

LEGAL CALENDAR 2008–2009

	Module dates	Preparation for exams	Exams	Credits
Module I	August 18- September 11 (18 teaching days – 1 orientation)	September 12- 14	September 15- 19	max:10 credits
Module II	September 22 - October 22 (23 teaching days)	October 23-26	October 27-31	max 13 credits
Module III	November 3 - December 5 (25 teaching days)	December 6-8	December 9-19	max 14 credits
Christmas break 2008 December 20–2009 January 4				
Module IV	2009 January 5- February 19 (34 teaching days)	February 20- 22	February 23-28	max 19 credits
Research Period	March 01- March 29			
Module V	March 30- May 7 (27 teaching days)	May 8-10	May 11-16	max 15 credits
Module VI	May 18- June 17 (22 teaching days)	June 19-21	June 22-27	max 12 credits
June 27, 2009 is the last day of the Academic Year 2008–2009				
Holidays:	2008, Aug 20 Hungarian National Holiday			
	2008, Oct 23-24 Hungarian National Holiday			
	2009, April 13 Easter			
	2009, May 1 Labor Day			
	2009, June 1 Pentecost Monday			
	2009, June 18 Graduation			

PROGRAM REQUIREMENTS

(in addition to the general rules on credit requirements and registration rules)

International Business Law – credit requirements (IBL LLM)

Students studying for an LLM degree in International Business Law shall obtain 24 Legal Studies course credits and shall write a short thesis or the other option is to obtain 21 credits and write a long thesis. The credits shall be obtained according to the following rules.

Mandatory courses

- Contracts / Tibor Tajti (1 credit)
- Introduction to European Contract Law / Stefan Messmann (1 credit)
- Anglo-American Legal Concepts / Peter Hay (1 credit)
- Computer Based Legal Research/ SJD candidates (0 credit)
- EU Law I / Peter Hay (1 credit)
- Thesis Writing Course / CAW Instructor (0 credit)

Restricted elective courses (2 credits shall be obtained out of 6)

- Law and Ethnicity / Tibor Várady (1 credit)
- Legal Aspects of Doing Business in Asia / Stefan Messmann (2 credits)
- International Technology Transfer / Frederick Abbott (1 credit)
- International Civil Litigation / Peter Hay (1 credit)
- EU Law II / Peter Hay (1 credit)

For the mandatory courses, IBL LLM students receive a total of 4 credits at the end of the academic year. Accordingly, IBL LLM students shall take additional 20 (including restricted elective courses) during the academic year if they submit a short thesis, or 17 additional credits if they submit a long thesis.

Economic and Legal Studies – credit requirements (legal part)

In order to graduate from the MA/LL.M. Program in Economic and Legal Studies, a student must successfully complete a total of 38 credits of study, of which

- 17 credits from the specified mandatory courses (10 credits in the Department of Economics, 7 credits in the Department of Legal Studies)
- 9 credits from other courses offered to MA/LL.M. in Economic and Legal Studies students
- 12 credits earned from the dissertation.

Mandatory courses

Computer Based Legal Research / SJD candidates (0 credit)
Introduction to Academic Writing / John Harbord (0 credit)
Contracts – Introduction with Focus on Common Law /Tibor Tajti (1 credit)
Introduction to European Contract Law /Stefan Messmann (1 credit)
Introduction to Law and Legal Systems /SJD candidates (2 credits)
EU Law I /Peter Hay (1 credit)
Corporations /Peter Behrens (2 credits)

Elective courses

Anglo-American Legal Concepts /Peter Hay (1 credit)
Drafting and Negotiating International Contracts /Stefan Messmann (1 credit)
Comparative Secured Transactions /Tibor Tajti (2 credits)
Labour Law of the EU /Csilla Kollonay-Lehoczky (1 credit)
Comparative Social Protection /Csilla Kollonay-Lehoczky (1 credit)
Legal Aspects of Corporate Governance /Stefan Messmann (1 credit)
Comparative Law of Sales /Howard Hunter (1 credit)
International Tax Law /Clifton Fleming (1 credit)
Capital Markets and Securities Regulations /Tibor Tajti (2 credits)
Legal Aspects of Doing Business in Asia /Stefan Messmann (2 credits)
International Technology Transfer /Frederick Abbott (1 credit)
EU Law II /Peter Hay (1 credit)
WTO/GATT Law /John Barceló (1 credit)

Comparative Constitutional Law – credit requirements (CCL LL.M)

Students studying for an LL.M degree in Comparative Constitutional Law shall obtain 24 Legal Studies course credits and shall write a short thesis or shall obtain 21 credits and shall write a long thesis. The credits shall be obtained according to the following rules.

Mandatory courses

- Legal Terminology / SJD Candidates (0 credit)
- Introduction to U.S. Constitutional Law / Lester Mazor (0 credits)*
- Introduction to Law / Petra Bárd (0 credit)**
- History as Context / Vladimir Petrovic (0 credit)
- Elements of Comparative Constitutional Law / Renáta Uitz (0 credit)
- Introduction to Public International Law / Ana Vrdoljak (1 credit) ***
- Comparative Government / Gar Yein Ng (1 credit)
- Computer-Based Legal Research / SJD Candidates (0 credit)
- Thesis Writing Course / CAW Instructor (0 credit)
- Academic Legal Writing and Research**** / Gar Yein Ng (1 credit)

* Students not holding a law degree who do not pass the preliminary test shall take the US Constitutional Law course with Human Rights MA students in Module II.

** Only for students not holding a law degree and do not pass the preliminary test.

*** For those students who do not pass the preliminary test.

**** Only for students writing a long thesis.

Restricted elective courses (mandatory credits)

6 credits shall be obtained of the following *rights-related courses*. 1 out of 6 credits must be an “advanced” course. Note that “foundation” courses are prerequisites of advanced courses.

- Freedom of Speech in the U.S. / Lester Mazor (1 credit)
- Freedom of Speech: European Perspectives / Matthias Mahlmann (1 credit)
- Speech in Context - Advanced / Roger Errera (1 credit)
- Freedom of Religion – The International System / Cole Durham (1 credit)
- Comparative Freedom of Religion / Brett Scharffs (1 credit)
- Freedom of Religion – Advanced / Cole Durham (1 credit)
- Comparative Equality / Michel Rosenfeld (1 credit)
- Political Rights in Comparative Perspective / Daniel Smilov (2 credits)
- Minority Protection / István Pogány (1 credit)
- Privacy: The Body / Renáta Uitz (1 credit)

Students are advised to consult their thesis supervisor when selecting restricted elective courses.

Students in the clinical specialization shall see further requirements at page 11.

MA in Human Rights – credit requirements (HR MA)

Students studying for an MA degree in Human Rights shall obtain 28 Legal Studies course credits and shall write a thesis of 50–100 pages (10.000–20.000 words). The 28 credits shall be obtained according to the following rules.

Mandatory courses

- Legal Terminology / SJD Candidates (1 credit)
- Introduction to Human Rights / Gar Yein Ng (1 credit)
- History as Context / Vladimir Petrovic (0 credit)*
- Introduction to Law / Petra Bárd (2 credits)
- Elements of US Constitutional Law / Renáta Uitz (1 credit)
- Introduction to Public International Law / Ana Vrdoljak (1 credit)**
- Introduction to the Protection of Human Rights in the Council of Europe / Eszter Polgári*** (1 credit)
- Computer-Based Legal Research / SJD candidates (0 credit)
- Academic Legal Writing and Research / Gar Yein Ng (1 credit)
- Thesis Writing Course / CAW Instructor (0 credit)
- Constitutional Rights in a Comparative Perspective / Renáta Uitz (1 credit)
- Feminist Jurisprudence / Csilla Kollonay-Lehoczky (1 credit)^

* Mandatory for students outside EU and its accession countries.

** Only for those students who do not pass the preliminary test.

*** Only for those students who do not pass the preliminary test.

^ Those who spend Module IV abroad shall take Gender and Law instead.

