

<b>Name of the course</b>	<b>Jean Monnet Module 2 ONLINE (LEGS 5987)</b> <b>Advanced issues of European integration and EU governance: Human Rights in the European Union</b>
<b>Lecturer(s)</b>	<b>Marie-Pierre Granger</b> (School of Public Policy, Legal Studies Department)
<b>CEU credits numbers ECTS credits numbers</b>	2 CEU credits 4 ECTS
<b>Semester or Module</b>	Winter term 2020 – Wednesday 3.30-5:10 (ONLINE only, on Zoom)
<b>Pre-requisites or co-requisites</b>	This course is mandatory for Mundus MAPP students in the School of Public Policy; mandatory elective for MA/LL.M. in Human Rights and elective for students in the LL.M. in Comparative Constitutional Law of the Legal Studies Department.  Students who wish to enroll on that course should have taken JMM1 or be able to provide evidence of substantial knowledge of EU institutions and basic legal frameworks through appropriate academic records, or documented professional experience.  The course is open to CIVICA and OSUN students, subject to course size capacity.
<b>Course level</b>	M.A. and LL.M.
<b>Course description</b>	<i>The Jean Monnet Module (JMM) is a two-part interdisciplinary course on European integration and governance in the European Union. The first part is an introductory one delivered in the Fall Term (JMM1) and the second –advanced- part proposed in the Winter term (JMM2). Mundus MAPP students must take both JMM1&amp;2. Legal Studies students may take either JMM1 or JMM2, or both, depending on their respective program requirements.</i>  JMM 2 (Advanced issues of European integration and EU governance: EU Human Rights Law and Policy) builds on JMM 1, by proposing a more thorough, critical and focused inquiry into an increasingly important yet controversial issue in European integration and governance: the respect, protection and promotion of human rights. The course follows the interdisciplinary approach introduced in JMM1, and encourages students to critically evaluate the EU and its member states' contributions to the protection and promotion of human rights, using analytical framework and concepts from the fields of legal studies, public policy, political sciences and international relations.  As human rights and rule of law concerns increasingly take center stage in European affairs, it is important to understand the context and institutional and policy framework within which the EU addresses human rights challenges both internally and externally, and what implications human rights' considerations and activities have on the dynamics of EU governance and European integration. The course starts with an historical overview of the development of the protection of fundamental rights in the EU, and continues with addressing in further details substantive, institutional and procedural aspects of human rights protection in and by the EU. It examines the role and relevance of human rights frameworks across a wide range of EU policy settings (from Internal Market and Competition policy, to the Area of Freedom, Security and Justice, External Relations and Foreign Policy, Economic and Monetary Union, Enlargement and Exit, Social Policy, Cohesion Policy and Structural Funds, etc) and takes stock of recent and current crises (COVID 19,

	Euro-crisis, immigration, terrorism, Brexit, rule of law, etc). Each class explores particular institutional features of the EU system of protection of fundamental/human rights, and links them to specific policy areas in which these elements acquired particular relevance (eg class 2: general principles and non-discrimination).
<b>Goals</b>	<p><i>JMM1&amp;2 aims at providing participants with a solid knowledge of EU institutions and decision-making processes, within the context of specific policies, and reflecting on past and current challenges. It also seeks to offer participants a truly interdisciplinary perspective on those matters, through engagement with relevant analytical and theoretical approaches from (primarily) law and political science, and materials produced by, and for, different categories of professionals.</i></p> <p>The course seeks to provide students interested in EU law, policy-making, or politics, as well as students of governance and public policy, business, human rights or comparative constitutional law, key knowledge and analytical tools to assess the relevance of human rights to European integration and governance, whilst improving their understanding of law and policy-making in the EU, and their ability to work across disciplines and professional categories.</p>
<b>Learning outcomes (LO)</b>	<p>At the end of the course, students should:</p> <ul style="list-style-type: none"> <li>- be familiar with the historical development of EU human rights law since WWII;</li> <li>- have a solid knowledge of the institutional, legal and policy frameworks for the protection of human rights in the EU;</li> <li>- be able to identify, access and analyse the main legal and policy instruments available for the protection and promotion of human rights by the EU in both internal affairs and external policies;</li> <li>- be familiar with key EU policy areas, and how they are affected by human rights considerations;</li> <li>- be able to recognize the main institutional and civil society actors in the field of the EU human rights policy and assess their roles;</li> <li>- be able to assess empirical developments in the field of EU human rights law in the light of key theoretical frameworks in law, political sciences, and public policy;</li> <li>- have developed familiarity with core legal techniques (eg case briefing, mooting);</li> <li>- be able to recognise, frame and address legal disputes involving human rights law in the EU context;</li> <li>- be able to identify the human rights implications of policy actions, and advise accordingly;</li> <li>- be able to reason analytically and logically within more than one discipline;</li> <li>- be able to write in an analytical and critical way, communicate effectively orally and in writing to both scientific and non-scientific audience.</li> </ul>
<b>Teaching methods</b>	The course includes both asynchronous elements (core readings, audio-visual materials, pre-recorded mini-lectures and presentations, etc) and synchronous –

