EU Human Rights Law and Policy

**Instructor:** Marie-Pierre Granger, Associate Professor (DPP, LEGS)

May be subject to change

Spring Term / AY 2023-24

Master’s level course

Mandatory-Elective for HR LL.M, HR MA (LEGS), Mundus MAPP (EPP module)

2 US credit / 4 ECTS credits

**Pre-requisites:** For LEGS students, students must have taken and passed Introduction to European Union Law (unless students can provide evidence of at least equivalent academic qualifications in EU law). For Mundus MAPP students, students must have taken and passed European integration and EU Governance (DPP) OR Introduction to European Union Law (LEGS). Students who already have a good foundational knowledge in EU affairs, including legal matters, may request an exception from these introductory courses. This request must be made at the start of the academic year, before the end of the Fall term registration period, to the course’ instructor, copying the relevant department coordinator and programme director.

**E-learning**: <https://ceulearning.ceu.edu/course/editsection.php?id=182243&sr>

**Office hours and contact information for consultation**: Monday 13.30-15.00; Weds 13.30 – 15.00, or arranged by e-mail.

# BRIEF INTRODUCTION:

Human rights have become increasingly relevant in European Union (EU) law and policy. It is therefore important for anyone working or doing research in those fields, to understand the human rights frameworks within which the EU and its member states operate, and assess the potential human rights’ impact of EU legal and policy activities. The course seeks to provide students with foundational knowledge in EU human rights law and policy, whilst fostering relevant analytical and practical skills. After a critical historical overview, and a discussion around differences between disciplinary and analytical perspectives, the course examines the various sources of EU human rights norms, and instruments which are used to ensure their protection and promotion, across a broad range of EU policy settings, and taking stock of recent and current crises. The course stresses the inter-institutional dynamics at play in the complex, multilevel and overlapping, the European human rights regimes, with an emphasis on the role of EU institutions and bodies, but also inviting a reflection on the influence of actors (including civil society). Each class explores particular features of the EU system of protection of fundamental/human rights, and links them to policy areas (both internal and external) in which they have acquired particular relevance. The course includes simulation exercises and ends on a study visit to the EU Fundamental Rights Agency (based in Vienna).

# GOALS

The course seeks to provide students with an extensive knowledge of EU human rights law and policy frameworks, and a sound understanding of their implications for governance in the EU. It also aims to equip students  with analytical tools for assessing the significance of human rights in European integration, governance and policies, whilst improving their understanding of the law and policy-making in the EU. It also seeks to enhance their ability to work across disciplines and professional categories and solve problems, and to further improve on their written and oral communication skills.

# LEARNING OUTCOMES

At the end of the course, students should:

* Be able to identify milestones in the development of EU human rights law and policies since WWII.
* Be knowledgeable about the institutional, legal and policy frameworks for the protection and promotion of human rights in, and by, the EU, and be able to critically assess them;
* Be able to identify and assess their implications for law and policy-making in the EU.
* Be able to frame human rights issues within EU law for practical purposes (eg strategic litigation, advocacy).
* Be familiar with the main institutional and civil society actors and their influence on the protection of human rights in/by the EU.
* Have developed an ability to critically engage with legal and policy materials and familiarity with core techniques (e.g. case and policy briefs, practical case solving, conference presentation, etc)
* Have improved on the ability to work across and combine insights from different disciplinary perspectives for a better understanding of law and policy-making in the European context.
* Have further developed critical thinking abilities and effective written and oral communication skills, including in an online environment.

# ASSIGNMENTS/ASSESSMENT

The final grade follows the CEU grading scheme (letter/number grade). Grading will be on the curve, as per Legal Studies Department policy. Students will receive individual feedback on core course assignments via Moodle.

* 20 % *general class preparation and participation*

Students should come to class prepared, having done all mandatory readings and any other preparatory tasks, and participate actively in class discussions and activities. Assessment will be based on:

* timely and meaningful participation in asynchronous tasks (eg wiki contributions);
* regular and informed answers and comments (eg Perusall, quizzes);
* active and focused contributions to class discussions;
* constructive comments on other’s students’ presentation;
* effective participation in practical exercise and simulations;
* relevant questions during the study visit; etc.
* 15 % *case brief presentation*

Each student must brief and present one judicial decision over the duration of the course, with no more than 2-3 presenters per class. Students select a case (from the ‘cases for presentation’ list for the given class). They must prepare a case brief on it (max. 1 page, see model – *Stauder* case), and add a short ‘comment section’ offering a focused reflection on the case (c. 150 words), relating it to the class’s topic, mandatory readings, and core questions. The case brief+ comments should be submitted on Moodle, and shared with other students at the latest the day before the class, using the Moodle Forum. Student will present the case to the class, outlining its core features (using the brief as a base line), and its relevance in light of the particular class topic (max. 5 minutes). The assessment will be based on the written brief (5% case brief content accuracy + 5% quality of the reflection in the ‘comment section’) and oral presentation/delivery (5%). Feedback/assessment will be provided via Moodle (see case brief / presentation assessment form)

* 10 % *a ‘very short’ conference style presentation’*

During the first week of class (before -------), students must select an academic article (from the list provided in Annex I, below). Students must read the article, and prepare a 2 minute- presentation (imagining they are presenting it in a conference panel, addressing an interdisciplinary audience interested and knowledgeable in EU human rights law and policy). Each student must present the chosen article/chapter, as if they were the author. The presentation should be engaging and focused emphasizing key features of their analytical approach, their main findings and contribution (related to the role of human rights in EU external relations), and important implications. Another student will be assigned as a discussant, who will have 1 minute to comment/ask questions, and the audience may also ask 1-2 questions. The ‘presenter’ will have the opportunity to react to the discussant’ comments (1 min). Feedback and assessment, covering both content and delivery, including adopting an appropriate academic presentation style, will be given via Moodle. Deadline ---- 2024.

* 10 % *recording 3-4 mins paper proposal/preliminary findings presentation* (feedback/assessment via Moodle) [class 12]

This assignment, to be submitted at the end of the course, supports the development of the final research paper. It consists in a short (4 minutes) recorded oral communication (something like a research ‘vlog’), outlining your main research question and scope of your analysis, a summary presentation of your analysis and preliminary findings/conclusions, and any further reading and research you plan to do to in order to complete the paper. You may find this online resource useful in preparing the video recording: <https://www.enago.com/academy/top-6-tips-video-abstract-for-research-paper/>. You are encouraged to record this presentation using Panopto (but you can also use another recording app). You should upload it in the dedicated Panopto course folder. You will receive feedback on it from the course instructor, together with further guidance for the final paper. Deadline ---- 2024.