For the mandatory courses Human Rights MA students receive a total of 10 credits at the end of the academic year. Accordingly, HR MA students shall take additional 18 credits (including restricted elective courses) during the academic year.

Restricted elective courses (mandatory credits)

Rights-related courses (3 credits shall be obtained out of 8)

- Individual and Human Rights / Wiktor Osiatynski (2 credits)
- Freedom of Speech in the U.S. / Lester Mazor (1 credit)
- Freedom of Speech: European Perspectives / Matthias Mahlmann (1 credit)
- Speech in Context - Advanced / Roger Errera (1 credit)
- Freedom of Religion – The International System / Cole Durham (1 credit)
- Comparative Freedom of Religion / Brett Scharffs (1 credit)
- Freedom of Religion – Advanced / Cole Durham (1 credit)

Rights of the Disadvantaged and Vulnerable (2 credits shall be obtained out of 6)

- Comparative Social Protection / Csilla Kollonay-Lehoczky (1 credit)
- Privacy Rights and Data Protection in the Information Age / Judit Sándor (1 credit)
- Mental Disability Law and Advocacy / Oliver Lewis (2 credits)

Equal Opportunity Law / Csilla Kollonay-Lehoczky (1 credit)
Roma Rights / Bernard Rorke (1 credit)

Advocacy & Human Rights Policy (3 credits shall be obtained out of 5)

Archives, Evidence and Human Rights / Iván Székely (1credit)
Human Rights Politics / Dimitrina Petrova (1 credit)
Human Rights in Practice Workshop / Eszter Polgári + HRSI (1credit)
Police Practices / István Szikinger (1 credit)
Civil Society Law / David Moore (1credit)

LL.M in Human Rights – credit requirements (HR LL.M)

Students studying for an LL.M degree in Human Rights shall obtain 28 credits and shall write a thesis of 50–100 pages (10.000–20.000 words). The 28 credits shall be obtained according to the following rules.

Mandatory courses

- Legal Terminology / SJD Candidates (1 credit)
- Elements of U.S. Constitutional Law / Renáta Uitz (2 credits)
- Introduction to Human Rights / Gar Yein Ng (1 credit)
- History as Context / Vladimir Petrovic* (0 credit)
- Introduction to Public International Law / Ana Vrdoljak** (1 credit)
- Introduction to the Protection of Human Rights in the Council of Europe / Eszter Polgári*** (1 credit)
- Computer-Based Legal Research / SJD Candidates (0 credit)
- Academic Legal Writing and Research / Gar Yein Ng (1 credit)
- Thesis Writing Course / CAW Instructor (0 credit)
- Constitutional Rights in a Comparative Perspective / Renáta Uitz (1 credit)

* Mandatory for students outside EU and its accession countries.

** For those students who do not pass the preliminary test.

*** For those students who do not pass the preliminary test.

For the mandatory courses HR LL.M students receive a total of 8 credits at the end of the academic year. Accordingly, HR LL.M students shall take additional 20 credits (including restricted elective courses) during the academic year.

Restricted elective courses (mandatory credits)

Rights-related courses

- a) Classics (3 credits shall be obtained out of 8)
 - Freedom of Speech in the U.S. / Lester Mazor (1 credit)
 - Freedom of Speech: European Perspectives / Matthias Mahlmann (1 credit)
 - Speech in Context - Advanced / Roger Errera (1 credit)
 - Human Rights and Criminal Justice I. / Károly Bárd (1 credit)
 - Human Rights and Criminal Justice II. / Károly Bárd (1 credit)
 - Freedom of Religion – The International System / Cole Durham (1 credit)
 - Comparative Freedom of Religion / Brett Scharffs (1 credit)
 - Freedom of Religion – Advanced / Cole W. Durham (1 credit)

- b) Contemporary Challenges (2 credits shall be obtained out of 4)
 - International Humanitarian Law / Leonard Hammer (1 credit)
 - Privacy Rights and Data Protection in the Information Age / Judit Sándor (1 credit)

Privacy: The Body / Renáta Uitz (1 credit)
International Human Rights Law / Patrick Macklem (1 credit)

Government-related courses (3 credits shall be obtained out of 5)

Comparative Government / Gar Yein Ng (1 credit)
German Constitutional Law / Alexander Blankenagel (1 credit)
EU Law / Akos Toth (1 credit)
Separation of Powers: The Political Branches / Renáta Uitz (1 credit)
Comparative Federalism / Patrick Macklem (1 credit)

Enforcing Rights (2 credits shall be obtained out of 4)

Courts Enforcing Rights / Renáta Uitz (1 credit)
3-week Internship with an NGO / Eszter Polgári (1 credit)
Criminal Justice Workshop / Pramod Kumar, Hugo Fruhling (1 credit)
Training on Persuasive Argumentation – Moot Court / Eszter Polgári+HRSI (1 credit)

LL.M in Human Rights & Hungarian Degree of Specialization – credit requirements (HR LL.M+HDS)

Students studying for an LL.M degree in Human Rights and additionally a Hungarian Degree of Specialization shall obtain 28 credits and shall write a thesis of 50-100 pages (10.000-20.000 words). The 28 credits shall be obtained according to the following rules.

Mandatory courses

- Legal Terminology / SJD Candidates (1 credit)
- Elements of U.S. Constitutional Law / Renáta Uitz (2 credits)
- Introduction to Human Rights / Gar Yein Ng (1 credit)
- History as Context / Vladimir Petrovic (0 credit)*
- Introduction to Public International Law / Ana Vrdoljak (1 credit)**
- Introduction to the Protection of Human Rights in the Council of Europe / Eszter Polgári (1 credit)***
- Introduction to European Legal Cultures / Renáta Uitz, Károly Bárd (0 credit)^
- Computer-Based Legal Research / SJD Candidates (0 credit)
- Academic Legal Writing and Research / Gar Yein Ng (1 credit)
- Constitutional Rights in a Comparative Perspective / Renáta Uitz (1 credit)
- Freedom of Speech: U.S. / Lester Mazor (1 credit)
- Constitutional Adjudication: Courts Enforcing Rights / Renáta Uitz (1 credit)
- Human Rights and Criminal Justice I / Károly Bárd (1 credit)
- Minority Protection / István Pogány (1 credit)
- Law and Ethnicity / Tibor Várady (1 credit)
- Freedom of Speech: European Perspectives / Matthias Mahlmann (1 credit)
- Feminist Jurisprudence / Csilla Kollonay-Lehoczky (1 credit)
- Thesis Writing Course / CAW Instructor (0 credit)

* For students lacking sufficient background in European and North American history.

** For those students who do not pass the preliminary test.

*** For those students who do not pass the preliminary test.

^ Only for students from non-EU/Accession countries.

For the mandatory courses HR LL.M + HDS students receive a total of 15 credits at the end of the academic year. Accordingly, HR LL.M + HDS students shall take additional 13 credits (including restricted elective courses) during the academic year.

Those students who earned their law degree in a non-EU/Accession country shall additionally attend the mandatory course *Introduction to European Legal Cultures*, which – after successfully passing the final exam – qualifies them to continue in the combined HR LL.M + HDS program.

HR LL.M + HDS students are subject to a final oral examination at the end of Module VI consisting of course topics from selected mandatory courses. Moreover, these students have to defend their master's thesis before a thesis committee.