	interactive – (online) sessions, discussing key issues and contrasting disciplinary and professional perspectives. It also features a court simulation exercise.
<b>Course requirements</b>	<p>Students taking the course for GRADE or AUDIT are expected to attend all sessions, be punctual, follow the course netiquette and actively participate in class discussions. Missing more than a session without a valid excuse may result in a proportionate grade reduction and even failing the course. Students are expected to prepare actively for the class, according to the syllabus instructions, as updated and adjusted on the Moodle e-learning platform for the course. That may include completing required asynchronous tasks (quizzes, wiki contribution, etc).</p> <p>Students taking the course for GRADE must complete all required assignments and delivered or submit them in a timely and suitable manner, according to the syllabus instructions, as updated and adjusted on the Moodle e-learning platform for the course. Failing to complete and submit assignments as instructed, without a valid excuse (where possible, communicated in advance), may result in a proportionate reduction of the grade (eg 1 grade per 24h), or even failing the course. Students are encouraged to approach the course instructor as early as possible if they anticipate to encounter difficulties which may undermine their ability to complete an assignment in a timely manner.</p>
<b>Assessment</b>	<p>10% <i>general class preparation and participation</i>, including completing in a timely manner asynchronous tasks, taking part in class discussion, preparing and asking questions on other's students' presentation.</p> <p>10 % <i>case presentation</i></p> <ul style="list-style-type: none"> <li>• written case brief (5%)</li> <li>• 5-10 mins pre-recorded online presentation (5%)</li> </ul> <p>30 % <i>round table contributions</i></p> <ul style="list-style-type: none"> <li>• 10% (5-10 mins) pre-recorded online audio/video presentation on selected reading (10%) + participation in roundtable 1 discussions (5%)</li> <li>• 10% (5-10 mins) pre-recorded online audio/video presentation on a particular 'right' (10%) + participation in roundtable 2 discussions 2 (5%)</li> </ul> <p>10% <i>contribution to the mock court (simulation)</i></p> <p>40 % <i>final seminar paper</i> (2000 words) – based on the contribution to the second roundtable discussion (choice between two topics, depending on the students' program/background)</p>

### **Important note**

This course assumes some prior knowledge of the EU institutional frameworks and core dynamics of European integration and governance and/or EU (institutional) law. Students who need a refresher can consult recent textbooks on EU governance and law.

This course normally refers to the new numbering of the EU and TFEU treaties post-Lisbon, unless otherwise specified. For reference, the course relies on the consolidated version of [the Treaty on the Functioning of the European Union](#) and the [Treaty on the European Union](#).

Some of the reading or consultation materials provided for that course are subject to change, to cater for recent developments and publications. Please check the course [E-learning interface](#), for updated information on classes, assignments uploads and access to online resources

### Detailed topic-by-topic content

#### Core reference texts for the course

- Douglas-Scott [Research Handbook on European Union Law and Human Rights](#) (Edward Elgar, 2017)
- E. Spaventa 'Fundamental Rights in the European Union' in C. Barnard and S. Peers (ed) *European Union Law* (OUP, 2014) 226-233.
- Craig and De Burca *European Union Law: Texts, Cases and Materials* (OUP, 2020), chapter 12 'Human Rights in the EU'
- Guidance on case-briefing: M. Makdisi and J. Makdisi *Introduction to the study of law: cases and materials* (Lexis Nexis 2009), excerpts available at <http://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page>

Class	<b>Advanced issues of European integration and EU governance: Human Rights in the European Union</b>
1-2	<p>INTERACTIVE ONLINE SEMINAR (Weds 13 January 2021)</p> <p><b>HISTORY</b></p> <p><b>The myth of the origins</b></p> <p><i>Preparation for the class</i></p> <ol style="list-style-type: none"> <li>1. Watch the pre-recorded video introducing the course (PANOPTO)</li> <li>2. Do the mandatory reading</li> <li>3. Take the quiz (Moodle e-learning)</li> <li>4. For those who did not take JMM1: using PANOPTO, prepare a short (1-2 mins) video presentation introducing yourself, who you are, where you come from, what you studied before, why you take this course and anything else interesting you would like to share with your classmates). Upload the video in the shared video folder for the course ('Students introduction'). Those who took JMM1 can upload the same video they already prepared for JMM1!</li> </ol> <p><i>Mandatory reading</i></p> <ul style="list-style-type: none"> <li>• Read De Búrca, G. '<a href="#">The road not taken: the European Union as a global human rights actor</a>' (2011) 105(4) <i>American Journal of international law</i>, 649-693 (read pp. 649-664) [15 p]</li> <li>• Smismans, S. (2010). <a href="#">The European Union's fundamental rights myth</a>. <i>JCMS: Journal of Common Market Studies</i>, 48(1), 45-66, in particular section II-III-IV (pp.47-59) [12p]</li> </ul>

