



FACULTY OF LAW

CHARLES UNIVERSITY
Právnická fakulta Univerzity Karlovy



Optional courses

Faculty of law » LL.M. » Specialisations » Specialisation II

Development of Supranational Integration and European Law

Lecturer: Prof. JUDr. Jan Kuklík, DrSc.

1. Ideas of integration in Europe from Holy Roman Empire to 19. century
2. Developments during 19th century and WWI
3. Interwar period and League of Nations
4. WWII. and ideas for post-war cooperation
5. United nations organization
6. Post- war reconstruction, iron curtain, Council of Europe
7. Foundations of EEC, integration within the Western block
8. Integration within the Eastern block

Course description:

The course provides information about the development of the International and European Integration from the very beginning until the establishment of the European Union. The students will discuss historical, political, ideological and economic reasons for integration based on documents and course materials.

The course focuses especially on procedural environmental rights and substantive human rights to the environment. This part of the course is based on an analysis of a number of European legal instruments and regimes, including the European Convention on Human Rights and the case law from the European Court of Human Rights, the 1998 UNECE Aarhus Convention as well as environmental law and policy from the European Community. Further the potential influence of the European regional regime on other regional instruments is evaluated.

The students will have chance to analyse examples of national provisions and institutions existing to promote international and European standards in the field of the protection of the right to a healthy environment.

EU Law - General Introductory Course

Lecturer:

Doc. JUDr. Richard Král Ph.D., LL.M.

1. EU before and after the Treaty of Lisbon
2. EU membership - origination, content, termination
3. EU citizenship - notion, catalogue of rights of EU citizens
4. Main EU institutions
5. EU legislative and decision making process
6. EU law - sources, nature, effects in EU Member states
7. Court of Justice of the EU - its role in ensuring unified interpretation and effective enforcement of EU law
8. EU budget and selected key EU policies

Course description:

This course is primarily designated for those participants of the LL.M. program who have not completed a comprehensive EU law course during their previous undergraduate studies, i.e. particularly for participants from non-EU countries. The course is included in both the business and the human rights program modules. For such students this course shall be mandatory. The aim of the course is to provide general knowledge regarding the structure of EU, its functioning, institutions, key policies and law, i.e. knowledge which will contribute to the efficient handling of specialized courses on EU law. The general introductory EU law course will therefore be offered before the specialized EU law courses.

Selected Topics from the Theory of Human Rights

Lecturer:

JUDr. PhDr. Veronika Bílková, Ph.D., E.MA.

1. Concept of human rights
2. History of human rights protection
3. Universality and cultural relativity of human rights
4. Human rights and human responsibilities
5. Human rights and non-state actors
6. Human rights and the use of force
7. Human rights and terrorism
8. Human rights and armed conflicts

Course description:

The course deals with theoretical aspects of human rights. It is divided into two blocks. The first block (lectures 1-4) aims to introduce students to complex theoretical issues surrounding the concept of human rights and to indicate some of the controversies arising in this area. After lectures introducing the concept of human rights and sketching the history of this concept, attention will be paid to the universalism vs. cultural relativism debate and to the concept of human responsibilities purported to balance human rights.

The second block (lectures 5-8) focuses on four of the many contemporary challenges faced by the human rights law and the concept of human rights more generally. The selected challenges include the increasing international influence of non-state actors, especially non-governmental organizations (NGOs) and transnational corporations (TNCs), the old and new dilemma of the use of force for humanitarian purposes, the limitations imposed on human rights in the war on terrorism, and the application of human rights in the context of armed conflicts.

Human Rights and Environmental Protection

Lecturer:

Prof. Dr. Michael Geistlinger (Universität Salzburg)

1. The protection of the environment in the Universal Declaration of Human Rights and in the International Covenants 1966
2. Human rights approaches to the protection of the environment in other universal legal documents
3. Environmental rights in the African Charter on Peoples' and Human Rights
4. Environmental rights in the Arab Charter of Human Rights
5. Environmental human rights in America
6. Environmental human rights within the Council of Europe
7. Environmental rights in the EU Charter of Fundamental Rights and Freedoms
8. Environmental human rights emanating from General Principles of Law

Course description:

The course will deal with the current state of a human right to protection of the environment on the universal (United Nations) and regional level (Europe/Council of Europe, European Union, Africa, Arab countries, America). It will focus on analysis of jurisprudence of the African Commission of Human Rights and the European Court of Human Rights, and on other articles (e.g. articles 2, 3, 8 European Convention on Human Rights, article 1 I Protocol to this Convention) which serve the purpose of environmental protection. Instruction will be performed through working groups formed by the participants themselves.

Protection of Fundamental Rights from Perspective of Czech and European Constitutionalism

Lecturers:

JUDr. Jan Kudrna, Ph.D.

JUDr. Ing. Jiří Zemánek, CSc.