Restricted elective courses (mandatory credits)

Rights-related courses (2 credits shall be obtained out of 3)

Speech in Context - Advanced / Roger Errera (1 credit)
Human Rights and Criminal Justice II. / Károly Bárd (1 credit)
International Humanitarian Law / Leonard Hammer (1 credit)

Government-related courses (3 credits shall be obtained out of 5)

Comparative Government / Gar Yein Ng (1 credit)
German Constitutional Law / Alexander Blankenagel (1 credit)
EU Law / Akos Toth (1 credit)
Separation of Powers: The Political Branches / Renáta Uitz (1 credit)
Comparative Federalism / Patrick Macklem (1 credit)

Clinical Specialization for Human Rights and Comparative Constitutional Law students – requirements

Faculty Supervisors: Renáta Uitz and Károly Bárd

The Comparative Constitutional Law and the Human Rights Program offer their degrees with a clinical specialization. Students participating in the clinical course have to meet the credit requirements of their Program (for a detailed description see the relevant program requirements). In addition to that clinical specialization students shall take the following courses:

1. Students participating in the Clinical Course with OSJI

Lawyer: Maxim Ferschtman, Open Society Justice Initiative

Clinical Course with OSJI / Maxim Ferschtman (3 credits)

Public Interest Litigation and Legal Ethics Workshop (1 credit)

Introduction to the Protection of Human Rights in the Council of Europe / Eszter Polgári (1 credit)

Constitutional Adjudication: Courts Enforcing Rights / Renáta Uitz (1 credit)

Additional 1 mandatory credit will be assigned by the Faculty Supervisor. Faculty Supervisor also retains the right to require certain restricted elective courses to be taken by students participating in this Clinical Course.

2. Students participating in the Clinical Course with the Polish Helsinki Foundation

Lawyer: Adam Bodnar, Polish Helsinki Foundation for Human Rights

Clinical Course with the Polish Helsinki Foundation / Adam Bodnar (3 credits)

Public Interest Litigation and Legal Ethics Workshop (1 credit)

Introduction to the Protection of Human Rights in the Council of Europe / Eszter Polgári (1 credit)

Constitutional Adjudication: Courts Enforcing Rights / Renáta Uitz (1 credit)

Additional 1 mandatory credit will be assigned by the Faculty Supervisor. Faculty Supervisor also retains the right to require certain restricted elective courses to be taken by students participating in this Clinical Course.

CCL students participating in the Clinical Specialization may write a short thesis to the Clinical Course. HR students may also write their thesis on a topic related to the Clinical Course.

HOW TO READ THE SCHEDULE

TIME	Monday August 29	
9.00- 10.50 a.m.	Introduction to Public International Law 1-2 Granger <i>MB/201</i>	
11.00 - 12.50 a.m.	Legal Terminology (HR MA) 7-8 SJD Candidates <i>FT/309</i>	Legal Terminology (HR LLM) 7-8 SJD Candidates <i>MB/201</i>

- The title of the course is indicated with bold letters. eg. **Legal Terminology**
- The number indicated below the name of the course is the number of the class hour (7-8). The last class hour of a course is marked with an asterisk (13-14*).
- Following is the name of the professor or instructor who will teach the course. eg. SJD Candidates
- The name of building and the number of the room are printed in *italics*. eg. *FT/309*

LOCATION OF THE MOST OFTEN USED CLASSROOMS AND UNITS:

Auditorium	- Ground floor in the Faculty tower
Gellner Room & Popper Room	- First floor in the Monument Building
MB/ 201 classroom	- Second floor in the Monument Building
MB/ 202 classroom	- Second floor in the Monument Building
FT/ 309 classroom	- Third floor in the Faculty Tower
N11/ 616 classroom	- Sixth floor in Nádor 11
Computer Laboratory #1-4	- Basement (-1 floor) in the Faculty Tower
Library	- First floor of Faculty Tower

COURSE DESCRIPTIONS

ACADEMIC YEAR 2008–2009

FIRST (INTRODUCTORY) MODULE

MANDATORY COURSES:

SJD Candidates

Legal Terminology

14 class hours

Understanding legal language and terms of art is essential to success in all types of legal settings and endeavors. This course will help students understand legal terms in English by introducing and discussing fundamental concepts of the (mostly U.S.) common law system. The main aim of the course is to provide in-depth introduction to the methodology and many uses of case analysis and case briefing. Short written assignments are used to follow the development of relevant skills and to evaluate performance throughout the course.

Tibor Tajti

Contracts - Introduction with Focus on Common Law

14 class hours

The course covers introduction to contract law - with focus on common law: A Glimpse Back in History (Contracts of Genesis; Contracts in Dark Ages - Provisions on contracts and some added highlights from Rothair's Edict (643), Burgundian, Ripuarian and other medieval laws; Naya, Thooraha, recovery by moral compulsion, and other traits of Kandyan (Sinhala) Contract law); Basic contemporary contract related notions; The Concept of Contract under Common Law; Protected Promises and Expectations (When and why are promises protected - The basis of contract; The issue of consideration); Protection of expectations; Instances in which promises are not protected (Misrepresentation; Fraud); Abundance of promises; Breach and Remedies (Breach of contract exemplified; The choice of remedy for breach of contract; Damages; Liquidated damages, penalty clauses - A comparative examination; Punitive damages); Frustration, Force Majeure, Changed Circumstances (The concept of frustration; Frustration of purpose; Impossibility and related excuses; Force majeure and contract drafting).

Required reading: Professor Tibor Várady: Contracts – Introduction with Focus on Common Law, Budapest 2000, Course materials

S.J.D. candidates

Computer Based Legal Research

10 hours

Structure of the course:

The course comprises of 1 one-hour in-class instruction and the completion of emailed, take-home assignments.

Aim of the course:

To teach the students how to find legal sources with the Internet within a reasonable time. Also, to give some impression to the students on what is available with Internet in their field of legal interest.

Lester Mazor

Introduction to US Constitutional Law

28 class hours

An introduction to the basic ideas, doctrines and methodologies that are at the heart of US constitutional law. Topics include constitutionalism, the power of judicial review, separation of powers, and federalism, as well as selected rights issues, including freedom of religion, freedom of speech, privacy and equality. Careful preparation for and participation in class discussions is required. Evaluation is based on class preparation, written assignments, plus a final examination.

Renáta Uitz

Elements of US Constitutional Law for HR LLM students

28 class hours

This introductory course is intended to familiarize the student with the precedent based approach to constitutionalism with special emphasis on rights protection relying on the US constitutional system. A short survey of structural issues (including federalism and constitutional adjudication) is offered, followed by discussion of select problems of fundamental rights protection in courts using examples of economic rights, equality, free exercise and privacy. Constitutional cases will be discussed in their broader historical and societal context, taking into account the special needs and interests of human rights students.

Petra Bárd

Introduction to Law

14 class hours

This course will familiarize students not holding a law degree with the fundamental principles and procedures of civil and common law legal systems and introduce them to the international legal regime. Students will be introduced to statutory interpretation, case analysis and legal reasoning. The course aims to develop skills enabling non-lawyers' participation in courses covering legal subjects and requiring background in basic legal education.

Gar Yein Ng

Introduction to Human Rights

14 class hours

The course aims at providing students with a basic knowledge of human rights. It deals with the essential aspects of human rights such as: the philosophical foundations; the universalism v. cultural relativism debate; the character of rights, the identification of those who enjoy human rights and those against whom they are enforceable; the limitation of rights; the present framework for the international protection of human rights; the international techniques for protecting rights.

Renáta Uitz

Elements of Comparative Constitutional Law

14 class hours

This course compares basic notions and institutions of the German, French, Canadian and UK constitutional systems. Constitution-making is discussed in terms of the conditions of the making of the constitution; the meaning of historical tradition is reviewed. The continental understanding of checks and balances, cabinet dictatorships and the mechanism and basic jurisprudential concepts of rights protection are reviewed. Crucial notions and institutions of separation of powers, judicial review, constitution making and constitutional rights are discussed. The course also provides an opportunity to compare problems discussed in the U.S. context.

Stefan Messmann

Introduction to European Contract Law

14 class hours

The economic unification of Europe is in progress: One important step on the way of such unification is the introduction of the Euro.

However, if Europe is to become a unified market, there is no doubt that its private law will also have to be unified to some extent.

By means of Regulations of the European Union, the implementation of Directives by national legislatures, and the adaptation of international treaties designed to unify the law, some unification of the European private law has already taken place. But this unification cannot be left entirely to the legislatures; as professor Kötz writes in the Preface of the book he jointly published with professor Flessner, entitled "European Contract Law": "Legislation will doubtless continue to be needed when a particular problem calls for a uniform solution, but if any proper 'common law of Europe' is to emerge, we must first "Europeanise" the way lawyers think, write and learn."