* *Policy brief (15 %)*

After the visit to the FRA, you should prepare a short policy brief (700 words), which outlines one of the main challenges which the FRA faces when promoting and protecting human rights in the EU, and makes policy recommendations, based on your analysis of the problem. Your policy brief should be informed by the course’s readings and discussions, exchanges with FRA staff, and (limited) further research as appropriate. You may find this document a good source of how to write a good policy brief: <https://www.fao.org/3/i2195e/i2195e03.pdf> . To see an example of how policy briefs can be used as policy instruments to improve human rights, see <https://fra.europa.eu/en/promising-practices/thematic-policy-briefs>.

Deadline: ----- 2024

* 30 % *final academic paper* ‘Hoes does the EU protection of fundamental rights compare…?’

Students must submit a final research paper of 1500 words (+/- 10%, excluding references) which analyzes and assesses the way the EU protects a particular right, and draws some comparison with a different ‘jurisdiction’. For instance, this could be something like ‘Does the EU protect due process in sanction procedures better than the US’, or ‘How does the EU protect citizens’ right not to be subject to automated decision-making’ - and how does it compare to the protection afforded in …[the UN, the US, CoE, Germany etc.). The main analytical focus should be on the EU though. The comparative reflections/insights may be integrated throughout the paper, or feature in a separate shorter section and/or conclusions. The paper must reflect both the insights gained from the course on the norms, instruments and processes through which the EU protects fundamental/human rights, as well as further independent research on how this translates into the protection of a particular right in the EU. The paper should focus on ‘substantive’ aspects, but also integrate institutional and procedural aspects, to the extent they are relevant to assess the protection the EU affords to a given right (eg strict standing requirement, or narrow concept of reviewable acts, may make it difficult to hold certain EU organs accountable for their non-respect of a particular Charter provision). The assessment criteria are available on Moodle, and feedback is given via Moodle.

Deadline for submission ------- 2024

Note: All assignments are designed to build on class discussions and activities, which cannot be processed by AI (such as ChatGPT). Using such technology will therefore not get you good grades, and where detected, could result in failing the course for breach of the CEU Code of Ethics and Policy on Plagiarism.

# LEARNING ACTIVITIES AND TEACHING METHODS

The seminar consists in interactive lectures, class discussions and interactive activities (eg roundtables, practical cases, simulation exercises) building on mandatory readings, preparatory tasks, and introductory lectures.

# COURSE MATERIALS (CORE REFERENCE MATERIALS)

* E. Spaventa ’Fundamental Rights in the European Union’ in C. Barnard and S. Peers (ed) *European Union Law* (Oxford University Press, 2020) 243-282
* P Craig and G De Burca *European Union Law: Texts, Cases and Materials* (7th ed., Oxford University Press, 2020), chapter 12 ’Human Rights in the European Union’ 414-463
* M-P Granger, ‘The political dynamics of EU human rights law: scratching beneath the surface.’ *Research Handbook on the Politics of EU Law* (Edward Elgar Publishing, 2020) 246-280.
* S Douglas-Scott, Sionaidh, and N Hatzis (eds) *Research handbook on EU law and human rights* (Edward Elgar Publishing, 2017).
* M Dawson, *The governance of EU fundamental rights* (Cambridge University Press, 2017)
* *EU law live*, Human Rights category: <https://eulawlive.com/category/human-rights/>
* 2020 ‘New Strategy to strengthen the application of the Charter of Fundamental Rights in the EU’ COM/2020/711 final <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0711&qid=1608047356199>
* Lawschool Westlaw Case briefing: <https://lawschool.westlaw.com/marketing/display/SG/3>
* MP Granger, ‘Revisiting the foundation of European Union citizenship – making it relevant to all EU citizens’ (2016), bEUcitizen policy brief, <https://zenodo.org/record/344805#.ZA9cax_MK38>
* FAO, 4.1 Preparing policy brief, <https://www.fao.org/3/i2195e/i2195e03.pdf> . (pp.1-31).
* Consolidated versions of [the Treaty on the Functioning of the European Union](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN) and the [Treaty on the European Union](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF).

# REQUIRED AND RECOMMENDED READINGS, ASSIGNMENTS

This course normally uses the new numbering of the EU and TFEU treaties post-Lisbon, unless otherwise specified or defined by the historical context of the document.

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 [Moodle e-learning platform](https://ceulearning.ceu.edu/course/view.php?id=9168), for updated information on classes schedule, rooms, assignments uploads and access to online resources.

# DETAILED TOPIC-BY-TOPIC CONTENT

## 1-2. The mythology of EU human rights law

Course introduction: basic information on course goals and structure, typical class design, and assignments (case briefing & presentation technique, short conference presentation simulation, mini-moot exercise, policy briefing, research video presentation ‘vlog’)

Discussion questions: What is the position of fundamental human rights in the EU? How has it evolved overtime? Can we talk about progress? What narratives are used, by whom, and does it matter?

### Preparation for the class

In preparation for the class, please comment and answer questions on the two articles’ extract below via PERUSALL.

### Mandatory reading

* G De Búrca, ‘The road not taken: the European Union as a global human rights actor’ (2011) *105*(4) *American Journal of international law*, 649-693. Read pp. 649-664) [15 p] – [PERUSALL comments/discussion]
* S Smijsmans, ‘ The European Union's fundamental rights myth’ (2010) 48(1) *JCMS: Journal of Common Market Studies*, 45-66, in particular section II-III-IV. Read pp.47-59) [12p] [PERUSALL comments/discussion]
* Case29/69 *Stauder v City of Ulm* [1969] ECLI: EU:C:1969:57 + video presentation on Moodle

## 3-4. Comparing perspectives on EU fundamental rights: from law to policies and governance

Legal scholars and public policy/political sciences scholars approach EU fundamental/human rights through different analytical lenses. There is however common ground. and a lot can be learned from interdisciplinary engagement.

Discussion questions: What kind of questions do scholars from different disciplins ask about human rights and the EU? What concepts, theories, methods do they use? Do they all focus on the same issues, policy areas, or actors?

Class exercise: mapping out the ‘actors’ of EU human rights governance.

### Mandatory reading

* P. Craig and G De Burca *European Union Law: Texts, Cases and Materials* (OUP, 2020), chapter 12 ’Human Rights in the EU. Read only section 1 ’Central issues’, 414-415 [2p]
* M. Dawson, *The governance of EU fundamental rights*. (Cambridge University Press, 2017), chapter 1 ‘Conceptualising and justifying EU fundamental rights’, 18-36 [28 p]
* P. Ahrens, B. Gaweda, and J. Kantola. ‘Reframing the language of human rights? Political group contestations on women’s and LGBTQI rights in European Parliament debates.’ (2022) 44.6 *Journal of European Integration* [803-819] [read abstract, introduction, and section on ‘qualitative analysis’

## 5-6. General principles [rule of law]

The protection of fundamental rights came (back) into the European Economic Community in the late 1960s via judge-made ‘general principles’ inspired by international and European (human rights) instruments and national constitutional traditions, hence their historical significance.