3-4	<p>INTERACTIVE ONLINE SEMINAR (Weds 20 January 2021)</p> <p><b>INSTRUMENTS (1)</b></p> <p><b>General principles and their sources of inspiration (ECHR, international treaties, national constitutional traditions) [anti-discrimination]</b></p> <p><i>Preparation for the class</i></p> <ol style="list-style-type: none"> <li>1. Find and read the <i>Stauder</i> case (29/69 <i>Stauder v City of Ulm</i> [1969] ECLI: EU:C:1969:57).</li> <li>2. Watch the mini-lecture (PANOPTO)</li> <li>3. Do the mandatory reading</li> <li>4. Watch the students' case presentation(s) and prepare 1-2 questions for each</li> </ol> <p><i>Mandatory reading</i></p> <ul style="list-style-type: none"> <li>• De Mol, M. (2011). 'The novel approach of the CJEU on the horizontal direct effect of the EU principle of non-discrimination:(Unbridled) expansionism of EU law?' <i>Maastricht Journal of European and Comparative Law</i>, 18(1-2), 109-135 [26 p]</li> </ul> <p><i>Core case law</i></p> <ul style="list-style-type: none"> <li>• Case 4/73 <i>Nold</i> [1974] ECLI:EU:C:1974:51</li> <li>• Case 44/79 <i>Hauer</i> [1979] ECLI:EU:C:1979:290</li> <li>• Case C-144/04 <i>Mangold v Helm</i> ECLI:EU:C:2005:709</li> </ul> <p><i>Cases for presentations</i></p> <p>Students presenting the case should focus on the relevance of the ruling in relation to the role, authority and effect of general principles of EU law, linking with the class core reading.</p> <ul style="list-style-type: none"> <li>• Case 149/77 <i>Defrenne (III)</i> ECLI:EU:C:1978:130</li> <li>• C- 36/02 <i>Omega</i> ECLI:EU:C:2004:614</li> <li>• C-155/79 <i>AM&amp;S</i> ECLI:EU:C:1982:157</li> <li>• C-147/08 <i>Römer</i> ECLI:EU:C:2011:286</li> </ul>
5-6	<p>INTERACTIVE ONLINE SEMINAR (Weds 27 January 2021)</p> <p><b>INSTRUMENTS (2)</b></p> <p><b>The codification of fundamental rights in the EU Treaties and Charter of Fundamental Rights [social and labor rights]</b></p> <p><i>Preparation for the class</i></p> <ul style="list-style-type: none"> <li>• Locate Articles 2, 3, 6, 7, 21 and 49 <a href="#">TEU</a>, and Articles 8, 9, 10, 11, 19, 20 <a href="#">TFEU</a> and read them.</li> <li>• Watch the short video <a href="#">History: EU Charter of Fundamental Rights</a> (2013)</li> <li>• Watch video by EachotherUK <a href="#">EU Charter v Human Rights Convention video</a> (2019)</li> <li>• Consult the <a href="#">EU Charter of Fundamental Rights</a> (CFR): check its structure, and read through the final provisions (Title VII).</li> <li>• Consult the EU fundamental rights information system (EFRIS): <a href="https://fra.europa.eu/en/databases/efris/">https://fra.europa.eu/en/databases/efris/</a></li> <li>• In EFRIS, search for references to the Charter by courts of a country of your choice OR on a particular provision of the Charter</li> </ul> <p><i>Mandatory reading</i></p> <ul style="list-style-type: none"> <li>• Eeckhout, P. 'EU Charter of Fundamental Rights and the Federal Question' (2002) 39 <i>Common Market L. Rev.</i>, 945.</li> <li>• N. Cogland and M. Steiert '<a href="#">The Charter at 20: returning to its origins as a critical juncture for fundamental rights protection</a>' 7 Dec 2020, <i>European Law Blog</i></li> </ul>

	<p><i>Further reading</i></p> <ul style="list-style-type: none"> <li>Tobias Lock, 'Rights and principles in the EU Charter of Fundamental Rights', (2019) 56(5) <i>Common Market Law Review</i>, pp. 1201-1226, <a href="https://kluwerlawonline.com/journalarticle/Common+Market+Law+Review/56.5/COLA2019100">https://kluwerlawonline.com/journalarticle/Common+Market+Law+Review/56.5/COLA2019100</a></li> </ul> <p><i>Cases for presentation</i>  C-399/11 <i>Melloni</i> ECLI:EU:C:2013:107  C-176/12 <i>Association de Medation Sociale</i> ECLI:EU:C:2014:2  C-569/16 and C-570/16 <i>Bauer</i> ECLI:EU:C:2018:871</p>
7-8	<p>INTERACTIVE ONLINE SEMINAR (Weds 3 Feb 2021)</p> <p><b>INSTRUMENTS (3)</b></p> <p><b>EU 'fundamental rights' legislation [non-discrimination and data protection]</b></p> <p><i>Preparation for the class</i></p> <ul style="list-style-type: none"> <li>Read Articles 16, 19 and 352 <a href="#">TFEU</a></li> <li>Watch the mini-lecture (PANOPTO)</li> <li>Do the mandatory reading</li> <li>Consult the Commission's proposal for a horizontal non-discrimination directive <a href="#">Proposal</a> for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation COM/2008/0426 final</li> <li>Consult the EU GDPR website: <a href="https://gdpr.eu/what-is-gdpr/">https://gdpr.eu/what-is-gdpr/</a></li> <li>Peruse through EU websites or recent news sites, and try to identify a proposal for legislation, or recently adopted legislative measure, which seeks to promote and protect fundamental rights. Check its (planned) legal basis/es and be ready to talk about it in class.</li> <li>Watch the students' case presentation(s) and prepare 1-2 questions for each</li> </ul> <p><i>Mandatory reading</i></p> <ul style="list-style-type: none"> <li>E. Muir, 'The Fundamental Rights Implications of EU Legislation: some constitutional challenges' (2014) 51 <i>Common Market Law Review</i> 219-246 [26p]</li> </ul> <p><i>Cases for presentation</i>  C-236/09 <i>Test-Achats</i> ECLI:EU:C:2011:100  C-623/17, <i>Privacy International</i>, ECLI:EU:C:2020:790  Joined Cases C-511/18, <i>La Quadrature du Net and Others</i>, C-512/18, <i>French Data Network and Others</i>, and C-520/18, <i>Ordre des barreaux francophones et germanophone and Others</i> ECLI:EU:C:2020:791</p>
9-10	<p>INTERACTIVE ONLINE ROUNDTABLE 1 (Weds 10 Feb 2021)</p> <p><b>INSTRUMENTS (4): 'policy tools' (strategies, reporting, funding, guidelines, conditionality, sanctions, etc) [external relations]</b></p> <p><i>Preparation for the class</i></p> <ol style="list-style-type: none"> <li>Watch the mini-lecture (PANOPTO)</li> </ol>

