



LONDON SOUTH BANK
UNIVERSITY

EUROPEAN HUMAN RIGHTS

EUROPEAN HUMAN RIGHTS

LAW-3-EHR

UNIT GUIDE

FACULTY OF ARTS & HUMAN SCIENCES

DEPARTMENT OF LAW

LLB Year 3 PT & FT
2007/2008

UNIT TITLE	EUROPEAN HUMAN RIGHTS
LEVEL	3
REFERENCE NUMBER	LAW-3-EHR
NUMBER OF CREDITS	1
STUDENT STUDY TIME	150
Contact hours	36
Student managed learning hours	114
PREREQUISITES	None
EXCLUDED COMBINATIONS	None
PARENT SCHOOL	Arts and Human Sciences
PARENT COURSE	LL.B
UNIT CO-ORDINATOR	Nina Tiagi Room K 320 0207 815 7081 tiagin@lsbu.ac.uk

INTRODUCTION TO THE UNIT

This unit provides students with an opportunity to critically consider and evaluate the protection provided by the European Convention on Human Rights and its impact in setting human rights norms.

AIMS:

This unit aims to:

1. consider and critically evaluate the framework for the protection of human rights within the Council of Europe taking into account historical and political perspectives;
2. examine in depth the law and procedure relating to the European Convention on Human Rights and its influence on domestic law, EU law, on member states of the Council of Europe and on international law;
3. explore relevant philosophical and policy issues;
4. examine and assess the practical problems of enforcing human rights;
5. To build upon other courses, especially Constitutional and Administrative Law, Civil Rights and the Individual or Civil Rights and the State.

UNIT OUTCOMES :

Knowledge and understanding

Students successfully completing this unit will be able to demonstrate a knowledge and understanding of:

- (a) the operation of the principles of liability under the European Convention of Human Rights;
 - (b) debates in relation to human rights and criticisms of the European Convention of Human Rights including the practical problems of enforcement of rights;
- the use of a wide range of sources in order to construct opposing arguments.

Legal skills

Students successfully completing this unit will be able to demonstrate an ability to:

- (a) assimilate and evaluate complex legal materials from a range of sources
- (b) accurately analyse a complex factual problem and isolate the issues of liability to which it gives rise;
- (c) persuasively and cogently argue how the relevant law should be applied to the resolution of a given problem, applying rules of interpretation to the Convention;
- (d) competently carry out research, involving use of original sources, required for the preparation of advice arising from a given set of facts.

Transferable skills

Students successfully completing this unit will have demonstrated an ability to:

- (a) organise, plan and prioritise self-managed scholarly work using original materials;
- (b) prepare materials according to assignment briefings to meet time critical deadlines
- (c) evaluate and assess opposing arguments with a view to rationalising stated preferences for a given line of reasoning, supported by authority and appropriate evidence
- (d) evaluate and assess issues in their relevant context, having regard to relevant philosophical or other contextual issues
- (e) work independently.

Practical skills

Students successfully completing this unit will have demonstrated the development of:

- (a) communication skills - through participation in seminar discussions and argument; by preparing, planning and analysing a complex legal problem or issue for the "seen" question in the examination.
- (b) IT skills - through the research required in preparation for; use of electronic information retrieval systems in preparation for seminars; preparing the "seen" question in the examination; e-mail communication with teaching staff;
- (c) skills for learning how to learn - the teaching, materials direct students to a range of sources that can be utilised to develop their subject knowledge and further their interest in the unit - on completion of the unit students should be able to conduct basic independent problem solving tasks. Diagrams and flow charts are used as an aid to learning and analysis of issues and problems.

TEACHING AND LEARNING PATTERNS

FULL-TIME MODE

Weeks 1 to 12 : One 2 hour lecture per week
: One 2 hour seminar per fortnight
Weeks 13 to 15 : Private study and examinations.

PART-TIME MODE

Weeks 1 to 12 : Nine 3 hour classes
: One 6 hour Saturday session
Weeks 13 to 15 : Private study and examinations.

The lectures will cover the main themes, issues and principles. The discussion of seminar topics and problems are based on handouts accompanying the guide that the students are given in advance. The questions will explore the contextual theoretical, policy, social and political issues and proposals for reform; as well as complex legal problems which require analysis of the law and an appreciation of the problems of enforcement. A number of questions from past examinations are included for discussion in seminars. This is to ensure that students are given the opportunity to develop the appropriate level of knowledge, analysis, problem solving skills and critical evaluation required.

PRIVATE STUDY TIME

Students are informed what areas they are required to study in their own time, in addition to reading around the materials covered in lectures. Some of these issues are then considered in seminars thereby allowing students the opportunity to research areas using their own initiative.