Question for discussion: Now that the EU has its own Bill of Rights (the EU Charter of Fundamental Rights), what use does we still have for general principles for the protection of fundamental rights?

### Mandatory reading

* P. Craig and G. De Burca, *EU law: Texts, Cases and Materials* (OUP, 2020), Ch. 12. Read p. 417-423 [6p]
* X. Groussot, and J. Lindholm, ‘ General Principles: Taking Rights Seriously and Waving the Rule-of-Law Stick in the European Union (March 28, 2019). In K. Ziegler et al (eds) *Research Handbook on General Principles of EU Law: Constructing Legal Orders in Europe,* (Edward Elgar, 2022), pp. 308-326, read p. 310-325 [15p] <https://www.elgaronline.com/display/edcoll/9781784712372/9781784712372.00026.xml>

### Mandatory cases (read extracts in Craig & De Burca)

* Case 4/73 *Nold* [1974] EU:C:1974:51
* Case 44/79 *Hauer* [1979] EU:C:1979:290
* Case C-144/04 *Mangold v Helm* EU:C:2005:709
* Case 149/77 Defrenne (III) EU:C:1978:130

### Cases for presentations

* C- 36/02 Omega EU:C:2004:614
* C-155/79 AM&S EU:C:1982:157
* C-147/08 *Römer* EU:C:2011:286
* C-216/18 PPU *Minister for Justice and Equality* [LM], EU:C:2018:586

Further reading:

* C. Amalfitano, *General principles of EU law and the protection of fundamental rights* (Edward Elgar Publishing, 2018)
* E. Hancox, ‘The Relationship Between the Charter and General Principles: Looking Back and Looking Forward (2020) 22 *Cambridge Yearbook of European Legal Studies* 233–57 [24p]

## 7-8. Codifying fundamental human rights: EU Treaties and the EU Charter of Fundamental Rights

After the initial impetus from the ECJ case law, the EU political institutions followed suit with a number of institutional initiatives and interinstitutional agreements. Eventually, the Treaties were amended to include provisions for the protection of fundamental rights. Moreover, in 2000, the EU drafted and adopted its own Bill of Rights - the EU Charter of Fundamental Rights (which became legally binding with the 2009 Lisbon Treaty).

Discussion questions: Was the Charter needed? What is its impact? How should the Charter provisions be applied and interpreted? Are there differences between rights and principles in the Charter? Do the Charter apply in horizontal situations? Is there a protected ‘core’ of Charter rights? How do the various EU fundamental human rights norms interact?

### Mandatory reading

* E. Spaventa ’Fundamental Rights in the European Union’ in C. Barnard and S. Peers (ed) *European Union Law* (OUP, 2020) 243-282, read pp 253-270 [17p]
* T. Lock, ‘Rights and principles in the EU Charter of Fundamental Rights.’ *Common Market Law Review* 56.5 (2019).1201-1226, read p. 1224-1226 [2p]
* K. Lenaerts. ‘Limits on limitations: The Essence of fundamental rights’ (2019) 20:6 *German Law Journal* . -779- 793 sections B II and C.
* Listen to podcast by G Toggenburg, ’Law Birds Eye View’ Available at [https://fra.europa.eu/en/audio/2021/law-birds-eye-view [podcast, 2021, 15](https://fra.europa.eu/en/audio/2021/law-birds-eye-view%20%5Bpodcast%2C%202021%2C%2015) mins]
* Articles 2, 3, 6 , 7, 21 and 49 [TEU](https://eur-lex.europa.eu/eli/treaty/teu_2012/oj), and Articles 8, 9, 10, 11, 19, 20 [TFEU](https://eur-lex.europa.eu/eli/treaty/tfeu_2012/oj).
* Consult the EU Charter of Fundamental Rights. Available at (CFR), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>
* EU fundamental rights information system (EFRIS): <https://fra.europa.eu/en/databases/efris/>

### Further materials

* E. Franziou, ‘(Most of) the Charter of Fundamental Rights is horizontally applicable’ (2019) 15:2 E.C.L. Review 306-323
* EU Fundamental Rights Agency (2020), ‘10 years on: the application of the Charter’ (2020) <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020-focus_en.pdf>
* S. Rossi, ‘Same value as the Treaties? Rank, Primacy, and Direct Effects of the EU Charter of Fundamental Rights (2017) 18 *German Law Journal* 771.
* N Cogland and M Steiert [’The Charter at 20: returning to its origins as a critical juncture for fundamental rights protection](https://europeanlawblog.eu/2020/12/07/the-charter-at-20-returning-to-its-origin-as-a-critical-juncture-for-fundamental-rights-protection-in-the-eu/)’ 7 Dec 2020, *European Law Blog*.
* Commission Implementing Decision (EU) 2023/165 of 12 January 2023 on the request for registration of the *European citizens’ initiative* entitled ‘Article 4: Stop torture and inhuman treatment at Europe’s borders’: <https://eur-lex.europa.eu/eli/dec_impl/2023/165/oj>

### Core cases

* C-399/11 *Melloni* ECLI*:*EU:C*:*2013:107
* C-176/12 *Association de Medation Sociale* EU:C:2014:2
* C-569/16 and C-570/16 *Bauer* EU:C:2018:871
* C-414/16 *Egenberger* EU:C:2018:257

### Cases for presentation

* C-469/17 *Funke Medien* EU:C:2019:623; or C-476/17*, Pelham* EU:C:2019:624 or C-516/17, *Spiegel Online* EU:C:2019:625
* C-362/14 *Schrems* EU:C:2015:650
* Joined Cases C-203/15 and C-698/15 *Tele2sverige* EU:C:2016:970
* Opinion 1/15 EU:C:2016:656
* [C-490/20 V.M.A.](https://curia.europa.eu/juris/document/document.jsf?text=&docid=251201&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=585021) EU:C:2021:1008
* C‑709/20 *CG* EU:C:2021:602
* C-350/20 *INPS* EU:C:2021:659
* Case C-78/18, *Commission v. Hungary* (Transparency of associations)
EU:C:2020:476

## 9-10 EU legislation and the protection of fundamental rights [non-discrimination/ data protection/environment]

The EU Treaties confer only limited competences to the EU to legislate on fundamental human rights. Where they exist, the EU has been able to adopt legislation harmonizing and, in some cases, improving, the protection of specific fundamental rights. Moreover, the EU has relied on ‘other’ legal (Treaty) bases (eg internal market, justice and home affairs, etc)to adopt legislation that contributes to further protect and promote fundamental rights. Finally, EU policies, including legislative and regulatory acts, must be designed and implemented in compliance with the Charter.