2. Watch the course instructor presentation of M. Gatti 'The Log in Your Eye: Is Europe's External Promotion of Religious Freedom Consistent With its Internal Practice?' (2016) 22 *European Law Journal* 250–267.
3. Choose a text from the list below. Prepare a short presentation (5-10 mins) using PANOPTO, outlining the nature and effect of the various policy tools used by the EU to promote respect for human rights by third countries, and upload it before Sunday 12 pm) in the dedicated folder on Moodle.
4. Watch all the other students' presentations. Identify similarities and contradictions in findings and conclusions, and be ready to explore them in the roundtable.

*List of references for your rountable presentation (pick only ONE!):*

Bartels, L. 'Human Rights and Sustainable Development Obligations in EU Free Trade Agreements.' (2013) 4:4 *Legal Issues Of Economic Integration*, 297-313.

Bartels, L. 'A legal analysis of human rights clauses in the European Union's Euro-Mediterranean Association agreements'. (2004) 9iii *Mediterranean Politics*, 368-395.

Bennett, K. 'European Union Guidelines on Human Rights Defenders: a review of policy and practice towards effective implementation' (2015) 19:7 *The International Journal of Human Rights* 201

Bindamm, E. 'The EU's strategy on economic and social rights in Russia: a missed opportunity' (2013) 29:4 *East European Politics* 461.

Börzel, T.A. and T. Risse. 'One size fits all! EU policies for the promotion of human rights, democracy and the rule of law' (2004) 4 *Workshop on Democracy Promotion*.

Bossuyt, F., Orbie, J., & Drieghe, L., 'EU external policy coherence in the trade-foreign policy nexus: foreign policy through trade or strictly business?' (2020) 23(1) *Journal of International Relations and Development*, 45-66.

Boswell, B. 'The 'external dimension' of EU immigration and asylum policy.' (2003) 79:3 *International Affairs* 619-638.

Brandtner, B. and A. Rosas. 'Human rights and the External Relations of the European Community: An analysis of doctrine and practice.' (1998) 9:3 *European Journal of International Law* 468-490.

Conant, L. 'Compelling criteria: human rights in the European Union' (2014) 21:5 *JEPP* 713-729

Crawford G. 'EU human rights and democracy promotion in Central Asia: From Lofty principles to Lowly self-interests' (2008) 9:2 *Perspectives On European Politics & Society* 172-191.

de Burca, G. 'Beyond the Charter: How Enlargement Has Enlarged the Human Rights Policy of the European Union' (2003) 27:2 *Fordham Int'l LJ* 679.

Debusscher, P., & Manners, I. 'Understanding the European Union as a Global Gender Actor - The Holistic Intersectional and Inclusive Study of Gender+ in External Actions'. (2020) 1 *Political Studies Review*, 16.

Depaigne, V. 'Protecting Fundamental Rights in Trade Agreements between the EU and Third Countries' (2017) 4 *European law Review* 562-576

Der-Chin Horng' 'The Human Rights Clause in the European Union's External Trade and Development Agreements' (2003) 9:5 *European Law Journal*, 677-701.

Fierro E. 'Legal Basis and Scope of the Human Rights Clauses in EC Bilateral Agreements: Any Room for Positive Interpretation?' (2001) 7:1 *European Law Journal* 41-68

Gates, A. 'Mixed messages and mixed results: the EU Promotion of Human Rights in Turkey' (2009) 15:5 *ELJ* 401-411

Ghazaryan, N. 'A new generation of human rights clauses? The case of association agreements in the Eastern neighborhood' (2015) 40:3 *European Law Review*. 341-410.

Hale W. 'Human rights, the European Union and the Turkish accession process'. (2003) 4:1 *Turkish Studies* 107-126.

