

# Syllabus

## 1. Course Description

- a. Title of a Course Human Rights for Open Societies
- b. Pre-requisites

The course “Human Rights for Open Societies” is taught on the basis of the course “Constitutional Law” on educational online platform “Coursera.org”. On “Coursera.org” it is held by Higher School of Economics. This course is blended-learning.

- c. Course Type (compulsory, elective, optional) The course is elective.
- d. Abstract

Human rights are under pressure in many places across the globe. Peaceful protests are violently quashed. Voting is tampered with. And minorities are often excluded from decision-making. All of this threatens the ideal of an open society in which each of us can be free and participate equally. A solid protection of human rights is needed for an open society to exist and to flourish. But it is often an uphill battle to work towards that ideal. Equip yourself and learn more about what human rights are and how they work. In this course, we will introduce you to one of the world’s most intricate human rights systems: the European Convention on Human Rights.

You will see when and how people can turn to the European Court of Human Rights to complain about human rights violations. You will learn how the Court tries to solve many of the difficult human rights dilemmas of today. We will look, amongst other things, at the freedom of expression and demonstration, the right to vote, and the prohibition of discrimination. And we will address the rights of migrants, refugees, and other vulnerable groups. And, of course, we will see whether it is possible to restrict rights and if so under what conditions. You will even encounter watchdogs and ice cream in this course. We invite you to follow us on a journey of discovery into the European Convention.

## 2. Learning Objectives

Objectives mastering the discipline

The first goal is to study and study the construction and functioning of institutions for the protection of constitutional rights and freedoms of a person, which, due to the limited time resources, are not considered or are touched on very superficially when studying general courses of constitutional law in Russia.

The second goal is a deeper in comparison with general courses the study of problems caused both by the legal regulation of social relations arising in the regulation and protection of constitutional rights and personal freedoms, and by law enforcement practice in the relevant field.

The third goal is to teach future masters of jurisprudence the basics of self-identification of relevant scientific and practical problems arising in the implementation of constitutional rights and freedoms of the individual, their "diagnosis", as well as descriptions and methods of proposals for their solution; orientation among the extensive regulatory legal and scientific

literature. Within the framework of this goal, it is supposed to hear reports on the stages of preparing a master's thesis.

Student competencies generated as a result of mastering the discipline.

As a result of mastering the discipline, the student must:

- Know the basics of public law regulation and protection of constitutional rights and individual freedoms;
- To be able to find legal problems in the implementation of the constitutional rights and freedoms of man and citizen;
- Have skills in drafting complaints and applications to domestic and international bodies for the protection of constitutional human rights and freedoms.

### **3. Course Plan**

#### **Module 1. Introduction to the ECHR**

The protection of human rights is closely linked to the idea of open societies. In an open society, people enjoy freedom and they are to a large extent free to live their lives as they wish. This week, we explore the idea of open societies and see how it relates to the protection of human rights. We also introduce you to the European Convention on Human Rights. This document forms the foundation for one of the world's most intricate international human rights systems. Finally, you learn about the background and history of the Convention, the rights that are protected therein and the procedure which individuals can use to lodge a complaint with the European Court of Human Rights.

#### **Module 2. General principles**

When someone complains that his or her right to privacy or right to freedom of expression has been violated, the European Court of Human Rights has to assess whether that is truly the case. But how does it do this? In this part of the course, we will focus on the general principles and methods the Court uses in order to assess whether a State has violated the Convention. We will see how the Court approaches human rights cases and learn about the dilemmas it faces in this regard in the context of open societies.

#### **Module 3. Human rights and democracy**

Open societies require a democratic form of government. But how are human rights and democracy linked? In this part of the course, we focus on what democracy entails from a human rights perspective. We also address what voting rights are and how political parties are protected under the European Convention on Human Rights. Finally, we take a look at the protection of political rights in countries in transitions from war to peace and from dictatorship to democracy.

#### **Module 4. Insiders and outsiders: non-discrimination, vulnerable groups, migrants and asylum seekers**

Open societies are all about inclusion. In an open society, everyone should be allowed to participate on an equal footing. No one should be excluded. Equally, human rights should be enjoyed by all people and discrimination is prohibited. Yet, even in an open society, universality of human rights and the prohibition of discrimination may raise many questions. For example, what about the rights of people who are not (yet) citizens of that society, such as asylum seekers? On the one hand, asylum seekers find themselves in the extremely difficult and vulnerable position of being in transit. For that reason, their needs deserve extra consideration. For example, they may need special protection against hostile responses by the local population, they may need food, education and housing, and they must be protected against discrimination. On the other hand, not being citizens, the question is often raised to what extent they should be included and benefit from the rights and freedoms guaranteed in the European Convention on Human Rights. Finding the right balance and solving such dilemmas is crucial in open societies. In this week, we focus on (1) the rights and freedoms of insiders and outsiders under the European

Convention, (2) non-discrimination and (3) the protection of vulnerable groups. To illustrate, we pay special attention to the rights of migrants and asylum seekers, as well as of other minority groups.