Discussion questions: Which legislation has the EU been able to adopt based on dedicated fundamental rights’ legal bases? How easy/difficult is it and why? To what extent can the EU legislator rely on ‘other’ legal basis to adopt legislation for the protection of fundamental rights? Does it warrant the criticism of ‘competence creep’? How does EU legislation cope with the human rights challenges posed by fast moving technological change and various crises? How thoroughly is proposed EU legislation checked against the Charter? What, if any, is the role of citizens and civil society in pushing for more protective EU legislation (eg via the ECI)?

### Preparation for the class

Peruse through EU websites or reports, recent news sites, or consult the EU ‘legislative train’.

1. *Identify a recent proposal for EU legislation, or recently adopted EU legislative measure,* which is designed to *provide protection for fundamental rights*. Check its (proposed) legal basis, its main provisions, and scope, and be ready to talk about it in class.

OR

1. *Identify a recent proposal for EU legislation*, or recently adopted legislative measure, the application and implementation of which could *threaten fundamental human rights*. Check how possible human rights implications have been considered during the adoption and drafting of the proposal.

Share a summary of your findings on the class wiki.

### Mandatory reading

* Articles 16 and 19 TFEU
* E. Muir, 'The Fundamental Rights Implications of EU Legislation: some constitutional challenges' (2014) 51 *Common Market Law Review* 219-246 [26p]
* ETUI, The Digital Services Act package: Reflections on the EU Commission’s policy options (Policy brief, 2020): <https://www.etui.org/sites/default/files/2020-09/The%20digital%20services%20act%20package.%20Reflections%20on%20the%20EU%20Commission%27s%20policy%20options-2-2020.pdf>
* Tool #28 Better Regulation Toolbox, Fundamental Rights and Human Rights. <https://ec.europa.eu/info/sites/default/files/file_import/better-regulation-toolbox-28_en_0.pdf>
* Commission’s [*Annual Report*](https://op.europa.eu/en/publication-detail/-/publication/784b02a4-a1f2-11e9-9d01-01aa75ed71a1/language-en) *(2022) on the application of the EU Charter for the protection of fundamental rights*, <https://commission.europa.eu/system/files/2022-12/1_1_201131_2022_charter_report_en.pdf> Read pp 10-12

### Further reading

* L.Waddington, M.Bell, 'Similar, yet different: The Work-life Balance Directive and the expanding frontiers of EU non-discrimination law', (2021), 585:5 *Common Market Law Review,* pp. 1401-1432
* R. Xenidis, 'The Polysemy of Anti-Discrimination Law: The Interpretation Architecture Of The Framework Employment Directive at The Court Of Justice', (2021) 58:6 *Common Market Law Review,* pp. 1649-1696

### Cases for presentation

* C*-*236/09 Test-Achats EU:C:2011:100
* C-623/17, Privacy International, EU:C:2020:790
* Joined Cases C-511/18, La Quadrature du Net and Others, C-512/18, French Data Network and Others, and C-520/18, Ordre des barreaux francophones et germanophone and Others EU:C:2020:791
* C-389/20 *CJ v Tesorería General de la Seguridad Social (TGSS)* EU:C:2022:120
* C‑804/18 and C‑341/19 *IX v WABE eV and MH Müller Handels GmbH v MJ* U:C:2021:594 [non-discrimination]
* C-485/20 *HR Rail* EU:C:2022:85
* C-824/19 *TC and UB v Komisia za zashtita ot diskriminatsia and VA* EU:C:2021:862 [non-discrimination]
* C-61/21 *JP v Ministre de la transition ecologique* EU:C:2022:1015
* C-344/20 *LF v SCRL* :EU:C:2022:774
* T-158/21 *Minority Safe Pack Initiative* EU:T:2022:696 [non-discrimination]
* Joined cases C-37/20 and 601/20 *Luxembourg Business Registers* EU:C:2022:912
* *C-349/21 HYA and Others (Grounds for authorising telephone tapping)* EU:C:2023:102
* C-660/21 *K.B. and F.S*. [only opinion of AG so far]

Practical case:

* C-148/22 *OP v Commune d’Ans*  [pending case – used as a practice case for simulation]

## 11-12. EU human rights ‘policies’ [external relations]

Beyond legal instruments such as Treaty provisions, legislation or case law, EU institutions and bodies use a wide range of *policy tools to protect and promote human rights*, in both internal and external matters. Regarding external matters, there is a growing body of *scholarship,* coming primarily from outside the legal studies field (eg IR, security studies, migration studies, sociology, etc), that assesses policy interventions in the field of external relations, or seek to explain their operations. Through the ‘short conference panel presentation’ simulation, we will *familiarize* ourselves with their work, and by the same token, also get an overview and critical assessment of the different *policy tools that the EU uses to promote and protect human rights in external relations*, *how these work, how effective and legitimate they are*.

### Preparation of the conference simulation presentation

* Read M. Lerch, European Parliament Factsheet on human rights (October 2022): <https://www.europarl.europa.eu/factsheets/en/sheet/165/human-rights> [2 p]
* Select a text of your choice from the list at the end of the syllabus ([Annex 1](#_ANNEX_1)). Register your choice in the class wiki (‘first-come-first-serve’). Prepare a *2 minute presentation* (without visual support). Present the article/chapter as if you were the author giving a short conference presentation, introducing the research question and its relevance, outlining key elements of research design, main arguments/findings, conclusions/implications, relevance to the topic of the class (ie *human rights policies, strategies, tools, instruments, their design and implementation, and their effectiveness and legitimacy, in the context of external relations*). You will be assigned as discussant for someone else’s presentation: you can ask questions related to the method, challenge the argument or analysis, discuss the conclusions, add further elements etc (1 min). The presenters will have 1 min to respond. Presentations will be organized around panels, which will be communicated before the class.

### Optional further reading

* EU Council, EU imposes further restrictive measures against 32 individuals responsible for human rights violations 20 Feb 2023). <https://www.consilium.europa.eu/en/press/press-releases/2023/02/20/iran-eu-imposes-further-restrictive-measures-against-32-individuals-and-two-entities-responsible-for-human-rights-violations/>
* J. Jonás de Gil Insight: ‘The new EU Global Human Rights Sanctions Regime: shortcomings and limitations”, EU law live insight ([Insight: “The new EU Global Human Rights Sanctions Regime: shortcomings and limitations” by Juan Jonás de Gil - EU Law Live](https://eulawlive.com/insight-the-new-eu-global-human-rights-sanctions-regime-shortcomings-and-limitations-by-juan-jonas-de-gil/)).