Accordingly, this course is designed to bring closer to the students the European contract law through examining the principles and institutions common to the main European legal systems.

This course will first deal with all the essential rules on the formation, validity and content of contracts in general (Chapter I), while Chapter II is dealing with the involvement of third parties into the contract (agency, representation and contracts for the benefit of third parties). The performance of contracts (claims to performance, their enforcement and breach of contracts) is treated in Chapter III.

Chapter IV deals with the effects of supervening events and especially with force majeure in the law of the European community, while Chapter V will give an economic analysis of post-communist legal reforms in the field of contract law.

The last part (Chapter VI) of this course will give an overview on the unification efforts of the European contract law.

Vladimir Petrovic

History as Context

14 class hours

This introductory course aims to provide basic historical background for understanding several major influences in the development of the Western law. Students are invited to

interpret legal traditions and documents as both outcomes and creators of historical processes.

This approach is believe to help students understand the dual nature of legal and constitutional texts - being historical text written in a particular historical situation, on the one hand, and being normative text used timelessly up to now, on the other.

This active relationship between history and law is analyzed through the work with legal and historical sources from several distinctive periods. Particular attention is given to the documents and periods relevant for the development of constitutionalism and human rights law. Pivotal documents of English legal history from Magna Charta Libertatum to Habeas Corpus Act and their influence on constitutional debates in the United States are seen in the light of their historical context. Connections between the American and French revolution are analyzed through the great Declarations which later came to symbolize them. Different legal traditions of the 19th century Europe are scrutinized with a particular emphasis on Germany, from the Empire, through Weimar and Third Reich to the post-War period. Lastly, the emergence of international humanitarian law and international criminal law are tracked through the 20th century.

The course is mandatory for CCL students and for HR students outside the EU and its accession countries. The course is elective for HR students within the EU and its accession countries.

Peter Hay

Anglo-American Legal Concepts

14 class hours

The structure, methodology, and some institutions of the Anglo-American legal system differ considerably from the "civil law" of Europe, South America, and parts of Asia. Since IBL program introduces many substantive law subjects from the perspective of American law, it is important to become familiar early with how a common law legal system work: the central role of the "case law," the analysis of cases to determine their actual "holdings," the reach of "precedent" and of "res judicata", as well the structure of the American court system. This course explores these and other problems, illustrated by cases.

SJD candidates

Introduction to Law and Legal Systems

28 class hours

The course aims to introduce students with non-law school background to the basics of all those areas of law that are necessary to follow the more advanced courses offered during the program. Special emphasis will be placed on English legal terminology, analysis of court cases, and finding of law. The course will be based on comparative methodology and the basic tenets of both, common law and civil law will be covered.

SECOND MODULE

MANDATORY COURSES:

Peter Hay

European Union Law I

14 class hours

This course deals with the institutions involved in the process of European integration (several matters of European substantive law are dealt with in "European Union Law II"). The course deals with the origins of the European Union (ECSC, EEC, Euratom), culminating in the Treaties of Maastrich, Amsterdam, and Nice, analyzes the institutions of the EU (including the law-making process and judicial review), deals with the position of EU law in the constitutional law of the member states, briefly treats the relationship of the EU to third countries (WTO, ACP-countries, bilateral arrangements), and touches upon further EU enlargement. With respect to non-economic institutions, the course deals briefly with the Council of Europe and European Human Rights Convention (particularly as it relates to the EU).

Ana Vrdoljak

Introduction to Public International Law

14 class hours

Public International Law is a well-established branch of law with a wide scope of application and far-reaching implications for virtually every aspect of human activity. Originally aimed at regulating inter-states relations, public international law is increasingly giving rights and imposing duties on non-state actors, such as international and regional organisations, individuals and corporations.

The purpose of this course is to introduce participants to the fundamental concepts, doctrines and principles of Public International Law. The topics covered in this course include nature, sources and subjects of international law; the relationship between international and national law; personality, recognition and territory; State jurisdiction and immunities; law of treaties; peaceful settlement of disputes; and the use of force.

The course will provide exposure to a wide range of learning methods and legal techniques, like hypotheticals, case briefs, debates, essay-writing, etc. At the end of the course, students should demonstrate a basic understanding of the nature and practice of concepts of public international law and the rule of law within the international system of states and an ability to appreciate critically the role of states and non-state entities in an international framework.

Eszter Polgári

Introduction to the Protection of Human Rights in the Council of Europe

14 class hours

The course focuses on the human rights instruments and mechanisms of the Council of Europe; a special attention is devoted to the European Convention on Human Rights. Classes and readings will cover among others the procedures under the European Convention (individual and inter-state complaint procedures, advisory jurisdiction, and

implementation of the judgments), the scope of the rights covered and the principles and methods of interpretation. Through the case-studies students will also gain an insight in the jurisprudence of the European Court of Human Rights. In addition, student will be familiarized with the activities, competencies and operation of the various bodies of the Council of Europe.

Renáta Uitz

Elements of US Constitutional Law for HR MA students

14 class hours

This introductory course is intended to familiarize the student with the precedent based approach to constitutionalism with special emphasis on rights protection relying on the US constitutional system. Following short overview of the particularities of constitutional adjudication, the course will explore select problems of fundamental rights using examples of equality, free exercise and privacy. Constitutional cases will be discussed in their broader historical and societal context, taking into account the special needs and interests of human rights students.

RESTRICTED ELECTIVE and ELECTIVE COURSES

Alexander Blankenagel

German Constitutional Law

14 class hours

The course will first give an insight into the basic principles of Art. 20 of the Basic Law of the FRG. The course will give an outline of the understanding of the basic rights and of the political system in the Federal Republic of Germany. In discussing the basic rights the course will concentrate on general questions and on selected basic rights like for example freedom of speech, freedom of assembly, freedom of profession and property. The political system will concentrate on the main elements, that are democracy, rule of law and federalism and will furthermore cover the main aspects of the functioning of the state organs. Democracy will look into the election system, the free mandate and the party system and the problem of direct democracy. Separation of powers and rule of law will again first deal with the system of regulation and then with the specifics like necessity of decision of parliament, delegation of legislative powers, legislative procedure, problems of incompatibility etc. The federal structure will be discussed in view of the reform of the federal system in 2006. The course will include a look at the position of the Federal President and at the internal working of the government. Teaching will use precedents of the German Constitutional Court and will thus give an insight into the mechanism of constitutional control in the FRG.

The books used will be Kommers and Curry and some additional hand-out materials.

Alexander Blankenagel

Russian Constitutional Law

14 class hours

The course will give an introduction into the Russian Constitution. The course will focus on the structure of the political system on the one hand and on the understanding of the basic rights of the citizens on the other hand. Special attention will be give to the new

developments of constitutional law in the Russian Federation under Putin especially in matters of federalism. Another focus will be the adjudication of the Russian Constitutional Court in matters of the political system as well as in matters of basic rights; the powers of the Russian Constitutional Court and its approach to the interpretation of the Russian constitution shall be analysed in detail.

Károly Bárd

Human Rights and Criminal Justice I

14 class hours

The course will deal with both procedural and substantive law aspects of criminal justice and focus on the jurisprudence of the European Court of Human Rights. First the relation between human rights and criminal law and the models of the criminal process are discussed. The course covers the types of proceedings to which the guarantees of the right to a fair trial apply, i.e. the way the notion of "criminal charge" is interpreted by the European Human Rights Court. Further, case law on the courts' independence and impartiality, the right to silence on the presumption of innocence, the right to defense, issues related to evidentiary law and witness protection are discussed. In addition to the in depth analysis of the case law of the European Human Rights Court the relevant jurisprudence related to Articles 14 and 15 of the International Covenant on Civil and Political Rights shall also be referred to.

Mordechai Kremnitzer

Human Rights in Emergency Situations

14 class hours

The dilemma concerning the subject stems from the following tension. On one hand, it is plausible to assume that an emergency may justify specific infringements on human rights required for handling the emergency. On the other hand, it is also reasonable to be concerned from abuse of the emergency argument, both as to the decision upon existence of an emergency and as to the implications of such existence on human rights.

