

About the course

The course '*Human Rights Law in Europe*' provides for a broad introduction to the European Law system of the establishment and protection of human rights within the framework of the Council of Europe (which is not part of the EU).

This is a fourth year course, within the minor '*Law in Europe*'. English is the exclusive language of all instructions and other communication, for both students and instructor.

Entrance requirements for course and exam

In order to be able to successfully participate and pass this course you need basic legal knowledge and basic knowledge of the English language.

Relevance to the professional practice

The European system of human rights is generally considered to be the most advanced systems in the world for the establishment of human rights. Human rights are included in the European Convention on Human Rights (ECHR) and the European Social Charter (ESC). They apply to each individual, based on the fact that they are human. Human rights must be guaranteed by each state that is party to the human rights treaty. In the Netherlands they can be enforced in national legal proceedings before the competent (national) Court (based on the **principle of Direct Effect**). The Netherlands is party to both treaties, the ECHR and ESC.

The rights included in the ECHR and the ESC create far reaching obligations for the government, while at the same time and to a certain extent keep actions of citizens in order. For example, within the framework of the right to protection from torture, cruel and inhumane treatment, the government is not permitted to extradite a convicted terrorist to a country, where (s)he is at risk of torture; and within the framework of the right to privacy, a neighbor does not have the right to spy on another neighbor.

The principles stated in the ECHR and ESC apply to all areas of Dutch law, regardless of the fact under which scope (private, national or criminal law) the matter concerned falls. Moreover, these principles, whenever applicable, have precedence over national law (based on the **principle of Precedence**).

Lawyers and Legal Councils working for the judicial system (including the public prosecutor's department) and other governmental institutions, as well as people working in private companies and organizations are bound by this system. Therefore, they must be familiar with it. For that reason, in the final week a brief parallel will be drawn with the EU Human Rights legal system under de 'Charter of Fundamental Rights' (CFREU).

Relationship to the study

The minor '*EU Law and Human Rights*' provides for three courses in term A; '*Law of the European Union*', '*Moot Court Skills*' and '*Human Rights Law in Europe*'. Students can utilize the information of this course '*Human rights Law in Europe*', for their assignments for '*Moot Court Skills*'. The course '*Law of the European Union*' is primarily focused on the law that applies to the European Union. The European Union and the Council of Europe are negotiating on the [accession of the European](#)

[Union to the ECHR](#) [Links to an external site.](#) (week A7). In addition, fundamental human rights (as stated in the ECHR and other treaties) are part of the basic principles of the law of European Union and also of the CFREU. Therefore, (basic) knowledge of the ECHR and CFREU plays a part in the course '*Law of the European Union*' as well.

Term B of the minor provides for the course '*European Social Law*'. Note that knowledge of human rights law will also be relevant for this course.

EXCLUSIVE language of instruction

English. Students may choose to write their final Written Exam (EXAM1) in either Dutch or English.

Relationship to other areas of the study

The course builds upon the knowledge of human rights law already acquired in year 2 during the course (in Dutch) '*Internationaal en Europees Recht*' (old curriculum) or constitutional law in year 1 during the course (in Dutch) '*Rechtstaat 1*' (new curriculum).

Content (basic knowledge)

Substantive and institutional law of human rights and international organizations.

Study load

The study load standardization is 5 ECTS (140 hours). The load is generally divided into the following categories:

- lectures: 14 hours
- seminars: 14 hours
- self-study and exam preparation: 112 hours