# O. Baillet Op-Ed: ’Hearing in Venezuela v Council: Accommodating New Sanction Litigation by Third States’ ( March 2023) <https://eulawlive.com/op-ed-hearing-in-venezuela-v-council-accommodating-new-sanction-litigation-by-third-states-by-olivier-baillet/> )

## 13-14. Control over the respect by EU institutions and bodies of EU fundamental rights [Area of Freedom, Security and Justice, Economic and Monetary Union]

EU institutions and bodies are bound to respect fundamental rights laid down in general principles, the EU Charter, applicable international human rights instruments and EU legislation. This applies to their legislation and regulatory activities, their practical operations, as well as other policy interventions. EU courts are called to review more closely EU acts (or omissions) in the light of EU fundamental rights norms. However, the complex and mixed nature of EU policy-making and implementation, blurs lines of legal accountability and shield certain measures from EU judicial control, which is not always fully compensated by other accountability mechanisms at EU or national level.

Questions for discussion

What judicial procedures are available at EU level to challenge EU acts or omission on fundamental rights grounds? Who can initiate them and under which conditions? Can problematic EU acts, actions and omissions be contested before national and/or international or regional human rights courts? Can EU institutions and bodies’ activities be challenged through other means than judicial?

### Background reading

* EP briefings on the [action for annulment of an EU act](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642282/EPRS_BRI%282019%29642282_EN.pdf) (2019) and the [preliminary reference procedure](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608628/EPRS_BRI%282017%29608628_EN.pdf) (2017) [4p] [if you need to refresh your knowledge of those procedures]

### Mandatory reading

* P Craig and G De Burca *European Union Law: Texts, Cases and Materials* (OUP, 2020), chapter 12 ’Human Rights in the EU’, read 434-441 [8p]
* 2020 New Strategy to strengthen the application of the Charter of Fundamental Rights in the EU COM/2020/711 final <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0711&qid=1608047356199>, part 3
* E. Omisevic, ‘Between security secrecy and scrutiny – enigmatic external activities by European agencies and bodies in the fight against crime’ (2021) *European Law Blog* <https://europeanlawblog.eu/2021/11/24/between-security-secrecy-and-scrutiny-enigmatic-external-activities-by-european-agencies-and-bodies-in-the-fight-against-crime/>
* M. Fink, ‘[Why it is so Hard to Hold Frontex Accountable: On Blame-Shifting and an Outdated Remedies System’](https://www.ejiltalk.org/why-it-is-so-hard-to-hold-frontex-accountable-on-blame-shifting-and-an-outdated-remedies-system/) EJIL! Talk blog (26 Nov 2020)

### Further reading

* Frontex’s [human rights complaint mechanism](https://frontex.europa.eu/contact/lodge-a-complaint/)
* E. Spaventa, 'Constitutional creativity or constitutional deception? Acts of the Member States acting collectively and jurisdiction of the Court of Justice', (2021), 58:6 *Common Market Law Review*, pp. 1697-1730
* Commission’s Annual Report on the application of the EU Charter for the protection of fundamental rights (2021), section 2.3 [pp ] <https://ec.europa.eu/info/sites/default/files/1_1_179442_ann_rep_en_0.pdf>
* European Commission, ‘Operational guidance on taking account of fundamental rights in European Commission impact assessment’, 6 May 2011
* C. Blasi Casagran, ‘Fundamental Rights Implications of Interconnecting Migration and Policing Databases in the EU’ (2021) 21:2 Human Rights Law Review, 433–457
* S Léonard, and C Kaunert. ‘Between a rock and a hard place?’: The European Union’s financial sanctions against suspected terrorists, multilateralism and human rights.’ (2012) 47.4 Cooperation and conflict 473-494.
* A Poulou ‘ Financial assistance conditionality and human rights protection: What is the role of the EU Charter of Fundamental Rights?’. (2017) 54:4 *Common Market Law Review*

### Core case law

* **Joined Cases C-402/05P and C-415/05P, *Yassin Abdullah Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities*** EU:C:2008:461
* C-293/12 Digital *Rights* Ireland EU:C:2014:23 (data protection)

### Cases for presentation

* C-540/03 *European Parliament v Council* (Family reunion) EU:C:2006:429
* C-354/04 *P Gestoras Pro Amnistia* EU:C:2007:115
* C-72/15 *Rosneft* EU:C:2017:236
* Joined Cases C-105/15 P to C-109/15 P *Mallis* EU:C:2016:702
* C-362/14 *Schrems* [I] EU:C:2015:65
* C-2018/17 P *NF and Others v European Council* EU:C:2018:705
* T-517/19 *Andreas Homoki v European Commission* EU:T:2021:529
* C-597/18 P, C-598/18 P, C-603/18 P and C-604/18 P Council v Chrysostomides & Co. and Others EU:C:2020:1028
* C-458/19 P ClientEarth v Commission and ECHA EU:C:2021:802
* C-91/20 LW EU:C:2021:898
* T‑401/21, KN v European Parliament EU:T:2022:736
* Case C-622/20 P, *Validity and Center for Independent Living v Commission* EU:C:2021:310

Practical case

* [T-798/22](https://curia.europa.eu/juris/liste.jsf?nat=or&mat=or&pcs=Oor&jur=C%2CT%2CF&num=T-798%252F22&for=&jge=&dates=&language=es&pro=&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&oqp=&td=%3BALL&avg=&lg=&page=1&cid=1639767) *Ordre néerlandais des avocats du barreau de Bruxelles and
Others v Council* and [T-797/22](https://curia.europa.eu/juris/liste.jsf?nat=or&mat=or&pcs=Oor&jur=C%2CT%2CF&num=T-797%252F22&for=&jge=&dates=&language=es&pro=&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&oqp=&td=%3BALL&avg=&lgrec=es&lg=&page=1&cid=1639767) *Ordre des avocats à la cour de Paris and Couturier v Council* [pending]

## 15-16 Ensuring Member States compliance with EU fundamental rights [Area of Freedom, Security and Justice – civil society]

The Charter and general principles applies to the member states when they implement/act within the scope of EU law. Other legal instruments protecting rights (Treaty provisions, legislation, etc) are applicable within their defined scope. The scope of application of the Charter and general principles has been a contentious issue for a long time, as member states fear that the Charter may be used to expend EU’s influence beyond its formal competence, restrict national autonomy and undermine diversity. Internal market, and EU citizenship provisions and now the principle of effective judicial protection are being relied on to apply EU judicial control over member states compliance with EU rights.

Discussion questions

How can the EU ensure member states respect EU core human rights values, without encroaching upon national competences and sovereignty? How much diversity does the EU system of fundamental rights cater for? Are available judicial procedures effective in ensuring member states’ compliance with EU fundamental rights norms? What non-judicial tools can be used to pressure member states to live up to their Charter commitments?