As the main example for an emergency situation we shall turn to modern terrorism.

The specific issues to be dealt with are the justification (or lack of it) for special infringement on human rights in emergency, such as freedom of speech, freedom of association, the right of privacy, the right to due process.

Specific measures will be examined, such as torture or special means of interrogation of suspects, administrative-preventive detentions, detentions for bargaining, demolition of houses, disqualification of citizenship, disqualification of parties and lists of candidates, ethnic profiling, targeted killings, special courts.

The proper role of the different institutions will also be discussed; among others: the security services and the judiciary.

Anita Ramasastry

Accounting for Lawyers (Basic Financial Statements)

14 class hours

This course is an introduction to financial accounting as it is practiced and used throughout the world. It examines the process of collecting, recording and verifying data on the financial aspects of business transactions. The main focus of the course is on understanding, evaluating and analyzing the principle financial statements, including the

Statement of Financial Position (“Balance Sheet”), the Statement of Income, and the Statement of Cash Flows. The course also studies the role of accounting in business and legal transactions, including securities offerings, mergers and acquisitions, taxation and litigation.

Kristina Irion

Global broadcasting and Telecommunications Law

28 class hours

NB: Only for those Legal Studies students who take Comparative Free Speech (or have taken equivalent courses). This condition does not apply to Public Policy students.

This course considers broadcasting and telecommunications law problems comparatively and in a global perspective. The combined treatment of the subject matter is dictated by the ongoing convergence process. The first third of the course is dedicated to the constitutional dimension of broadcasting. Free speech issues (including commercial speech) and identity formation in the transnational context will be discussed. Transmission related problems lead us to broader problems of telecommunications law. In part two of the course participants will be introduced to global telecommunications governance and law that has emerged so far. The confrontation of national security and electronic privacy are discussed in a comparative and international context. The third part is focused on the competition law assessment of international mergers in media and telecommunications that result in horizontal or vertical integration. The course relies on actual cases wherever possible.

Tibor Várady

International Dispute Settlement

42 class hours

The course covers the following major topics of international (private) dispute settlement: Approaches to dispute resolution (peace and/or justice, patterns of dispute resolution, methods of settling international trade disputes - litigation, arbitration, mediation, conciliation, med-arb, mini-trial, fast-track arbitration); the legal profession in various countries (the status and the role of the legal profession, lawyers acting in another country); the language problem in international dispute resolution; Litigation: Jurisdiction to adjudicate; Simultaneous proceedings in various countries; International judicial assistance; Recognition and enforcement of foreign judgements; International Commercial Arbitration: The Standing of Arbitration within the Legal System (Arbitration versus courts and arbitration with the assistance of courts; The sources of relevant norms); The Authority of Arbitration Tribunals (The arbitration agreement as the cornerstone of the arbitration process; arbitrability); The Arbitrators (The arbitrators - Qualifying and Disqualifying Circumstances; Challenges; Appointment and appointing authorities); Focal Points in the Arbitration Process (Selected Elements of Procedure Before Arbitration Tribunals; The Award; Choice of Law Issues Before the Arbitrators; Arbitration and Provisional Measures; Costs); The Effects and Confines of Arbitral Awards (Deposit, Confirmation, Merger into Judgement; Res iudicata and litispendence; Court Control Over the Award).

Required reading: Tibor Várady, John J. Barceló, III, Arthur T. von Mehren, INTERNATIONAL COMMERCIAL ARBITRATION, Thomson & West, Third Edition 2006

Documents Supplement to Tibor Várady, John J. Barceló, III, Arthur T. von Mehren, INTERNATIONAL COMMERCIAL ARBITRATION, Thomson & West St. Paul, Minn., 2006, Third Edition

Akos Toth

EU Law

14 class hours

The purpose of this course is to introduce students to the institutions and the legal system of the European Community/Union, in the light of the changes made by the Treaty on European Union (the Maastricht Treaty), the Treaty of Amsterdam, the Treaty of Nice and the Treaties and Acts of Accession of 2003 and 2005. The changes envisaged by the Treaty of Lisbon (not in force) are also briefly considered.

The course deals with the following matters:

The historical background, legal nature and organisational structure of the European Community and Union. The functions and powers of the principal Community institutions. The legislative process. The nature, scope and sources of Community/Union law and its relationship to national law. The concepts of direct effect and supremacy of Community law. The general principles of Community law, including the protection of human rights. The interpretation, application and enforcement of Community law at Community and national levels. The jurisdiction of and procedures before the European Court of Justice and the Court of First Instance and related procedures in national courts.

Akos Toth

Fundamental Rights in the EU

14 class hours

The purpose of this course is to discuss the protection of fundamental human rights within the European Union.

The course deals with the following matters:

The position of fundamental rights in the original Treaties. Development of their protection through the jurisprudence of the European Court of Justice: human rights as general principles of law. The case-law of the Court. The relevant provisions of the Treaties of Maastricht, Amsterdam and Nice and the changes envisaged by the Treaty of Lisbon (not in force). The EU Agency for Fundamental Rights. The EU Charter of Fundamental Rights: its content, scope and legal status. The relationship between the European Convention on Human Rights and the legal system of the European Union. The way forward: should the EU accede to the European Convention?

Jules Stuyck

Competition Law of the EU

14 class hours

This course aims at giving students an insight in the fundamental principles and techniques of European competition law, with a focus on antitrust (restrictive agreements

and dominant positions) and merger control. It will discuss some important cases of the European Court of Justice and decisions of the European Commission applying the competition rules as well as the most important pieces of legislation and quasi legislation in this field.

György Boytha

International and European Intellectual Property Law I

14 class hours

Introduction to the development of fundamental principles and means of the international protection of industrial property, copyright and related rights. Territoriality, reciprocity and the relevance of universal human right approach. Aspects of private international law. Direct and indirect applicability of treaties. Modern subject matters calling for international protection, such as new plant varieties, biotechnological inventions, topographies of semiconductor chips, or data bases. Evolving extension of the law of the European Community to the protection of various kinds of intellectual property. The interrelationship of ever new treaties and European legal sources relating to the same subject. Survey of the accelerating approximation of various traditional legal approaches to intellectual property on both the international and the European Community level. Analysis of international and European efforts to cope with new challenges raised by technology and globalization, with special regard to our digital information society, *in particular in the USA*. Interaction between national, international and European law making.

Reading material is compiled for limited educational purpose partly of sources of law and official documents, partly of selected articles and relevant portions of guidebooks.

Faculty supervisor: Károly Bárd

Lawyer: Adam Bodnar, Polish Helsinki Foundation for Human Rights

Clinical Course with Polish Helsinki Foundation

14 class hours

In an ongoing criminal case a select few CEU Legal Studies students will work with Adam Bodnar under the supervision of Professor Karoly Bard. Students participating in the clinical course are expected to provide comparative legal research as required by the progress of the case. The course is organized around two intensive workshops and requires substantive individual research throughout the academic year.

The course is the central part of the 'clinical specialization' degree and cannot be taken outside the specialization.

Peter Behrens

Corporations

28 class hours

This course will be devoted to an overview over the most important legal forms of business organisations in Germany, France and England. The basic legal structure (formation, governance structure, liability regime and financing) of partnerships and companies will be compared within the framework of the three dominant legal traditions in Europe. Mention will also be made of EC legislation which is designed to harmonise important aspects of Member States' company laws, and to the development of supranational forms of business associations. The objective of the course is to put students

in a position to understand the common structural features of the law of business organisations in Europe. Students will be provided with a detailed syllabus and with comprehensive legislative materials.

