

## SUBJECT CHART

### Human Rights Law

#### 1. Information on the study programme

1.1 Institution of higher education	West University of Timișoara
1.2 Faculty	Faculty of Law
1.3 Department	Department of Public Law
1.4 Field of Study	Law
1.5 Cycle of study	Bachelor studies
1.6 Programme of study / Qualification	Drept european și internațional ( <i>European and International Law</i> )

#### 2. Information on the subject

2.1 Discipline denomination		<b>Human Rights Law</b>					
2.2 Person in charge of course activities		Prof. univ. dr. Raluca Bercea					
2.3 Person in charge of seminar activities		Drd. Alexandra Burdulea					
2.4 Year of study	II	2.5 Semester	2	2.6 Type of evaluation	E	2.7 Subject regime	CS

#### 3. Total estimated time (number of hours of teaching activities per semester)

3.1 Number of hours per week	4	of which:	2	3.3 seminar	2
		3.2 course			
3.4 Total hours in the curriculum	56	of which:	28	3.6 seminar	28
		3.5 course:			
<b>Distribution of time:</b>					<b>hours</b>
Study using textbooks, teaching materials, bibliography and class notes					24
Additional research in the library, using specialized electronic platforms/ field research					20
Preparation for seminars / laboratories, homework, projects, essays					10
Tutoring					4
Examination					3
Moot court					8
3.7 Total hours of individual study	<b>58</b>				
3.8 Total hours per semester	<b>125</b>				
3.9 Number of credits	<b>5</b>				

#### 4. Preconditions (if any)

4.1 curriculum-related	• no
4.2 competence-related	• no

### 5. Conditions (if any)

5.1 related to courses	<ul style="list-style-type: none"> <li>According to the general rules of the West University of Timișoara</li> </ul>
5.2 related to seminars / laboratories	<ul style="list-style-type: none"> <li>According to the general rules of the West University of Timișoara</li> </ul>

### 6. Subject-specific objectives – expected results of the learning process to which the subject contributes

Knowledge	Identifying the content of the applicable protection standards in different factual situations, based on case-law patterns of the European Court of Human Rights, as well as of the European Court of Justice.
Abilities	Good understanding of the European systems of fundamental rights protection. Critical understanding of the need to coordinate the national legal system of protection with the European ones.
Responsibility and autonomy	Understand the place and role of fundamental rights in a democratic society Carry out professional tasks responsibly Apply techniques of critical analysis effectively. Analyze factual situations and operate with the relevant concepts for fundamental rights protection at a level similar to that required in a legal professional environment.

### 7. Content

7.1 Courses	Teaching methods	Observations
1. Essential concepts in international human rights protection. The two main human rights protection systems in Europe; critical discussions on the interaction between the national and the European systems of protection.	interactive lecture, case-law analysis	2 hours
2. The relationship between the Charter of Fundamental Rights in the European Union and the European Convention on Human Rights – commonalities and differences. Procedural requirements.	interactive lecture, case-law analysis	2 hours
3. Filing a complaint before the ECtHR. Procedural techniques to	interactive lecture, case-law analysis	2 hours