*Mandatory reading*

* P Craig and G De Burca *European Union Law: Texts, Cases and Materials* (OUP, 2020), chapter 12 ’Human Rights in the EU, read p 441-454
* A Perez Torres, ‘Rights and Powers in the European Union: Towards a Charter that is Fully Applicable to the Member States?’ (2020) 22 *Cambridge Yearbook of European Legal Studies* 279-300 [comments via PERUSAL]
* Article 7 TEU, Article 51 EU CFR
* 2020 New Strategy to strengthen the application of the Charter of Fundamental Rights in the EU COM/2020/711 final <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0711&qid=1608047356199>, part 1 and 2 [
* Commission’s Annual Report on the application of the EU Charter for the protection of fundamental rights (2022), <https://commission.europa.eu/system/files/2022-12/1_1_201131_2022_charter_report_en.pdf> [read Introduction]
* L.D Spieker (Op-Ed): ’Berlaymont is back: The Commission invokes Article 2 TEU as self-standing plea in infringement proceedings over Hungarian LGBTIQ rights violations’ (22 Feb 2023) [https://eulawlive.com/op-ed-berlaymont-is-back-the-commission-invokes-article-2-teu-as-self-standing-plea-in-infringement-proceedings-over-hungarian-lgbtiq-rights-violations-by-luke-dimitrios-spieker/#](https://eulawlive.com/op-ed-berlaymont-is-back-the-commission-invokes-article-2-teu-as-self-standing-plea-in-infringement-proceedings-over-hungarian-lgbtiq-rights-violations-by-luke-dimitrios-spieker/)

Core cases (read relevant extracts, as instructed)

* C-617/10 *Åkerberg* Fransson EU:C:2013:105
* C-333/13 *Dano* EU*:*C*:*2014:2358
* *C-206/13 Siragusa* EU:C:2014:126
* C-64/16 *Associação Sindical dos Juízes Portugueses* ECLI:EU:C:2018:117
* C-400/10 PPU J. McB. v L. E. EU:C:2010:582

### Cases for presentation

* C-216-18 PPU *LM* ECLI:EU:C:2018:586
* C-198/13 *Hernandez U*:C:2014:2055
* CC- 404/15 and C-659/15 Aranyosi and Căldăraru EU:C:2016:198; C-216/18 PPU,and Minister for Justice and Equality v LM EU:C:2018:586
* C-562/21 PPU and C-563/21 PPU X and Y v Openbaar Ministerie EU:C:2021:1019
* *C-297/17 Ibrahim* EU:C:2019:219
* C-78/18 *Commission v Hungary* [transparency of association] ECLI:EU:C:2020:476
* C-66/18 *Commission v Hungary* [higher education law] ECLI:EU:C:2020:792.
* C-237/21, *Generalstaatsanwaltschaft München* v S.M. ECLI:EU:C:2022:1017
* C-769/22 *Commission v Hungary* [LGBTQ+ law] not decided yet [use as a practical case for simulation]
* Joined Cases C-323/21, C-324/21 and C-325/21 F and K, [not yet decided]

## 17-18 – Multilevel and overlapping human rights frameworks in Europe: between national constitutions and the EU Charter of Fundamental Rights

In constitutional and liberal democracies, national legal (constitutional) systems are thought as the first port of call for addressing human rights violations, and national (constitutional) courts usually have it as one of their core missions. National conceptions of fundamental rights protection may not always be fully aligned with EU ones, which can lead to tensions and confusions, in particular where jurisdictions potentially overlap. Moreover, national courts are not all ready to handover their fundamental rights control mandate to the CJEU, which creates competitions and emulations. We will explore these interactions by approaching EU human rights form the perspective of national courts, and reflect on possible implications for the development of EU human rights law and the dynamics of European integration and governance.

Questions for discussion

How have national courts received the Charter? How much do litigants invoke the EU Charter in litigation before domestic courts? How much do national court use the Charter in their decision? How do national courts interpret and apply the Charter?

When do litigants and national courts frame issues as violation of EU fundamental rights and/or national constitutional rights? What role des the constitutional identity clause play in managing relationships between national and EU fundamental rights frameworks, or different conceptions of fundamental rights?

### Preparation for the class

Check the FRA case law database (<https://fra.europa.eu/en/case-law-database> ), identify a case by a national court invoking the Charter and be ready to talk about it in class.

### Mandatory reading

* Art. 53 CFR and Article 4(2) TEU
* D Thym, ‘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.’ (2020) 16:2 *European Constitutional Law Review* 187-212
* M. Claes, 'National Identity and the Protection of Fundamental Rights', (2021), 27.3*, European Public Law,* pp. 517-535.
* FRA Annual Fundamental Rights Report (2021) <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf> (section 2, The Charter at national level, in particular section 2.2 ‘The Charter and the Judiciary’)
* B. Selejan Gutan, ‘OpEd: Constitutional court v EU law – A Romanian saga in case C-430/21’ (18 March 2022) (<https://eulawlive.com/op-ed-constitutional-court-versus-eu-law-a-romanian-saga-the-judgment-in-case-c-430-21-rs-by-bianca-selejan-gutan/> )

### Further reading

* D Sarmiento, ‘Who's afraid of the Charter? The Court of Justice, national courts and the new framework of fundamental rights protection in Europe.’ Common Market Law Review 50.5 (2013).
* C Rauchegger, ‘National Constitutional Courts as Guardians of the Charter: A Comparative Appraisal of the German Federal Constitutional Court's Right to Be Forgotten Judgments’ (2020) 22 *Cambridge Yearbook of European Legal Studies,* 22, 258-278.
* M. Fichera, & O. Pollicino, O., The Dialectics Between Constitutional Identity and Common Constitutional Traditions: Which Language for Cooperative Constitutionalism in Europe?. 2019 (*20*(8) *German Law Journal*, 1097-1118.
* Drinóczi, T. (2020). ‘Constitutional Identity in Europe: The Identity of the Constitution. A Regional Approach’. (2020) 21(2) *German Law Journal*, 105-130.
* Faraguna, P. (2017). ‘Constitutional Identity in the EU–A Shield or a Sword?’. *German Law Journal*, *18*(7), 1617-1640.
* Vallée, Shahin; Genevoix, Gerard: A Securitarian Solange: France has launched a cluster bomb on the EU’s legal and political order, VerfBlog, 2021/4/25, https://verfassungsblog.de/a-securitarian-solange/, DOI: [10.17176/20210426-101431-0](https://dx.doi.org/10.17176/20210426-101431-0).