INDICATIVE SYLLABUS CONTENT

Conceptual issues

An introduction to the conceptual and theoretical issues relating of human rights.

Institutions and Procedure

The European Court of Human Rights. Procedure. Admissibility. Enforcement. Implementation of European Convention standards.

General Principles

Restrictions, derogation, and non-discrimination.

Interpretation

General principles of interpretation and the margin of appreciation. Judicial ideologies.

Substantive Rights

Whilst consideration will be given to the substantive rights contained in the Convention and its Protocols, each year, topics will be selected from the following major areas:

Right to life.

Freedom from torture, inhuman and degrading treatment.

Right to liberty and to a fair trial.

Freedom of speech, of assembly and of conscience and religion.

Respect for family, private life, home and correspondence.

These provisions of the Convention have raised a number of issues concerning a wide variety of subject matter for example;

Surveillance, deportation and extradition, asylum, exercise of police powers, bail, privacy, discrimination, rationing of

health care, rights of prisoners, mental health patients, detention of minors, safeguards for trial proceedings, access to the courts, corporal punishment, homosexuality, trans-sexuality, environmental pollution, right to join political parties, illegitimacy, abortion and euthanasia.

COURSE OF STUDY PART TIME & FULL TIME 2007/8

W/C	LECTURE TOPICS	SEMINAR TOPICS
28/1		
04/2		
11/2		
18/2	THEORIES/ HUMAN RIGHTS	
25/2	INTERPRETATION & INSTITUTIONS	THEORIES/ HUMAN RIGHTS
03/3	ADMISSIBILITY	INSTITUTIONS
10/3	ART 15 & 2	ADMISSIBILITY
	<i>EASTER</i>	<i>VACATION</i>
07/4	ART 3,	ART 15
14/4	8-11: GENERAL	ART 2
21/4	ART 8	ART 3
SAT 26/4	ARTS 9 & 10	ART 8
28/4	ART 14 & 13	ARTS 9 & 10
07/5	REVISION	ARTS 14 & 13
12/5		
19/5	<i>EXAMINATIONS</i>	<i>BEGIN</i>

All classes are on WEDNESDAYS unless otherwise stated.

ASSESSMENT METHOD: A 2 hour written examination (100%).

There will be a "seen" examination paper thereby giving students the opportunity to carry out research and being assessed on their ability to investigate, explore and analyse a specific area. Students will be allowed to take in a piece of A4 paper with notes relating to specified question[s] or part of questions -**instructions will be on the front of the paper.**

Students will be permitted to take in a relevant textbook into the examination, however, underlining, high lighting or flagging of sections is permitted.

N.B. The exam paper will only be available from the black board site - so ensure that you log on to it.

WARNING

You must ensure that the work you submit is your own.

Copying out of a textbook or from other materials will be severely penalised. However, limited reference to a textbook or other materials is permitted if properly referenced. Any reference to materials, directly or indirectly, must be fully cited and footnoted. See Guidelines on Cheating and Plagiarism in Appendix 1 of the *Course Guide 2002/2003* for examples of academic misconduct, including collusion, plagiarism and penalties.

[N.B. showing any draft of your assessment or related materials to another student is a breach of the Academic Regulations.]

LEARNER SUPPORT MATERIALS

BOOKLIST

Core texts

Jacobs: European Convention on Human Rights 2006 16th Feb [Oxford University Press]
Nash & Furse: Essential Human Rights Cases 2002 [Jordan]

Background texts

Mowbray: Cases and materials on the European Convention on Human Rights 2001 [Butterworths]
Harris, O'Boyle & Warbrick: Law of the European Convention on Human Rights 1995 [Butterworths]* new edition due in March 2004
Starmer: European Human Rights [LAG] 2000 new edition due in ? 2004
Leach: Taking a case to the European Court of Human Rights [Blackstone] 2001
Janis, Kay & Bradley: European Human Rights Law - text and materials [Oxford University Press] 2nd edition 2000
Hegarty: Human Rights in the 21st Century [Cavendish]
Gaete: Human Rights and the limits of critical reasoning
Steiner & Alston: International Human Rights in context [Oxford University Press] 2000

WEBSITES

European Court of Human Rights: www.echr.coe.int

ABBREVIATIONS

ECHR - European Convention on Human Rights
ECrTHR - European Court of Human Rights
ECmHR - European Commission of Human Rights
EHRR - European Human Rights Reports
EHRLR - European Human Rights Law Review
DR - Decisions & Reports [of the ECmHR]
CD - Collection of Decisions [of the ECmHR]
A - Series A of the ECrTHR
B - Series B of the ECrTHR
YB - Yearbook of the ECHR

SEMINAR QUESTIONS & READING

These are set in the materials provided at the end of each topic.
Most of the questions are previous exam questions.