Harpaz, G. 'The EU Funding of Israeli Non-governmental Human Rights Organizations: When EU External Governance Meets a Domestic Counter-Strategy' (2015) 20:2 *European Foreign Affairs Review* 207-225

Hazelzet, H. 'Human rights aspects of EU crisis management operations: From nuisance to necessity.' (2006) 13:4 *International Peacekeeping* 564-581.

Huszka, B., 2018. 'Human Rights on the Losing end of EU Enlargement: The Case of Serbia'. (2018) 56(2) *JCMS: Journal of Common Market Studies*, pp.352-367.

Jenichen, A. 'The Politics of Normative Power Europe: Norm Entrepreneurs and Contestation in the Making of EU External Human Rights Policy' (2020) *Journal of Common Market Studies*.

Kaussler, B. 'European Union constructive engagement with Iran (2000-2004): an exercise in conditional human rights diplomacy' (2008) *Iranian Studies* 41(iii), 269-295.

Kelley, J. 'New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy' (2006) 44:1 *Journal of Common Market Studies* 29.

Kinzelbach, K. and J. Kozma. 'Portraying Normative Legitimacy: The EU in Need of Institutional Safeguards for Human Rights' (2009) 10:9 *Perspectives On European Politics & Society* 603-620.

Kurki, M. 'Governmentality and EU democracy promotion: The European instrument for democracy and human rights and the construction of democratic civil societies'. (2011) *International Political Sociology* 5(4):349-66.

Lerch, M. and G. Schweltnus. 'Normative by nature? The role of coherence in justifying the EU's external human rights policy' (2006) 13:2 *Journal of European Public Policy* 304-321.

Manea M.G., 'Human rights and the interregional dialogue between Asia and Europe: ASEAN-EU relations and ASEM (2008) 21:3 *The Pacific Review* 396

Martines, F. 'EU Political Conditionality as a Tool for the Promotion and Protection of Non-trade Values in Non-EU Countries'. In *The Role of the EU in the Promotion of Human Rights and International Labour Standards in Its External Trade Relations* (Springer, Cham., 2020) pp. 97-180

McKenzie, L., & Meissner, K. L. 'Human rights conditionality in European Union trade negotiations: The case of the EU–Singapore FTA'. (2017) 55(4) *JCMS: Journal of Common Market Studies*, 832-849.

Meissner, K. L., & McKenzie, L. 'The paradox of human rights conditionality in EU trade policy: when strategic interests drive policy outcomes'. (2019) 26(9) *Journal of European Public Policy*, 1273-1291.

Men J. 'Between Human Rights and Sovereignty—An Examination of EU–China Political Relations'. (2011) 17 *European Law Journal* 534–550.

Nogueras, D.J. Linan, and L.M. Hinojosa Martinez. 'Human Rights Conditionality in the External Trade of the European Union: Legal and Legitimacy Problems' (2001) 7 *Colum. J. Eur. L.* 307.