THIRD MODULE

MANDATORY COURSES:

CAW Instructor

Thesis Writing Course

14 class hours

The MA/LLM thesis is the most important piece of writing in your studies at CEU. It is a test of your ability to carry out research and to write it up in a coherent form. The aim of this course, taught by the center for Academic Writing, is to guide you through the stages of writing your thesis, focusing on the conventions and process of this type of writing. The course will help you to:

- understand the thesis writing process and develop a timetable for your writing
- become familiar with the structural conventions of thesis writing, particularly the introductory and concluding chapters
- use sources appropriately to support your arguments
- improve your editing skills
- receive individual feedback on your writing

Gar Yein Ng

Francis Gabor

Academic Legal Writing and Research

14 class hours

The objective of this methodological module is to provide the students with the skills and knowledge required for writing an academic thesis in law. It therefore covers essential aspects of academic legal research and writing, i.e.:

- research methods: analytical or black letter research, comparative law research, research in jurisprudence, historical legal research, law-in-context research, and socio-legal research;
- analytical reasoning;
- structured writing;
- issues of style and syntax;
- legal referencing, citations and quotations (including plagiarism awareness);
- writing of a research proposal.

Lester Mazor

Freedom of Speech in the US

14 class hours

Issues of freedom of speech and expression will be studied, primarily through cases and other legal materials, in their political, historical and social context. Topics will include the theoretical foundations of free speech, the impact of international human rights

instruments, the balancing of competing values and interests, e.g. privacy, group libel and the protection of the judicial process. Special attention will be given throughout the course to racist speech.

Renáta Uitz

Constitutional Rights in a Comparative Perspective

14 class hours

Addressing the special interests of students in the Human Rights Program, the course offers comparative insights into systems of rights protection in Canada, France, Germany, the United Kingdom and South Africa. Mechanisms of rights protection are discussed in their historical context, in light of traditions and experiences of constitution making. The scope of rights protection in these jurisdictions is discussed alongside procedural issues (judicial review, standing, admissibility). The course also provides an opportunity to compare problems discussed in the U.S. context.

István Pogány

Minority Protection

14 class hours

Introduction: This module addresses a range of issues of current importance concerning the recognition and protection of minority rights, particularly the rights of national and ethnic minorities. The course will examine the historical evolution of minority rights principles, the underlying importance of minority rights protection, the scope and effectiveness of the international law of minority rights, the role of global and of regional instruments, the relationship and distinctions between individual rights, minority rights and collective rights, and the difficulties of reconciling notions of state sovereignty with legitimate minority rights regimes. In addition, the course will consider the importance of ensuring that minority rights regimes are not used to negate or subvert the rights of vulnerable segments of minority communities (women, children etc).

The United Nations System: The course will explore the contribution of the UN system to the recognition and protection of minority rights and examine the relationship between individual human rights and minority rights in international human rights law. Particular attention will be paid to Article 27 of the International Covenant on Civil and Political Rights and to the jurisprudence of the Human Rights Committee.

Regional Measures: Regional measures for the recognition and protection of minority rights are particularly elaborate and extensive in Europe, a response to security and other concerns as well as the expression of common ideological values. The course will consider the extent to which the European Convention on Human Rights accommodates minority interests, the general contribution to the advancement of minority rights of the Council of Europe, of the OSCE and of the European Union. It will focus, in particular, on the Council of Europe's Framework Convention for the Protection of National Minorities, which entered into force in 1998.

Module Aims: The module aims to develop knowledge of the international legal principles regulating the protection of minority rights as well as an understanding of the principal institutional structures (global and regional) for the implementation of the international law of minority rights. The course will foster an awareness of the key issues surrounding the further development of the law of minority rights and of current initiatives for change. It also aims to provide an understanding of the major philosophical debates concerning

minority rights and of the social, political, economic and historical context of minority rights concerns.

RESTRICTED ELECTIVE and ELECTIVE COURSES

Suzanne Baer

Theories and Methods of Comparative Constitutional Law

14 hours

Why study constitutions from a comparative perspective? What can you gain from comparative analysis? What methods can be used, and where are the limits of comparison? How is comparative constitutional law used in courts, and by legislators, or by lawyers? Is it or should it be ever decisive in cases, as doctrine, or remain merely an inspiration? This class will offer an introduction to comparative constitutionalism and discuss theories and methods of comparative analysis, including critical perspectives developed in gender studies, or in postcolonial studies and critical theory. We will look at constitutional texts and at different attempts to categorize constitutional systems. Participants should be interested in theory and methodology, and may profit from this class if they intend to pursue comparative research themselves. They will be asked to present "their" constitutions from a comparative point of view, and we will engage in a mock- process of comparative lawmaking as well as comparative arguing in court.

Wiktor Osiatynski

Individual and Human Rights

28 class hours

This course examines the universality and applicability of the concept of human rights in the world in which liberal democracies co-exist with dictators and face abuse of rights, ethnic cleansing and genocide. It is expected that after taking this course a student will be able to understand the concept of rights in the perspective of various cultures, to distinguish which rights and mechanisms for their protection are uniquely Western and which are truly universal as well as to accept the minimum of rights which should be universally protected by international community. To meet these objectives we will look into the origins of individual rights before and during the Enlightenment. We will see the rejection of rights in the nineteenth century and their re-emergence as human rights after World War II. The "Revolution of Rights" in the 1960s and the role of human rights during and after the Cold War will be discussed. Rights will also be analyzed in context of other political and legal ideas and institutions, such as democracy, constitutionalism, market and welfare. The role of rights in various ideologies and cultures will be compared. Finally, the limitations of the concept of rights in social relations and individual life will be discussed.

Renáta Uitz

Separation of Powers: The Political Branches

14 class hours

Madison's phrase on how "ambition must be made to counter ambition" is one of the best-known lines of the Federalist Papers. The course focuses on techniques, constitutional designs and practices which are meant to carry out or undermine this aim. Key concepts

and problems of horizontal separation of powers are explored on the basis of examples primarily from the U.S., Germany, France and Eastern Europe. Problems are discussed in their historical, intellectual and political context.

Károly Bárd

Human Rights and Criminal Justice II

14 class hours

The course in addition to the analysis of the meaning of the presumption of innocence is devoted to the discussion on limits of prosecuting crimes resulting from the states' duty under the European Human Rights Convention to respect the right to privacy, family life and freedom of expression. Also the extent to which states have the duty to criminalize and prosecute certain conduct in order to comply with the ECHR will be dealt with. The prohibition of retroactive legislation and the limits of trial in absentia are to be discussed as well. In addition to the in depth analysis of the case law of the European Human Rights Court the relevant jurisprudence related to Articles 14 and 15 of the International Covenant on Civil and Political Rights shall also be referred to.

Iván Székely

Archives, Evidence and Human Rights

14 class hours

Teaching Fellows: Iván Székely, András Mink, Csaba Szilágyi, Sergey Glushakov

The Open Society Archives (www.osa.ceu.hu), one of the most significant Cold War and human rights archives in the world, offers a one-credit course to the students of the Human Rights Program of the Legal Studies Department. The course includes an introduction to the history and philosophy of preserving recorded memory and gives a short overview of the basic archival functions and types of modern human rights archives. Using OSA as a model, it will bring the structure, database, catalogues, and documents of such an archive closer to the students and give specific and practical examples on how to track down and research archival material, as well as evaluate the findings. A new electronic system of recording and preserving reports on human rights violations will be demonstrated. The lectures will also analyze the legal and ethical problems of using human rights related documents containing personal data, as well as basic provisions of archival law. The students are expected to explore the possibilities and limitations of using textual, audiovisual, and electronic archival documents as evidence in national or international criminal procedures. Historical case studies will illustrate the problems of using and evaluating evidence, the historical, ethical, and legal aspects of making justice for past abuses and the difficulties of making state leaders liable for human rights violations. The course consists of five in-class lectures and two archival workshops. Grading is based on: Class participation; a brief in-class test on basic questions about archives and human rights documentation; a short take-home essay on pre-defined topics based on consultations and individual research into OSA documents (to be submitted two weeks after the Module is over).