### Classic cases (extracts)

* [Solange I] BVerfGE 37, 271 ff.
* [Solange II] 2 BvR BVerfGE 73, 339,
* [So lange III] 2 BvR 2735/14
* C-430/20 *RS (Effet des arrêts d’une juridiction constitutionnelle)* EU:C:2022:99

### Cases for presentation

* German *Bundesverfassungsgericht* 1 BvR 16/13, RTBF I, 1 BvR 276/17, RTBF II.
* Italian *Corte Costitutionale* ruling **15/2018** (Taricco saga) IT:COST:2018:115: <https://www.cortecostituzionale.it/documenti/download/doc/recent_judgments/S_2018_115_EN.pdf>
* French *Conseil d'État* No 394925, Data Network Quadrature du Net, 14 October 2021, FR:CECHR:2021:394925.20211014 (English summary) <https://www.conseil-etat.fr/en/content/download/159461/document/CP%20French%20Data%20Network%20%28ENG%29%20V3.pdf>
* French *Conseil d'État* Decision no. 2021-940 QPC Air France of 15 October 2021 <https://www.conseil-constitutionnel.fr/en/decision/2021/2021940QPC.htm>

## 19-20 – Multilevel human rights frameworks in Europe (2): between the EU and Council of Europe [Areas of Freedom, Security and Justice; criminal law, refugee law]

The development of human rights review of EU and member states acts by the CJEU contributes to the complexity of the European human rights system, including both the EU system and that of the Council of Europe (European Convention on Human Rights, European Social Charter). There are many points of interactions between the two sets of coexisting European human rights norms. The relationship between their respective courts, the CJEU in Luxembourg and the ECtHR in Strasbourg (for the ECtHR) are generally harmonious and seek to avoid institutional, jurisdictional and substantive conflicts, but there are tensions. The resuming of the negotiation of EU accession to ECHR after the adverse opinion of the CJEU, and the recent case law, suggests a cooperative attitude on both sides. Both courts however operate in different institutional contexts and differ in their core missions and purposes which can affect their approach to particular human rights violations. The engagement of the EU system with the (revised) European Social Charter has been more limited, with the risks that EU policies undermine its standards.

Discussion questions:

To what extent do the EU and CoE systems overlap? Are there (inter) interinstitutional mechanisms which ensure consistency across these overlapping systems? Is the coexistence of the EU and CoE system of human rights a harmonious ones? Should the EU accede to CoE instruments ECtHR and ESC? Would there be implications for the autonomy of EU law? How to determine which European sets of human rights norms apply? How do litigants/CSO integrate these different legal frameworks in their litigation strategies? How much are each system under pressure to adjust to one another? Are different human rights standards between European system acceptable?

### Mandatory reading

* Eachother UK [EU Charter v Human Rights Convention video](https://www.youtube.com/watch?v=Bsm_vhEgKew) (video, 2019)
* E. Spaventa ’Fundamental Rights in the European Union’ in C. Barnard and S. Peers (ed) *European Union Law* (OUP, 2020) 243-282, read pp. 270-280 [10p]
* O. De Schutter (2016), report for the European Parliament, ‘The European Social Charter in the context of the implementation of the EU Charter of Fundamental Rights, PE 636.488, [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/536488/IPOL\_STU(2016)536488\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/536488/IPOL_STU%282016%29536488_EN.pdf), read p. 24-39 [15p]
* Consult ILGA’s strategic litigation work: <https://www.ilga-europe.org/what-we-do/our-strategic-litigation-work>
* Check the list of joint handbooks by the FRA and ECHR: <https://echr.coe.int/Pages/home.aspx?p=caselaw/otherpublications/handbooks&c=>
* Consult Joint Note on European Standards of Legal Remedies at European borders (2021) <https://fra.europa.eu/sites/default/files/fra_uploads/coe-fra-2021-effective-remedies-european-borders_en.pdf>

# M Fink, Op-Ed: ’Non-Compliance with EU Law as a violation of the ECHR? The broader implications of Spasov v Romania” (6 Feb 2023) <https://eulawlive.com/op-ed-non-compliance-with-eu-law-as-a-violation-of-the-echr-the-broader-implications-of-spasov-v-romania-by-melanie-fink/>

### Further reading

* S. O Leary ‘Courts, charters and conventions: making sense of fundamental rights in the EU (2016) 56 *Irish Jurist* 2016, 56, 4-41
* K Lenaerts, ‘The ECHR and the CJEU: creating synergies in the field of fundamental rights protection’ (speech 26 Jan 2018) <https://www.echr.coe.int/Documents/Speech_20180126_Lenaerts_JY_ENG.pdf>
* G. Cliquennois, S Snacken, and DVan Zyl Smit. Can European human rights instruments limit the power of the national state to punish? A tale of two Europes. (2021) 18:1 *European journal of criminology* 11-32.
* Rosas, A. (2022). The Court of Justice of the European Union: A Human Rights Institution?. *Journal of Human Rights Practice*, *14*(1), 204-214.
* A Lübbe, A ‘Systemic Flaws’ and Dublin Transfers: Incompatible Tests before the CJEU and the ECtHR?. (2015) 27:1 *International Journal of Refugee Law* 135-140.
* Joined Statement of the EU and Council of Europe on the EU Accession to the ECHR (2020) <https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_1748>
* LR Glas and J Krommendijk. "From Opinion 2/13 to Avotiņš: recent developments in the relationship between the Luxembourg and Strasbourg Courts." (2017) 17:3 *Human Rights Law Review* 567-587.
* S Top and P De Hert. "Castaño avoids a clash between the ECtHR and the CJEU, but erodes Soering. Thinking human rights transnationally." (2021) 12.1 *New Journal of European Criminal Law* 52-68.
* B. Dickson, ‘The EU Charter of Fundamental Rights in the case law of the European Court of Human Rights ‘ (2015) 1 *European Human Rights Law Review* 27-40
* S. Atkins Between the CJEU and the ECtHR: human rights of asylum seekers and their reception conditions in Europe since Opinion 2/13 (2020) 34(2) *Immigration, Asylum and Nationality Law* 158-176

### Core case reading [extracts in core readings]

* *Matthews v. the United Kingdom* [GC], no. 24833/94, ECHR 1999-I
* *Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland* [GC], no. 45036/98, ECHR 2005-VI
* Opinion 2/13 EU:C:2014:2475

Presentation cases

* ECtHR *Tarakhel v. Switzerland* [GC], Appl. no. 29217/12, ECHR 2014
* ECtHR - *M.S.S. v Belgium and Greece* [GC], Appl. No. 30696/09
* ECtHR *B and C v. Switzerland,* Appl. nos. [889/19](https://hudoc.echr.coe.int/eng#{"appno":["889/19"]}) and [43987/16](https://hudoc.echr.coe.int/eng#{"appno":["43987/16"]}), CE:ECHR:2020:1117JUD000088919
* ECtHR *Napotnik v. Romania,* Application 33139/13, [2020] ECHR 747, CE:ECHR:2020:1020JUD003313913
* ECtHR S.H. v. Malta, Appl. No. 37241/21
* ECtHR *Spasov v Roumania* Appl. No 27122/14 (only in French so far)