	<p>Sautenet, A. 'The Current Status and Prospects of the "Strategic Partnership" between the EU and China: Towards the Conclusion of a Partnership and Cooperation Agreement.' (2007) 13 <i>European Law Journal</i> 699–731.</p> <p>Schembera, K. 'The rocky road of interregionalism: EU sanctions against human rights-violating Myanmar and repercussions on ASEAN–EU relations' (2016) 29:3 <i>Cambridge review of International Affairs</i> 1022-1043.</p> <p>Schimmelfennig, F. and U. Sedelmeier. "Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe." (2004) 11:4 <i>Journal of European public policy</i> 661-679.</p> <p>Sicurelli, D. 'The conditions for effectiveness of EU human rights promotion in non-democratic states. A case study of Vietnam' (2017) 39:6 <i>Journal of European Integration</i> 739-753</p> <p>Smith, K.E. '11 The EU, human rights and relations with third countries: "foreign policy" with an ethical dimension?.' (2001) <i>Ethics and foreign policy</i> 185.</p> <p>Smith, K.E. 'Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations' (2006) 44:1 <i>JCMS: Journal of Common Market Studies</i> 113-137.</p> <p>Szép, V. 'New intergovernmentalism meets EU sanctions policy: The European Council orchestrates the restrictive measures imposed against Russia' (2020) 42(3) <i>Journal of European Integration</i>, 42(6), 855-871.</p> <p>Vaadura, K. 'The EU as 'Norm Entrepreneur' in the Asian Region: Exploring the Digital Diplomacy Aspect of the Human Rights Toolbox' (2015) 13:3 <i>Asia Europe Journal</i> 349-60</p> <p>Velluti, S. 'The Promotion and Integration of Human Rights in EU External Trade Relations' (2016) 32(83) <i>Utrecht Journal of International and European Law</i> 41.</p> <p>Velluti, S. 'The Nature of the European Union's Human Rights Obligations in Its External Trade Relations After Lisbon'. In <i>The Role of the EU in the Promotion of Human Rights and International Labour Standards in Its External Trade Relations</i> (Springer, Cham. 2020) (pp. 293-346)</p> <p>Verdonck L. 'Coherence in the EU's External Human Rights Policy: The Case of the Democratic Republic of the Congo' (2015) 20:3 <i>European Foreign Affairs Review</i> 379-397.</p> <p>Williams, A. 'The indifferent gesture: Article 7 TEU, the Fundamental Rights Agency and the UK's invasion of Iraq' (2006) 1:3 <i>European law review</i> 3-27.</p> <p>Youngs, R. 'Normative Dynamics and Strategic Interests in the EU's External Identity' (2004) 42:2 <i>Journal of Common Market Studies</i> 415.</p> <p>Zurek, K. 'From "Trade and Sustainability" to "Trade for Sustainability" in EU External Trade Policy' In <i>The European Union in a Changing World Order</i> (Palgrave Macmillan, 2020) pp. 115-143</p>
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11-12	<p>INTERACTIVE ONLINE SEMINAR (Weds 17 Feb 2021)</p> <p><b>COMPLIANCE (I)</b></p> <p><b>Compliance by EU institutions [data protection, counter-terrorism, asylum and migration, economic crisis,]</b></p> <p><i>Preparation for the class</i></p> <ol style="list-style-type: none"> <li>1. Watch the mini-lecture (PANOPTO)</li> <li>2. Read the EP briefings on the <a href="#">action for annulment of an EU act</a> (2019) and the <a href="#">preliminary reference procedure</a> (2017)</li> <li>3. Check the <a href="#">European Ombudsman website</a></li> <li>4. Consult the Frontex's <a href="#">human rights complaint mechanism</a></li> <li>5. Consult the Commission's <a href="#">Annual Report</a> on the application of the EU Charter for the protection of fundamental rights (2018), section 2</li> <li>6. Do the mandatory reading</li> <li>7. Watch the students' case presentation(s) and prepare 1-2 questions for each.</li> </ol> <p><i>Mandatory reading</i></p> <ol style="list-style-type: none"> <li>8. Léonard, S. and C. Kaunert. "'Between a rock and a hard place?': The European Union's financial sanctions against suspected terrorists, multilateralism and human rights." <i>Cooperation and conflict</i> 47.4 (2012): 473-494.</li> <li>9. M. Fink, '<a href="#">Why it is so Hard to Hold Frontex Accountable: On Blame-Shifting and an Outdated Remedies System</a>' EJIL! Talk blog (26 Nov 2020)</li> </ol> <p><i>Core case law</i></p> <p>Joined Cases C-402/05P and C-415/05P, <i>Yassin Abdullah Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities</i> [2008] ECR I-6351 (anti-terrorism measures)</p> <p>C-293/12 <i>Digital Rights Ireland</i> ECLI:EU:C:2014:23 (data protection)</p> <p><i>Cases for presentation</i></p> <p>C-579/12 <i>Review Commission/Strack</i>, RX-II, EU:C:2013:570</p> <p>C-540/03 <i>European Parliament v Council (Family reunion case)</i> [2006] ECR I-5769</p> <p>C-354/04 <i>P Gestoras Pro Amnistia</i> [2007] ECR I-1579</p> <p>C-72/15 <i>Rosneft</i> ECLI:EU:C:2017:236</p> <p>C-8/95 <i>Ledra Advertising</i> ECLI:EU:C:2016:701 or Joined Cases C-105/15 P to C-109/15 P. <i>Mallis</i> ECLI:EU:C:2016:702</p> <p>C-362/14 <i>Schrems [I]</i> ECLI:EU:C:2015:65</p>
13-14	<p>INTERACTIVE ONLINE SEMINAR (Weds 24 Feb 2021)</p> <p><b>COMPLIANCE (II)</b></p> <p><b>Compliance by Member States [asylum, effective judicial protection and rule of law]</b></p> <p><i>Preparation for the class</i></p> <ol style="list-style-type: none"> <li>1. Watch the mini-lecture (PANOPTO)</li> <li>2. Consult the Commission's <a href="#">Annual Report</a> on the application of the EU Charter for the protection of fundamental rights (2018), section 3</li> </ol>