Tibor Várady
Law and Ethnicity

14 class hours

The course is divided into two parts: Law and Ethnicity I, and Law and Ethnicity II. The first part will be taught in 10 class hours, and will be offered primarily to Nationalism Studies students. The second part will take 14 class hours, and this will enable students whose credit unit is 14 class hours to take it as a 1-credit course. Parts I and II may be taken as a two-credit course by all CEU students except Legal Studies students (whose credit unit is 14 class hours). Part II is offered to Legal Studies students as a 1 credit course.

Law and Ethnicity I

- Attempts to Chart Interethnic Justice -

Part I is a sequence of related case studies devoted to chart interethnic justice in the former Yugoslavia. Students will be expected to present and to discuss various plans drafted during the Yugoslav crisis (1991-1999).

Law and Ethnicity II

Part II will concentrate on the following topics:

Introduction

1.a Group-neutral and group-sensitive regulation

1.b The issue of collective rights

1.c Legal structuring of equality and, or balance

Rights of groups “who came first”

Law and Ethnicity in the former Yugoslavia

3.a Group rights and denial of group rights

3.b Ethnicity and property rights

4. Administrative structuring of territories in spite of (or the sake of) ethnic concentration

5. Language issues

Required reading:

Tibor Várady, Law and Ethnicity I - Attempts to Chart Interethnic Justice, Budapest 2006 (Reader)

Tibor Várady, Law and Ethnicity II, Budapest 2006 (Reader)

Nsongurua Udombana

Human Rights Law in Africa

14 class hours

Regional protection of human rights has become a necessary compliment to the international protection system. This course deals with the African regional architecture for the protection of human and peoples’ rights. Beginning with the debate on universalism and regionalism, the course proceeds to examine the nature of state structure in Africa and its impact on the development of human rights norms. It will examine the role of the African Union (AU) and its predecessor (the Organization of African Unity) in developing human rights norms in Africa. It will interrogate the treaty regimes for human rights protection in Africa, including the distinctive features of the system. It will examine such distinctive features as ‘the concept of duties’ and ‘group rights’ such as self-determination, development, environment, and democracy. It will examine the nature of states’ obligations particularly with regards to socio-economic rights guarantees. The course will examine challenges to the realization of human rights in Africa, including

underdevelopment and conflicts. Lastly, it will examine the institutions for promoting, protecting, and realizing human rights in Africa, including the mechanisms of the AU and the structure of the African Commission on Human and Peoples' Rights and the (new) African Court on Human and Peoples' Rights.

Nsongurua Udombana

Children's Rights in Armed Conflicts

14 class hours

War or conflict of any nature is never without its casualties among innocents, never without abuses of human rights and a general debasement of humanity. Children and women, being vulnerable, often take the greater brunt of human rights violations during armed conflicts. This course interrogates the rights of the child in the context of armed conflicts. As a background, it will examine the human rights impact of contemporary armed conflicts on children. It proceeds to examine the interface between human rights and humanitarian law and the development of relevant norms protective of children during armed conflicts. It will analyze particular guarantees under the Convention on the Rights of the Child (as amended) and the Geneva Conventions of 1949 (especially the Fourth Convention) and their Additional Protocols. The course, in particular, will assess the current legal regime on the involvement of children in armed conflicts. It will examine the nature of obligations of belligerents and other relevant, including non-state, actors. It will examine the institutional framework for implementation and for accountability. Lastly, the course will examine the continuing challenges to the protection of children's rights and the current political agenda and discourse for securing these rights in peace times and during conflicts.

Judit Sándor

Patients' Rights

14 class hours

Patients' rights represent a complex and dynamically changing legal field. Some of the patients' rights belong to international human rights (the rights mentioned in the European Convention on Human Rights and Biomedicine, such as the right to dignity and equal treatment) while others have originated from personal rights (such as the right to consent and refusal) or simply derived from health care law (right to complain, access to services). By now patients' rights have been incorporated into most of the national legal systems. However, the previously defined rights are often challenged by the new advances in biomedical sciences and the reforms of the national health care systems. Bioethics and biolaw have developed increasingly important norms in areas such as reproductive and end-of-life issues; biodiversity and environmental protection; genetic testing, biobanks, and genetic data storage. Bioethical norms also seek to regulate the conduct of scientific research; the access to and safety of technology solutions; the availability and quality of medical services, essential medications, and other preconditions for health. And new questions test the frontiers of patients' rights; for example, does right to self-determination include the right to decide over someone's own biological samples?

Although bioethics and international human rights have developed separately, some aspects of bioethics have recently been interpreted along human rights principles. The interrelation of the two disciplines provides an exciting excursion into a new legal and ethical domain.

During the course the students will analyze normative texts and cases that contain elements from both the human rights and bioethics perspectives. The Reader and the attached bibliography shall provide the basic literature for further studies. The course will develop legal and policy skills in the students who will have the opportunity to discover a new and rapidly developing field of contemporary patients' rights.

Tibor Várady

International Dispute Settlement

42 class hours

See Module II

Stefan Messmann

Drafting and Negotiating International Contracts

14 class hours

Drafting contracts, and in particular international contracts, is a skill that is developed through experience and is not something that can easily be acquired through reading textbooks on the matter. Drafting an agreement is often one of the most difficult tasks confronting a young practitioner.

The same is true of negotiating such contracts.

Taking this into consideration, the present course will be divided into two parts:

The first part will deal with the basic principles of drafting contracts, including but not limited to methods of drafting, responsibility for the first draft, objectives, layout conventions, numbering, use of precedents, style of conventions, headings and marginal notes, punctuation, checking drafts, submitting a draft, receipt of a draft, and making revisions.

Furthermore, in the first part of the course the most important types of international contracts – such as letter of intent, joint venture agreement, license and technology transfer agreement as well as sale, supply, distribution, agency, maintenance and settlement agreements - will be examined and discussed at large.

The second part will deal - through exercises - with the skills of negotiating. This includes but is not limited to verbal and non-verbal communications; informal, competitive, and co-operative phase of negotiation; negotiating styles/tactics; post negotiation assessment; impact of cultural differences; and negotiation ethics. During this section, frequently raised negotiation issues will be discussed.

Suzanne Baer

Equality: Law and Policy

14 class hour

TBA

Gar Yein Ng

English Constitutional and Administrative Law

14 class hours

This course shall introduce the sources and institutions of constitutional law in England and Wales. Most important is the understanding of parliamentary SOVEREIGNTY, ministerial responsibility, the Royal Prerogative AND THE RULE OF LAW. Having examined these powers of state, the course will also introduce the compositions of these

powers. Recent issues of devolution and home rule for Scotland, Wales and N. Ireland will be dealt with briefly. Finally, some issues of judicial review in administrative law will be studied. The impact of the European Union membership and the entry into force of the Human Rights act will be covered briefly.

David Moore

Civil Society Law

14 class hours

Course Description: The legal framework for civil society is no longer an esoteric subject. It has become front page news and the subject of high-level diplomacy. Civic space is vigorously debated in international fora, national legislatures, and community meetings. Indeed, we are witnessing a contest of ideas that will influence the future of civil society.

“Civil Society Law” explores the legal framework for civil society, and legal issues affecting civil society organizations (CSOs). The course seeks to provide students with legal fundamentals in two ways. First, the course aims to provide the theoretical and substantive knowledge base regarding civil society legal issues. To this end, the course will expose students to a wide range of topics, including: international law and freedom of association; national legislation affecting the CSO lifecycle; public benefit status and tax law; economic activities and public policy activities; and cutting-edge issues such as the backlash against civil society and democracy promotion, and civil society and counter-terrorism. Secondly, the course aims to develop students’ legal skills by challenging them to confront actual legal problems through practical exercises. To this end, students may be asked to play the role of lawyer, law drafter, judge and/or advocate in a simulated clinical setting.

Students will be assigned regular reading materials, and tasked with practical exercises, that may require both written and oral submissions. Students’ grades will be based on classroom participation, the quality of written and oral work during the course, and a final examination.

Tibor Tajti

Comparative Secured Transactions Law

28 class hours

This course will provide a comparative survey of leading secured transactions laws, which is a foundation of every credit and free market economy. Secured transactions is undoubtedly one of those emerging areas of commercial law that has been in the center of developments in international commercial law in the latter half of the 20th century and – given that secured transactions is now on the agenda of almost all bodies dealing with the harmonization of commercial law – which will continue to play a dominant role in the future in the context of commercial law.

