

The Rule of Law in the European Convention of Human Rights and Council of Europe Law

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CV and publications at <https://www.jacques-ziller.com/>

The course will be taught in the English language, but the professor also speaks fluently French, German, Italian, Spanish, Dutch, and he reads and understands Portuguese. If the class prefers, the course can be held in French.

Session 1- 19 February 2024

Historical development of the recognition of the rule of law in the Council of Europe (CoE)

The Rule of Law as a central concept of the Universal Declaration of Human Rights of 1948 and the European endeavour to ensure the effectiveness of the Declaration: the establishment of the CoE and the elaboration and adoption of the European Convention on Human Rights (ECHR).

The different wordings of the concept of rule of law/*prééminence du droit* in European languages.

The different concepts of the rule of law in European States' law at the time of the establishment of the CoE.

The English concept of rule of law – the French concept of *légalité* and *régime de droit* – the German concept of *Rechtsstaat*

Session 2 – 20 February

The law of the Council of Europe

The Council of Europe: 47/46 Member States; institutions; powers.

The ECHR and other 222 Treaties of the CoE: adoption, signature and ratification: what is mandatory and what is not?

Enforcement of CoE law.

CoE soft law.

Session 3 – 21 February

The Rule of Law in the ECHR

The relevant provisions of the ECHR and its protocols and the absence of a specific definition of the Rule of Law

The foundational case law of the European Court of Human Rights (ECtHR): *Golder v. UK* 21 February 1975, *Tyrer v. UK* 25 April 1978, *Lawless v. UK* du 1 July 1967 and *Klass v. Germany* 6 Septembre 1978.

Session 4 – 22 February

The Content of the concept of Rule of Law Recent in hard and soft law

Relevant case law of the ECtHR, especially *Advisory opinion concerning the use of the “blanket reference” or “legislation by reference” technique* 29 May 2020 and *Grzęda v. Poland*, 15 March 2022.

The Rule of Law in other CoE binding instruments.

The Rule of Law in CoE soft law

Session 5 - 23 February
The Venice Commission and the Rule of Law

The Venice Commission: membership and work

The Venice Commission's opinions on the Rule of Law: Report on the rule of law - Adopted by the Venice Commission at its 86th plenary session (Venice, 25-26 March 2011) and Rule of Law Checklist, adopted by the Venice Commission at its 106th Plenary Session (Venice, 11-12 March 2016); opinions on specific countries and specific issues.

For those who read French, see J. Ziller *L'Etat de droit, une perspective de droit comparé - Conseil de l'Europe* Report for the European Parliament Research Service

[https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU\(2023\)745673](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2023)745673)

The following links provide some of the most useful materials for the course in English language:

Council of Europe: <https://www.coe.int/en/web/portal/home>

European Court of Human Rights: <https://www.echr.coe.int/>

CoE treaties: <https://www.coe.int/en/web/conventions/full-list>

Venice Commission: <https://www.venice.coe.int/webforms/events/>

The course will be assessed by a written exam or a short essay. The exact form will be announced during the course.