	<ol style="list-style-type: none"> <li>3. Consult the Communication Communication 'A new EU Framework to strengthen the Rule of Law' COM (2014) 158: <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2014:0158:FIN">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2014:0158:FIN</a></li> <li>4. Consult the Commission Communication on the 2020 Rule of Law Report: The rule of law situation in the European Union COM/2020/580 final, <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602583951529&amp;uri=CELEX%3A52020DC0580">https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602583951529&amp;uri=CELEX%3A52020DC0580</a></li> <li>5. Consult the motion on the Tavares report on the situation on fundamental rights: standards and practices in Hungary (2013), at <a href="http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2013-0229+0+DOC+XML+V0//EN">http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2013-0229+0+DOC+XML+V0//EN</a></li> <li>6. Consult the EP report on a proposal calling for Article 7(1) procedure against Hungary [Sargentini report] (2018) : <a href="https://www.europarl.europa.eu/resources/library/media/20180411RES01553/20180411RES01553.pdf">https://www.europarl.europa.eu/resources/library/media/20180411RES01553/20180411RES01553.pdf</a></li> <li>7. Consult the Proposal for a Regulation of the EP and Council for a general regime of conditionality for the protection of the Union budget <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_11322_2020_INIT&amp;from=EN">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_11322_2020_INIT&amp;from=EN</a></li> <li>8. Consult the European Council conclusions (10-11 Dec 2020): <a href="https://www.consilium.europa.eu/media/47296/1011-12-20-euco-conclusions-en.pdf">https://www.consilium.europa.eu/media/47296/1011-12-20-euco-conclusions-en.pdf</a></li> <li>9. Commission press release on infringement procedure against Hungary, <a href="https://ec.europa.eu/commission/presscorner/detail/ET/IP_17_1285">https://ec.europa.eu/commission/presscorner/detail/ET/IP_17_1285</a></li> <li>10. Watch the students' case presentation(s) and prepare 1-2 questions for each.</li> </ol> <p>Core cases (read relevant extracts, as instructed)</p> <ul style="list-style-type: none"> <li>• C-617/10 <i>Åkerberg Fransson</i> ECLI:EU:C:2013:105</li> <li>• C-333/13 <i>Dano</i> ECLI:EU:C:2014:2358</li> <li>• C-404/15 <i>Aranyosi and Căldăraru</i> ECLI:EU:C:2016:198; C-216-18 PPU LM ECLI:EU:C:2018:586</li> <li>• C-64/16 <i>Associação Sindical dos Juizes Portugueses</i> ECLI:EU:C:2018:117</li> </ul> <p>Cases for presentation</p> <ul style="list-style-type: none"> <li>• C-286/12 <i>Commission v Hungary</i> [retirement age of judges] ECLI:EU:C:2012:687</li> <li>• C-78/18 <i>Commission v Hungary</i> [transparency of association] ECLI:EU:C:2020:476</li> <li>• C-66/18 <i>Commission v Hungary</i> [higher education law] ECLI:EU:C:2020:792.</li> <li>• C-924/19 PPU and C-925/19PPU <i>FMS and Others</i> ECLI:EU:C:2020:367</li> </ul>
15-16	<p>INTERACTIVE ONLINE SEMINAR (Weds 3 March 2021)</p> <p><b>COMPLIANCE (III)</b></p> <p><b>Compliance by private parties [data protection, non-discrimination]</b></p> <p><i>Preparation for the class</i></p> <ol style="list-style-type: none"> <li>1. Watch the mini-lecture (PANOPTO)</li> <li>2. Do the mandatory reading</li> <li>3. Watch the students' case presentation(s) and prepare 1-2 questions for each.</li> </ol> <p><i>Mandatory reading</i></p> <p>Frantziou, E. 'The horizontal effect of the Charter: towards an understanding of horizontality as a structural constitutional principle?' (2020) <i>Cambridge yearbook of European legal studies</i>.</p> <p><i>Core caselaw</i></p> <p>C- 414/16 <i>Egenberger</i> ECLI:C:2018:257</p>

	<p><i>Cases for presentations</i></p> <p>C-131/12 <i>Google Spain and Google</i> ECLI:EU:C:2014:317</p> <p><i>Cases C-507/17 and C-136/17 Google LLC</i> ECLI:EU:C:2019:772</p> <p>C-18/18 <i>Eva Glawischnig-Piesczek v Facebook Ireland Limited</i></p> <p>C-311/18 <i>Schrems II</i> ECLI:EU:C:2020:559</p>
17-18	<p>INTERACTIVE ONLINE SEMINAR (Weds 10 March 2021) – guest lecture FRA (TBC)</p> <p><b>ACTORS (1)</b></p> <p><b>EU institutions and bodies as human rights actors</b></p> <p><i>Preparation for the class</i></p> <ol style="list-style-type: none"> <li>1. Watch the mini-lecture (PANOPTO)</li> <li>2. Check the EU <a href="#">Fundamental Rights Agency website</a>, and consult its current <a href="#">strategy document</a></li> <li>3. Watch video blog FRA Director COVID 19 and Roma children: <a href="https://fra.europa.eu/en/about-fra/structure/director/directors-video-blog">https://fra.europa.eu/en/about-fra/structure/director/directors-video-blog</a></li> <li>4. Do the mandatory reading</li> </ol> <p>Mandatory reading</p> <ul style="list-style-type: none"> <li>• Toggenburg, G. N., &amp; Grimheden, J. (2016). Upholding Shared Values in the EU: What Role for the EU Agency for Fundamental Rights?. <i>JCMS: Journal of Common Market Studies</i>, 54(5), 1093-1104 or Thiel, M. (2014). European civil society and the EU fundamental rights agency: creating legitimacy through civil society inclusion?. <i>Journal of European Integration</i>, 36(5), 435-451.</li> <li>• G. De Burca, 'After the EU Charter of Fundamental Rights: The Court of Justice as a human rights adjudicator?' (2013) 20 <i>Maastricht Journal of European and Comparative Law</i>: 13-51.</li> </ul>
19-20	<p>INTERACTIVE ONLINE SEMINAR (Weds 17 March 2021)</p> <p><b>ACTORS (2) [asylum, data protection, right to a fair trial]</b></p> <p><b>National courts and the ECtHR and the development of EU human rights law and policy</b></p> <ul style="list-style-type: none"> <li>• Watch the mini-lecture (PANOPTO)</li> <li>• Do the mandatory reading</li> <li>• Watch the students' case presentation(s) and prepare 1-2 questions for each.</li> </ul> <p><i>Mandatory reading</i></p> <ul style="list-style-type: none"> <li>• Glas, Lize R., and Jasper Krommendijk. "From Opinion 2/13 to Avotiņš: recent developments in the relationship between the Luxembourg and Strasbourg Courts." <i>Human Rights Law Review</i> 17.3 (2017): 567-587.</li> <li>• Daniel Sarmiento 'Who's afraid of the Charter? The Court of Justice, national courts and the new framework of fundamental rights protection in Europe' (2013) 50(5) <i>Common Market Law Review</i>, 1267-1304 (selected pages)</li> <li>• Thym, Daniel. 'Friendly Takeover, or: the Power of the 'First Word'. The German Constitutional Court Embraces the Charter of Fundamental Rights as a Standard of Domestic Judicial Review.' <i>European Constitutional Law Review</i> 16.2 (2020): 187-212 (selected pages)</li> </ul> <p>Further reading</p>