1. The constitutional system of the Czech Republic. Introduction.
2. The sources of law in the Czech Republic; International Law and European Law
3. The Constitutional Court of the Czech republic as a reviewing body, its position in the constitutional system and proceeding
4. Human rights doctrines in the decisions of the Constitutional Court, the influence of the membership in the European Union and the changes of the doctrines I.
5. Human rights doctrines in the decisions of the Constitutional Court, the influence of the membership in the European Union and the changes of the doctrines II.
6. The reason for and the concepts of European constitutionalism
7. The individuals-centred drive: the constitutional principle of the EU as a community of law
8. The equal protection of Union citizens' fundamental rights at the EU and national level
9. The ultimate jurisdiction on fundamental rights as the matter of a constitutional conflict

Course description:

The protection of human rights in the Czech constitutional system obtained after the collapse of totalitarian regime a predominant role: the Bill of Rights, the accession to the ECHR and the primacy of directly applicable international treaties on human rights and fundamental freedoms over statutes in the new Constitution in early 1990' evidenced it. However, the fresh doctrine, established by the case-law of the Constitutional Court, has been early challenged by the perspective of the EU accession. Was there a real danger of undermining the authority recently earned by this institution? Was an adaptation or a re-consideration of the constitutional doctrine necessary? How does the dialog between the Czech judiciary and the European Court of justice work?

These and some other questions will be presented in the course of lectures and seminars for those interested in such exciting developments towards the background, first, of basic structure of the Czech constitutional system. Then, the European constitutional pluralism as 'a unity in diversity' and the Czech approach to judicial dialog will be exposed, with a special regard to the post-Lisbon EU.

International and European Migration Law

Lecturer:

Mgr. Věra Honusková

1. International standards of migration law. Contemporary forms of voluntary and involuntary migration
2. Legal framework of labour migration. Free movement of persons under EU law
3. EU measures against irregular migration
4. International and European refugee law
5. External border control. Principle of non-refoulement
6. Human rights implications for migration and asylum law
7. Integration and migration. The question of regularization

Course description:

The course will focus on international and European legal framework governing voluntary and involuntary migration. The course will also cover the Czech approach to transposition and implementation of relevant legal instruments. The course will also reflect on the nexus of migration and refugee law.

The course will include lectures and case studies. The lectures will present key legal instruments in migration and refugee law at the international and European level. It will also provide necessary information on the Czech legal context. Case studies will provide students with knowledge of current challenges in this field and will show the real life situations of migrants and refugees.

The aims of the course are to provide students with deep knowledge of international and European instruments in migration and refugee law and to show the current challenges of the theory and practice.

The International Protection of Minorities

Lecturer:

Doc. Mag. phil. Dr. iur. Harald Christian Scheu, Ph.D.

1. The history of minority protection: the League of Nation system and minority treaties
2. The problem of definitions: minorities, nations and indigenous peoples
3. The problem of definitions: minorities, nations and indigenous peoples
4. The UN system of minority protection: standard-setting and mechanisms of control
5. The issue of racial discrimination: relevant case-law
6. The protection of national minorities within the Council of Europe
7. The practice of the Framework Convention for the Protection of National Minorities
8. The status of new minorities

Course description:

The goal of the course is to provide the participants with an overview of the complex issue of minority protection. The course will present the theoretical framework of minority rights as well as the practice of concrete legal instruments for the protection of minorities and their members. The objective is to understand minority rights as part of the system of international human rights protection and to learn about specific issues which are relevant for minorities.

The course will also explain different approaches towards minority protection in the light of the prevention of racial discrimination, language law and general anti-discrimination law. Besides issues concerning the traditional concepts of national minority protection, students will also deal with problems and legal solutions connected to the status of so-called new minorities. New minority rights will be debated in the context of migration and migration law.

Economic Tools of Environmental Law in Austria and in the European Union

Lecturer:

Univ.-Prof. Mag.Dr. Erika M. Wagner (Johannes Kepler Universität Linz)

1. Introduction
2. Basics of the environmental law of Austria
3. Important Principles concerning economic tools (polluter pays principles / tragedy of commons / internalizing externalities)
4. Survey of the tools of market based instruments of environmental
5. Private Party responses to environmental problems

a. Private party contract law

- b. Law concerning the respective interests of neighbours
 - c. Tort law for environmental damages
6. Environmental liability law / EC and Austria
 7. Environmental auditing / EC and Austria
 8. Greenhouse gas emission allowance trading / EC and Austria
 9. Other possible tools (environmental agreements)

Course Description

One purpose of this course is to provide an introduction to the Environmental Law of Austria in view of the implementation of the Environmental Law of the European Community.

In Austria the Environmental Law has two sides: the one of the Public Law and the other of the Private Law. On the basis of the mentioned contents it will be possible to learn about Austrian law in general.

The other purpose of the course is to give an overview of the economic tools of Environmental Law such as environmental liability, environmental auditing and greenhouse gas emission allowance trading. Various directives and rules of the Environmental European Community Law, including its judicial interpretation by the European Court of Justice and its implementation in Austria will also be subject of the course.