#### **Module 5. Freedom of expression and public protest**

The right to freely express yourself, the freedom of the press to report news and the right to protest are essential in an open society. The freedom of expression enables you to gather information about public issues and to let others know what you think. The media plays an important role in conveying information about matters of general interest. And public protest enables you to publicly support a cause you believe in. Together, these rights provide the essential conditions for the free and peaceful sharing of thoughts and ideas. Nevertheless, the unlimited freedom to say whatever you want and the freedom to protest might also undermine the openness of society. Hate speech and discriminatory speech, for example, might contribute to the exclusion of minority groups. In this learning unit, we take a closer look at the right to freedom of expression and the right to freedom of assembly. Thereby, we also address the limits of these rights in an open society.

#### **Module 6. Closure**

This is the final assignment of the course on Human Rights for Open Societies. In this assignment, the various topics of the course are brought together. The first aim is to help you test the knowledge and insights you have acquired during the course. The second aim is to help you understand the interrelatedness of the main topics discussed.

### **4. Reading List**

#### **Required**

'The Birth of the European Convention on Human Rights'. URL: <https://www.coursera.org/learn/humanrights/supplement/4id9B/the-birth-of-the-echr>

Text of the Convention and Protocols. URL: <https://www.coursera.org/learn/humanrights/supplement/2e4Lg/the-european-convention-on-human-rights>

The procedure before the European Court of Human Rights URL: <https://www.coursera.org/learn/humanrights/supplement/bOAnb/procedure-in-strasbourg-and-execution-of-judgments>

#### **Optional**

A theory of interpretation of the European Convention on Human Rights / **G. Letsas**. – Oxford; New York: Oxford University Press, 2010. – 145 c.

European human rights law: The Human Rights Act 1998 and the European Convention on Human Rights / **K. Starmer**. – London: LAG, 2000. – 883 c.

Harris, O'Boyle & Warbrick Law of the European Convention on Human Rights / **D. Harris, M. O'Boyle, E. P. Bates, et al.**. – 3rd ed. – Oxford; New York: Oxford University Press, 2014. – 1006 c.

Journalism worthy of the name: freedom within the press and the affirmative side of Article 10 of the European Convention on Human Rights / **H. Thorgeirsdottir**. – Leiden; Boston: Martinus Nijhoff Publishers, 2005. – 575 c. – (The Raoul Wallenberg Institute Human Rights Library; Vol.21)

Theory and practice of the European Convention on Human Rights / Ed. by **P. Dijk van [et al.]**. – 4th ed. – Antwerpen; Oxford: Intersentia, 2006. – 1190

### **5. Grading System**

**The final control** is made in the form of an exam on the main issues of studying the training course at the end of the third module.

**The final score** on a 10-point scale consists of the resulting score, obtained by the formula of the average weighted, taking into account the weights introduced:

Attendance and creative activity at the seminars - 0,5

Exam - 0,5

*Thus, the final grade is determined by the formula:*

$$O^{\text{result.}} = (0,5 \times O^{\text{act.}}) + (0,5 \times O^{\text{spec.}})$$

## **6. Guidelines for Knowledge Assessment**

Successful completion of the course will be based on the following requirements:

Participants must complete the course activities and readings in each Module;

Participants must post at least 3 times in each Module discussion forum (their post and a reply to two other posts);

Participants must complete the course final action plan project and submit a summary on the discussion board.

### **Exam Questions**

1. International cooperation in the field of human rights protection.
2. The concept and significance of international standards in the promotion and protection of human rights.
3. General characteristics of the International Bill of Rights (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and its two optional protocols, International Covenant on Economic, Social and Cultural Rights).
4. General characteristics of UN conventions in the field of human rights protection.
5. Principles of implementation of international standards in the national
6. legislation.
7. Universal protection mechanism.
8. Forms of international monitoring of human rights.
9. Regional mechanisms for the international protection of human rights and freedoms.
10. International legal responsibility for human rights violations.
11. International Criminal Court.
12. The legal basis for the application of the European Convention for the Protection of Human Rights and the precedents of the European Court of Human Rights in the Russian law enforcement process.
13. Access to justice as an integral element of the right to a fair trial.
14. Independent and impartial court requirements.
15. Publicity of the trial.
16. Equality of the parties as a general principle of fair trial.
17. Reasonable trial period.
18. Enforcement of judgment as an element
19. Principle of legal certainty
20. The right to liberty and security of person
21. State obligations to protect the right to life
22. Protection of the right to unobstructed use of property

## **8. Methods of Instruction**

The course is taught in the blended mode. This facilitated course is divided into 6 Modules. Each content Module includes individual work to learn concepts of blended learning through interactive tutorials and exercises, a facilitated online discussion, and individual work developing

a final project. The time for completing each Module is estimated to be between 4-6 hours, and the total amount of time required for the entire course is estimated to be 30 hours.

#### **9. Special Equipment and Software Support (if required)**

Classrooms for lectures on the discipline provide for the use and demonstration of thematic illustrations corresponding to the program of the discipline, consisting of:

- PC with Internet access (operating system, office software, antivirus software);
- multimedia projector with remote control.