issues. The student can identify the relevant legal norms. However, the student cannot correctly apply them.	The student can apply the knowledge at a reasonably good level. However, the student does not have the necessary level to be able to fully apply the acquired knowledge independently. The student has some problems to correctly apply the legal norms.	The student is able to apply the knowledge independently and correctly. The student can assess and evaluate legal issues, identify the relevant legal norms, and correctly apply them.

COURSE LITERATURE

Compulsory literature

No.	Author, year, 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, 4th ed., Oxford University Press, 2018 (Chapter 1.4 – Interpretation of the Convention)
5	Tyrer v. the United Kingdom (http://hudoc.echr.coe.int/eng?i=001-57587)
6	Golder v the United Kingdom (http://hudoc.echr.coe.int/eng?i=001-57496)
7	Soering v the United Kingdom (http://hudoc.echr.coe.int/eng?i=001-57619)
8	Demir and Baykara v Turkey (http://hudoc.echr.coe.int/eng?i=001-89558)
9	Evans v the United Kingdom (http://hudoc.echr.coe.int/eng?i=001-80046)
10	A, B and C v. Ireland (http://hudoc.echr.coe.int/eng?i=001-102332)

11	Oliari and Others v Italy (http://hudoc.echr.coe.int/eng?i=001-156265)
12	Gäfgen v Germany (http://hudoc.echr.coe.int/eng?i=001-99015)
13	Marguš v Croatia (http://hudoc.echr.coe.int/eng?i=001-144276)
14	Demirtaş v. Turkey (http://hudoc.echr.coe.int/eng?i=001-207173)
15	Magyar Kétfarkú Kutya Párt v. Hungary (http://hudoc.echr.coe.int/eng?i=001-200657)
16	Ilseher v. Germany (http://hudoc.echr.coe.int/eng?i=001-187540)

Additional literature and sources

No.	Author, year, title, publisher
1	Dzehtsiarou, K. (2011). European Consensus and the Evolutive Interpretation of the European Convention on Human Rights. <i>German Law Journal</i> , 12(10), 1730-1745. (https://www.ejtn.eu/Documents/About%20EJTN/Independent%20Seminars/Human%20Rights%20BCN%2028-29%20April%202014/Dzehtsiarou_ Interpretation ECHR GLJ 2011.pdf)
2	Marisa Iglesias Vila, Subsidiarity, margin of appreciation and international adjudication within a cooperative conception of human rights, <i>International Journal of Constitutional Law</i> , Volume 15, Issue 2, April 2017, pp. 393–413 (pdf on course portal)