

AİHM Avukat Mesleki Gelişim Projesi Kapsamında Hukuk İngilizcesi Eğitimi

**The European Convention on Human Rights and The European Court of Human Rights
(4-week Programme)**

(18-19 March 2017, 1st week)

1. Is there a hierarchy of rights?
 - a. Unqualified rights
 - i. Absolute rights
 - ii. Limited rights
 - b. Qualified rights
2. The right to life
 - a. Prohibition of intentional killing
 - b. Death in custody/Disappearance
 - c. The death penalty
 - d. The positive obligation to protect life
 - e. Abortion (the rights of the unborn child)
 - f. Euthanasia (the quality of life)
 - i. McCann and others v UK (prohibition of intentional killing by the State)
 - ii. Osman v UK (positive obligation to protect life)
 - iii. Soering v UK (the extradition of an accused to a country where s/he would face judicial execution/death penalty)
 - iv. Pretty v UK (euthanasia and the quality of life)
3. Prohibition of torture (inhuman degrading treatment or punishment)
 - a. Defining the terms
 - b. Positive obligations
 - c. Acts in the course of arrest and police detention/conditions of detention
 - d. Detention and mental disorder
 - e. Deportation and extradition/Corporal punishment
 - i. The Greek case (definition of the terms used in Article 3)
 - ii. Jalloh v Germany (the principle of medical necessity)

(25-26 March 2017, 2nd week)*

1. Protection from Slavery and Forced Labour
 - a. Consent
 - b. Positive obligations
 - c. Other issues
2. Personal Liberty and security
 - a. The scope of deprivation of liberty
 - b. The lawfulness of the deprivation of liberty/Detention on remand
 - c. Trial within a reasonable time or release
 - d. The examination of detention under Article 5(1)
 - e. Notification of the reasons for arrest or detention/Testing the legality of the detention
 - f. Compensation
3. The right to a fair trial in civil and criminal cases
 - a. The scope of right in Article 6(1)
 - b. Right of access to court
 - c. The effectiveness of court proceedings/The requirements of a fair hearing
 - d. The requirements of Article 6(1)
 - e. The aspects of the criminal process

(1-2 April 2017, 3rd week)*

1. The standard Approach under Articles 8-11
 - a. Express Limitations in Article 8-11: General Points
2. The Doctrine of Proportionality
 - a. in accordance with, or prescribed by, law
 - b. in pursue of legitimate goal
 - i. the interests of national security
 - ii. the interests of public safety
 - iii. for the economic well-being of the country
 - iv. the prevention of disorder or crime
 - v. the protection of health r morals
 - vi. the protection of the rights or freedoms of others
 - vii. the prevention of the disclosure of information received in confidence
 - viii. maintaining the authority and impartiality of the judiciary
 - c. necessary in a democratic society
 - d. margin of appreciation
3. Protection of Private and Family Life
 - a. Positive obligations under Article 8
 - b. The definition of private life, family life, home and correspondence
 - c. The right to marry and found a family under Article 12
 - d. Autonomy and personal integrity
 - e. Adoption, Homosexuality, Transsexuals, Prisoners, Personal Records
4. Freedom of thought, conscience and religion
5. Freedom of expression
6. Freedom of assembly and association

(8-9 April 2017, 4th week)*

1. Protection of Property
 - a. Positive obligations
 - b. Deprivation of property
 - c. Other interferences with peaceful enjoyment of possessions
2. The right to education
 - a. Positive obligations
 - b. The right to education
 - c. Education for convicted prisoners
3. The right to free elections
 - a. Electoral Systems
 - b. The right to vote
 - c. The right to stand for election
4. Freedom of movement
5. Freedom from discrimination
6. The right to an effective remedy
7. Derogations in emergency situations

* For the 2nd, 3rd and 4th weeks, the significant cases and articles will be announced before the class via e-mail (a minimum of 5 days beforehand).