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## 20-24 EU human rights ‘bodies’ - Study visit to the EU fundamental rights agency

EU legal scholarship is very focused on courts, and the CJEU in particular. Other EU institutions and bodies however play an important part in promoting, protecting and upholding EU human rights norms. This is not only true of the European Parliament or the European Commission; there are many bodies which carry more ‘discrete’ human rights work which contribute to shape the EU, and more broadly, European, fundamental human rights frameworks and support their implementation, such as the EU Fundamental Rights Agency (based in Vienna), the European Ombudsman, the European Data Protection Supervisor, etc. Moreover, various national human rights bodies (eg Ombudsperson, data protection authorities, equal opportunity bodies, human rights commissions, etc) also play a significant role; and of course, civil society organizations have an essential in both promoting stricter human rights standards, exposing violations by EU, national and private (corporate) actors, and take preventative action. Space precludes dedicating a session on this, but they have been instrumental in the development of EU anti-discrimination law, data protection law, refugee law, etc In this last session, we will focus on the role of the FRA (with a study visit visit) and that of the European Ombuds(wo)man.

### Mandatory reading

* GN Toggenburg, and J Grimheden, J. (2016). ‘Upholding Shared Values in the EU: What Role for the EU Agency for Fundamental Rights?. (2016) 54(5) *JCMS: Journal of Common Market Studies* 1093-1104 [10p]
* Consult the European Ombud[wo]man’s annual report (2021) and read section 2.3: <https://www.ombudsman.europa.eu/en/doc/annual-report/en/156017FRA>
* Annual Fundamental Rights Report (2022) https://fra.europa.eu/en/publication/2022/fundamental-rights-report-2022 (read 2-3 FRA opinions – there is one in each section)

### Further reading

* M. Thiel, ‘European civil society and the EU fundamental rights agency: creating legitimacy through civil society inclusion?’ (2014) 36(5) *Journal of European Integration*, *36*(5), 435-451.
* FRA’s last quarterly bulletin of 2021 – key concerns regarding mistreatment of migrants’ (Eulawlive: <https://eulawlive.com/fras-last-quarterly-bulletin-of-2021-key-concerns-regarding-mistreatment-of-migrants/>)
* ‘European data protection supervisor report Pegasus spyware raises serious data privacy and protection concerns’ <https://eulawlive.com/european-data-protection-supervisor-report-pegasus-spyware-raises-serious-data-privacy-and-protection-concerns/>
* FRA launches human rights cities in the EU framework: <https://eulawlive.com/fra-launches-human-rights-cities-in-the-eu-framework/>

# ANNEX 1

*List of texts for class on the ‘conference style’ presentation*

* D. Archibugi, M. Cellini, and M. Vitiello. ‘Refugees in the European Union: from emergency alarmism to common management. (2002) 30.3 *Journal of Contemporary European Studies* 487-505.
* Z. Arynov,. ‘”Nobody Goes to Another Monastery with their Own Charter’” The EU’s Promotion of “European Values” as Perceived in Central Asia’ (2022) 74.6 *Europe-Asia Studies* 1028-1050.
* L. Bartels, ‘Human Rights and Sustainable Development Obligations in EU Free Trade Agreements.’ (2013) 4:4 *Legal Issues Of Economic Integration*, 297-313.
* K. Bennett, ‘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
* E. Bindamm, ‘The EU’s strategy on economic and social rights in Russia: a missed opportunity’ (2013) 29:4 *East European Politics* 461.
* M. Bodur Ün, & H Arıkan,. ‘Europeanization and De‐Europeanization of Turkey's Gender Equality Policy: The Case of the Istanbul Convention’. (2021). *JCMS: Journal of Common Market Studies*.
* I Borchert, P Conconi, P., M. Di Ubaldo, & C. Herghelegiu, C. ‘The pursuit of non-trade policy objectives in EU Trade Policy’. (2021) *20*(5), *World Trade Review*, 623-647.
* T.A. Börzel, 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*.
* F. Bossuyt, J Orbie, J., & L Drieghe, ‘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.
* B. Boswell, ‘The ‘external dimension’ of EU immigration and asylum policy.’ (2003) 79:3 *International Affairs* 619-638.
* B. Brandtner, 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.
* L. Conant,. ‘Compelling criteria: human rights in the European Union’ (2014) 21:5 JEPP 713-729
* G., Crawford.’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.
* G. de Burca,. ‘[Beyond the Charter: How Enlargement Has Enlarged the Human Rights Policy of the European Union](http://heinonlinebackup.com/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/frdint27&section=29)’ (2003) 27:2 *Fordham International Law Journal* 679.
* P. Debusscher, & I. 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.
* V. Depaigne, ‘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 Clauses in the European Union's External Trade and Development Agreements’ (2003) 9:5 *European Law Journal*, 677-701.
* B. Duarte, P Afonso, and L.C. Ferreira-Pereira. “The soft power of China and the European Union in the context of the Belt and Road Initiative and global strategy.’ (2022) 30.4 *Journal of Contemporary European Studies* 593-607.
* C. Eckes, ‘EU Human Rights Sanctions Regime: Striving for Utopia Backed by Sovereign Power?.’ (2021) 26.2 *European Foreign Affairs Review* 219-242
* A. Egan, and L Pech. ‘Respect for human rights as a general objective of the EU’s external action’ in *Research Handbook on EU Law and Human Rights* (Edward Elgar Publishing, 2017).
* E. Fassi, and S. Lucarelli. ‘The EU Migration System and Global Justice: An Assessment.’ In *The EU Migration System of Governance*, (Palgrave Macmillan, 2021), 259-277.
* E. Fierro, ’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
* A. Gates,. ‘Mixed messages and mixed results: the EU Promotion of Human Rights in Turkey’ (2009) 15:5 *European Law Journal* 401-411
* N. Ghazaryan,.’A new generation of human rights clauses? The case of association agreements in the Eastern neighborhood’ (2015) 40:3 *European Law Review*. 341-410.
* M. Ghodsi, and H. Karamelikli. The impact of sanctions imposed by the European Union against Iran on their bilateral trade: General versus targeted sanctions’ (2022) 21.1 *World Trade Review* (2022): 33-58.
* C. Hackenesch, J. Bergmann, & J. Orbie, J. Development policy under fire? The politicization of European external relations. (2021) *59*(1) *JCMS: journal of common market studies*, 3-19.
* W. Hale ‘Human rights, the European Union and the Turkish accession process’. (2003) 4:1 *Turkish Studies* 107-126.
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