	<ul style="list-style-type: none"> <li>• Amalfitano, Chiara; Pollicino, Oreste: <i>Two Courts, two Languages? The Taricco Saga Ends on a Worrying Note</i>, <i>VerfBlog</i>, 2018/6/05, <a href="https://verfassungsblog.de/two-courts-two-languages-the-taricco-saga-ends-on-a-worrying-note/">https://verfassungsblog.de/two-courts-two-languages-the-taricco-saga-ends-on-a-worrying-note/</a>, DOI: <a href="https://doi.org/10.17176/20180605-204156-0">10.17176/20180605-204156-0</a>.</li> </ul> <p><i>Core case law</i>  Opinion 2/13 <i>ECLI:EU:C:2014:2475</i>  ECtHR - <i>M.S.S. v Belgium and Greece</i> [GC], Application No. 30696/09  [Solange I] BVerfGE 37, 271 ff.  [Solange II] 2 BvR BVerfGE 73, 339,  [So lange III] 2 BvR 2735/14 (national constitutional identity)  2 BvE 2/08</p> <p><i>Cases for presentation</i>  1 BvR 16/13, <i>RTBF I</i>.  1 BvR 276/17, <i>RTBF II</i>.</p>
21-22	SIMULATION (Weds 24 March 2021)  Based on the CJEU's expected opinion on the EU accession to the Istanbul Convention on Violence against women (Opinion 1/19)  Students will be given basic information on the background and legal issues before the CJEU and will strive to reach a decision, taking into account what they have learned on the framework and dynamics of EU human rights law and policy, as well as more general dynamics of European integration and governance. They should reach a decision, in the form of two short paragraph answering the questions put to the Court.
23-24	INTERACTIVE ONLINE ROUNDTABLE 2  <b>Part 1: How do EU human rights standards compare?</b>  <b>Part 2: Who drives the development of EU human rights law?</b>  This roundtable discussions serves as a preparation for your final paper for the course.  <i>Preparation for the class for LEGS studies (part 1)</i> <ol style="list-style-type: none"> <li>1. Select a right on which you would like to focus your presentation and final paper, and register that choice, using the relevant Moodle link</li> <li>2. Do basic research to determine the basis and overall scope of protection (including limitations) which the EU grants to this particular right, and compare/contrast it with other perspectives (eg ECHR, national constitutions, etc).</li> <li>3. Identify an EU act, case or a policy instrument, which illustrates well the EU approach to this particular right.</li> <li>4. Prepare a short (5-10 mins) presentation, outlining your findings, using PANOPTO, and upload it before Sunday. Students should be able to offer, in class, a critical assessment of the EU approach to the protection of that right, referring to relevant empirical evidence.</li> <li>5. What the other students' presentation, and identify similar or different patterns across rights (and policy contexts).</li> </ol> <i>Preparation for the class for SPP (and non-law) students studies (part 2)</i> <ol style="list-style-type: none"> <li>1. Select a right on which you would like to focus your presentation and final paper, and register that choice, using the relevant Moodle link</li> </ol>

	<ol style="list-style-type: none"> <li>2. Do basic research to identify who seem to be the key players behind the development and implementation of a particular fundamental right (eg NGOs mobilizing to promote the adoption of EU instruments, litigants, member states' authorities or bodies, etc)</li> <li>3. Identify a particular case of successful or failed mobilization</li> <li>4. Prepare a short (5-10 mins) presentation, outlining your findings, using PANOPTO, and upload it before Sunday.</li> <li>5. What the other students' presentation, and identify similar or different patterns across rights (and policy contexts).</li> </ol>
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<p>Date TBA</p>	<p><i>Final essay:</i></p> <p>Alternative topics:</p> <p>1- 'EU human rights standards – how do they compare, and why does it matter?'</p> <p>Critically examine the scope of protection afforded by the EU legal and policy framework to <i>one particular human right</i> in the EU and draw implications for the protection of this particular right, bearing in mind the development of the EU system for the protection of fundamental rights and the interlocking dimension of human rights protection in European law.</p> <p>2- 'Who drives EU human rights law?'</p> <p>Identify and critically assess the role of particular actors in the development and enforcement of a particular human right.</p>
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Further resources: to be added shortly

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