



# FACULTY OF LAW

CHARLES UNIVERSITY  
Právnická fakulta Univerzity Karlovy



## Mandatory courses

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

### Theory and Practice of Public International Law

Lecturer:

Prof. JUDr. Pavel Šturma, DrSc.

1. Introduction. Basic Concepts of International Law. International and Czech Law.
2. State and Statehood Today. Recognition of State. Kosovo Case.
3. Sources. Customary International Law Revisited.
4. Doctrine. History of the Czechoslovak and Czech International Legal Doctrine.
5. Fragmentation of International Law. Concurrent Jurisdiction of Judicial Bodies.
6. Human Rights Protection. Too Many Control Mechanisms?
7. Human Rights and International Humanitarian Law. Wall Case.
8. International Criminal Law and Justice. Current Issues.
9. Internal Prosecution. Jurisdiction and Immunities. Arrest Warrant Case
10. Individual and State Responsibility. Genocide Case

### Course description:

The course aims to provide insight into the most important developments of both theory and practice of international law. Students are supposed to already have certain knowledge of basic concepts of public international law.

The subject is presented in a historical perspective, taking into account the Czech point of view. However, the course will focus mainly on the current issues, such as the problems of fragmentation of international law and proliferation of international judicial mechanisms. Not only theoretical but also practical issues need to be discussed. Therefore the lectures are to be combined with seminars, in particular dealing with the relevant case law.

### International and European Environmental Law and Policy

Lecturers:

Prof. JUDr. Milan Damohorský, DrSc.

JUDr. Karolína Žáková, Ph.D.

1. Environmental Law as an instrument of Environmental Policy
2. Environmental protection and the human rights
3. Right to a healthy environment
4. Aarhus Convention and its reflection in EU Law
5. Access to environmental information
6. Public participation in environmental decision making

7. Access to Justice in environmental matters
8. The European Court of Human Rights
9. The Court of Justice of the European Union
10. Constitutional reflections of international standards

**Course description:**

The course provides information about the development of the International and European environmental policies and law and about their current status. The students will discuss different regulatory approaches and instruments used to implement environmental policy goals with respect to their effectiveness and efficiency.

The course focuses especially on procedural environmental rights and substantive human rights regarding 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 the opportunity 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.

**Introduction to International Human Rights Law**

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

Doc., PhDr. Stanislava Hýbnerová, CSc.

JUDr. PhDr. Dagmar Černá, Ph.D, LL.M.

1. Basic Structure of the International System for the Protection of Human Rights
2. UN Charter-Based Protection
3. NGO Contributions
4. UN Treaty-Based Protection
5. The Justiciability of Human Rights
6. The Committee on the Elimination of Racial Discrimination – The Matiční Case
7. The Human Rights Committee and the Czech Republic – Children´s Rights
8. The International Combat against Trafficking in Human Beings – A Human Rights Problem
9. Regional Mechanisms for the Protection of Human Rights – Basic Structure and Institutions
10. Universal and Regional Standards – Human Rights and Islam

**Course description:**

The course examines different aspects of human rights protection. Participants will deal with dateless as well as highly topical human rights issues and study the complexity of different models of protection. Special focus will be put upon the protection of human rights as a fundamental component of the current international legal system. Therefore basic knowledge of Public International Law is required.

The course will introduce students to the development of both universal and regional human rights instruments and mechanisms of protection. Stress will be put on universal mechanisms and UN case law. The course aims to provide insight into relevant instruments of protection, such as individual complaints, state reports and fact-finding missions. Participants of the course will examine the international human rights system in the context of current changes in the structure and organization of International Law.

The European System of Human Rights Protection

**The European System of Human Rights Protection**

Lectures:

Prof. JUDr. Mahulena Hofmannová, CSc.

1. Mechanisms of human rights protection in Europe – an Overview
2. CoE legal instruments in the field of human rights protection
3. CoE mechanisms in the field of human rights protection
4. ECHR: Development and structure, proceedings of the ECHR
5. ECHR: Selected Articles and a Case Study – Czech Republic I.
6. ECHR: Selected Articles and a Case Study – Czech Republic II.
7. ECHR: Selected Articles and Case Study – Czech Republic III.
8. EU protection of human rights – ECJ jurisprudence and Charter of Fundamental Rights I.
9. EU protection of human rights – ECJ jurisprudence and Charter of Fundamental Rights –II.
10. Dialogue of Courts in the field of human rights protection: ECHR, ECJ and national constitutional courts.

### **Course description:**

The course will focus on the European instruments of human rights protection. Participants who have already gained a general overview in the field of universal human rights law and specific procedures of control will explore the elements of the human rights protection both in their specificity and interplay.

The first part of the course will be devoted to the theory of human rights protection - its development, characteristics, position in the general International Law and specific features of the European human rights protection. The second part will analyse this protection under the auspices of the Council of Europe; it will give a critical overview of the most significant regional agreements (e.g. European Social Charter, Framework Convention for the Protection of National Minorities, Language Charter) and mechanisms (e.g. Committee for the Prevention of Torture, Commission against Racism, Venice Commission) engaged in the protection of human rights. The third part will deal with the European Convention on Human Rights and the Jurisprudence of the European Court of Human Rights; special attention will be devoted to cases concerning the Czech Republic and the reform of the mechanism of the Court connected with the 14th Protocol to the ECHR.

The third part will focus on the protection of human rights in the framework of the mechanisms of the European Union: it will explain the issue of the scope of legal sources on EU human rights protection such as the Charter of Fundamental Rights, and will deal with the jurisprudence of the Court of Justice of the European Union in the area of human rights. The course will be concluded with the question of the dialogue of courts in the field of human rights protection and the accession of the European Union to the ECHR.

### **Czech Environmental Law**

Lecturers:

Prof. JUDr. Milan Damohorský, DrSc.

JUDr. Michal Sobotka, Ph.D.

1. Development of Czech Environmental Policy and Law
2. Constitutional basis of environmental protection
3. Liability for environmental harm
4. Horizontal tools of environmental protection I. (Aarhus)
5. Horizontal tools of environmental protection II. (Spatial planning and EIA)
6. Sectoral protection I (Biodiversity, Land and Forests)
7. Sectoral protection II (Air and Water)
8. Regulation of sources of endangerment (Waste, Chemicals etc.)
9. Delictual liability
10. Institutional Framework of environmental protection

**Course description:**

This course focuses on the Czech national environmental law and its approaches for transposition and implementation of international and European requirements in the core areas of environmental protection. The students will have the opportunity to compare Czech regulation with other EEC countries' regulatory schemes (e.g. Poland, Slovakia, Hungary).

The course will cover the constitutional framework of environmental protection, especially promotion of the protection of the right to a favourable environment and also the constitutional limits of other human rights due to environmental protection. In this respect specific attention is paid to the Aarhus requirements and other horizontal measures of environmental protection.

The students will discuss specific regulatory schemes for particular environmental problems, including the protection of environmental sectors and the regulation of different sources of environmental harm.