invoke human rights stemming from the EU instruments.		
4. Transversal concepts: the ECHR as a text of international law; in the light of its purpose and democratic values; as a living instrument; the European consensus; limits of the evolutive interpretation; autonomous concepts; subsidiarity and margin of appreciation; the abuse of rights	interactive lecture, case-law analysis	2 hours
5. Groups of protected rights: the integrity of the person	interactive lecture, case-law analysis	4 hours
6. Groups of protected rights: procedural rights	interactive lecture, case-law analysis	4 hours
7. Groups of protected rights: respect of private life and family	interactive lecture, case-law analysis	4 hours
8. Groups of protected rights: freedoms of conscience	interactive lecture, case-law analysis	4 hours
9. Groups of protected rights: right of property and interdiction of discrimination	interactive lecture, case-law analysis	2 hours
10. Technical elements	interactive lecture, case-law analysis	2 hours
<p>Bibliography:</p> <ol style="list-style-type: none"> <li>1. Ilias Bantekas, Lutz Oette, <i>International Human Rights Law and Practice</i>, Cambridge University Press 2020</li> <li>2. Raluca Bercea, <i>Protecția drepturilor fundamentale în sistemul Convenției Europene a Drepturilor Omului</i>, CH Beck 2020</li> <li>3. Robert Schutze, <i>European Constitutional Law</i>, Cambridge University Press 2012</li> <li>4. Alina Kaczorowska - <i>European Union Law</i>, Routledge 2013</li> <li>5. Electronic resources on <a href="https://fra.europa.eu/en">https://fra.europa.eu/en</a> and <a href="https://www.echr.coe.int/">https://www.echr.coe.int/</a></li> </ol>		
7.2 Seminar / laboratory	Teaching methods	Observations
1. Getting familiar with the relevant ECtHR and CJEU caselaw database. The ECHR as a living	case-law analysis, debate, guided writing exercise	2 hours

instrument. Techniques of judicial interpretation Effective rights v. Illusory rights.		
2. Negative and positive rights / obligations. Material and procedural obligations. Vertical and horizontal effect of the ECHR and of the CFR.	case-law analysis, debate, guided writing exercise	2 hours
3. European consensus. Margin of appreciation. Subsidiarity.	case-law analysis, debate, guided writing exercise	4 hours
4. Limitations, derogations, exceptions. The abuse of right.	individual reading, debate, guided writing exercise	4 hours
5. Issues related to the admissibility of the individual complaint before the ECtHR.	individual reading, debate, guided writing exercise	4 hours
6. Effects of the ECtHR and CJEU judgements.	individual reading, debate, guided writing exercise	4 hours
7. Preparing a case and pleading it in a moot court situation.	individual reading, debate, guided writing exercise	8 hours
<p>Bibliography:</p> <ol style="list-style-type: none"> <li>1. Ilias Bantekas, Lutz Oette, <i>International Human Rights Law and Practice</i>, Cambridge University Press 2020</li> <li>2. Raluca Bercea, <i>Protecția drepturilor fundamentale în sistemul Convenției Europene a Drepturilor Omului</i>, CH Beck 2020</li> <li>3. Robert Schutze, <i>European Constitutional Law</i>, Cambridge University Press 2012</li> <li>4. Alina Kaczorowska - <i>European Union Law</i>, Routledge 2013</li> <li>5. Electronic resources on <a href="https://fra.europa.eu/en">https://fra.europa.eu/en</a> and <a href="https://www.echr.coe.int/">https://www.echr.coe.int/</a></li> </ol>		

**8. Corroborating the content of the subject with the expectations of the epistemic community, professional associations and representative employers in the relevant programme field**

At the end of this course, students are expected to have developed the capacity to conduct, individually and autonomously, analyses of given factual situations and to operate with the relevant concepts for fundamental rights protection at complexity levels similar to those specific to the legal professional environment.

Students are expected to have acquired the necessary skills to conduct critical analyses of the case-law of the European Court of Justice and of the European Court of Human Rights. Students should be able to distinguish between the competences of the relevant European jurisdictions and should understand which instruments may be invoked before each of such jurisdictions.

## 9. Evaluation

Type of activity	9.1 Evaluation criteria	9.2 Evaluation method	9.3 Weight percentage of the final grade
9.4 Course	Individual assessments of performance	Final in-class exam. The exam will assess 1. knowledge of the subject-matter and 2. critical/analytical abilities	50%
9.5 Seminar / laboratory	Individual assessments of performance	Active seminar participation, including written exercises and participation in the moot court	50%
9.6 Minimum performance standard			
<ul style="list-style-type: none"> <li>• Basic knowledge of the main concepts of human rights law</li> <li>• Capacity to critically assess factual situations using the concepts taught throughout the semester</li> <li>• Capacity to conduct practical legal research on human rights topics.</li> </ul>			

Date: 12.09.2024

Person in charge of the subject:  
Prof. univ. dr. Raluca Bercea



Date of approval by the faculty department

Department director