In the first part, starting with the analysis of the relationship of credits – as one of the cornerstones of free market economies – versus secured transactions and the basic common law and civil law categories that form the foundations of this exponentially growing branch of law, the focus will shift to Article 9 of the Uniform Commercial Code (United States). The most important aspects of Canadian, English, German and French respective laws will also be discussed. This includes such already internationally well-known legal institutions as the English fixed – floating charge tandem, the German

security transfers and retention of title security devices, or the unique self-help enforcement of Article 9 etc. Also, adequate attention will be devoted to the role bankruptcy and consumer protection plays in secured transactions context.

In the second part of the course the emphasis is on various financing techniques that rely on secured transactions law and which could thus be named as ‘applied secured transactions’. Here, the emphasis will be on the role secured transactions in such developed financing technique contexts as title financing (conditional sale, leasing etc.), receivables financing, asset securitization and project finance (etc.); besides dealing with the essence of these financing forms themselves.

In the last part of the course the attention will shift to problems related to coordination and conflict of various secured transactions laws in international context. Finally, adequate space is provided to the contemporary harmonization efforts of secured transactions (EBRD, UNCITRAL, and UNIDROIT) and to the related reform efforts in Eastern and Central Europe in the 1990s.

It is one of the central aims to make the course useful to both practitioners and for those being more interested about the theoretical aspects of commercial law. Moreover, as the reform of this branch of law has already begun or is imminent not just in the Eastern and Central European region but in other developing economies as well, the material to be covered should be valuable also for all those being connected with the transitory process in their respective countries.

RESEARCH SEMESTER

FOURTH MODULE

MANDATORY COURSES

CAW Instructor

Thesis Writing Course

14 class hours

The MA/LLM thesis is the most important piece of writing in your studies at CEU. It is a test of your ability to carry out research and to write it up in a coherent form. The aim of this course, taught by the center for Academic Writing, is to guide you through the stages of writing your thesis, focusing on the conventions and process of this type of writing. The course will help you to:

- understand the thesis writing process and develop a timetable for your writing
- become familiar with the structural conventions of thesis writing, particularly the introductory and concluding chapters
- use sources appropriately to support your arguments
- improve your editing skills
- receive individual feedback on your writing

Csilla Kollonay-Lehoczky

Feminist Jurisprudence

14 class hours

The course will enable students to analyze law from a gender perspective. It is to provide them with an introduction to the fundamental ideas and to the greatest thinkers of feminist legal theory that developed on the grounds of challenging traditional legal categories. The course will first discuss the concept of gender, making students familiar with the various ways of putting questions about equality and difference between men and women, separating the biological from the social construct in the concept. The course will approach sex and gender from the power-aspect attached to gender that has led in society and law to the creation of a "dominant" and a "subordinate" class. Attached to the issues of female and male identities a short introduction to "queer theory" will be given. Reproductive freedom, domestic violence, rape and commercializing women's body are the specific thematic issues where the gendered approach of law generates the strongest critique of feminist legal theorists. Upon a short introduction to these subjects the course will be closed with a general discussion of sex-biased legal reasoning.

RESTRICTED ELECTIVE and ELECTIVE COURSES

Eszter Polgári

Human Rights Internship Credit

(at least 3 weeks)

HR students may participate in internship programs with leading national and international NGOs in Hungary during the Research Module. The internship must last at least three weeks and culminate with a final project report. Before registration, the internship project proposal is to be approved by the host organization and the Special Projects Officer. After the successful completion of the three-week internship the student may receive one credit for the internship, provided that their final internship report is accepted by the Special Projects Officer.

Lester Mazor

Law and Society

14 class hours

Discussion of the relation between law and society is at least as old as Aristotle, but the modern history of the subject begins with European scholars such as Eugen Ehrlich, Emile Durkheim and Max Weber, and of course Hegel and Marx. Theory existed long before there were many empirical studies. In the 20th century a substantial body of empirical work began to appear. This course will examine both the theories and a sampling of the empirical work, emphasizing methodologies, principal findings, barriers and challenges to knowledge in this field. Preparation for and participation in class discussions is required. One or more assigned papers plus a final examination.

Csilla Kollonay-Lehoczky
Comparative Social Protection

14 class hours

The special character of the course – bringing human rights and business law ideas and students into one class – is based on the collateral interrelationship between social protection and social security on the one hand and the healthy operation of the market as well as political democracy and the guarantee of human rights on the other. The course starts with a short introduction to the historic patterns of welfare regimes the legal and institutional structures of social protection and also to the typical situations of the need for assistance (such as inability to work due to illness, age, invalidity or lack of available job). The matching legal solutions will be presented by making comparison between the European and North American approach (public v. private, collective v. individual, insurance v. solidarity/assistance). Special attention is paid to the ongoing structural reforms and privatization of health care and pension systems with particular regard to the problems confronting the Central- East European countries and also some other countries. The course aims at making students conversant in the use of the most important terms and concepts of the pension systems of the world.

Boldizsár Nagy

Asylum, Refugees

14 class hours

At the end of 2006 there were at least 9,9 million people who had been forced to leave their home and seek asylum abroad without having been integrated into their new country. This was the first year after a longer period when the number of refugees worldwide increased almost by a million. Further millions were "of concern" to UNHCR including more than 12.8 million internally displaced persons.

This course investigates forced migration as a social phenomenon in legal context. Heavy emphasis will be put on the evolving scholarly and judicial interpretation of the UN Convention Relating to the Status of Refugees and to the most recent European developments , including the formation of the second phase of the common European asylum system and the debates surrounding it. A planned visit to UNHCR's Budapest Branch office (and/or guests from the fieldwork) will bring life to the abstract knowledge. The course relies on the active participation of the students and normally its final shape adjusts to their wishes. No specific legal background is required. An elementary familiarity with the basic concepts of the sources of international law (treaties, customary law) is welcome. Attendance, participation (occasionally including a team report) and a final written exam are the basis of evaluation.

Eszter Polgári + HRSI

Human Rights in Practice Workshop

14 class hours

This course is a practical opportunity to conduct research on different human rights issues that OSI programs are dealing with and to develop advocacy strategies on how to remedy the situation from an NGO perspective.

The course has three components:

1) A research phase: students wishing to take part in the course will select a topic from the list attached and will conduct research on this topic with the respective OSI program; this will take part in the research module (January-April) or can start earlier.

2) Writing an advocacy strategy paper: in the first week of Module 5 (April 5-12) students will have a class on advocacy strategy development conducted by an NGO practitioner; following this, students will have to write an advocacy strategy paper using the information collected in the research phase; suggested deadline for the submission of the paper - April 26

3) Presentation phase: after a class on presentation skills given by the Center for Academic Writing, students will present their papers in front of the class and representatives from OSI programs.

Students participating in the course receive one credit from LSD and a grade based on the research, the paper and the presentation.

Marie-Pierre Granger

Jean Monnet Module on European Integration

48+8 class hours

Jean Monnet module on European integration

This is an advanced level course on policy-making within the European Union. It focuses on the main decision-making institutions and mechanisms, and highlights key challenges of EU governance. E.g. it is discussed how the different EU institutions operate in a Union with 25 and more member states. The course takes an interdisciplinary perspective combining political, legal and economic aspects. Moreover, the seminar provides students with a unique opportunity to listen to and discuss with guest speakers from across Europe and from within CEU who work on European integration. At the outcome of this course students will have a sound knowledge of the EU's institutional structure and channels of political and legal influence, both at the formal and informal level of decision-making.

Please add: 'Note that attendance of the Jean Monnet Module is strongly recommended for all the students who wish to take courses related to EU law (e.g. EU administrative law, Fundamental Rights in the EU). It is also strongly recommended to those who would like to apply for the Summer Course in Advanced Administrative Law offered by the Total Law Team at CEU during the summer.

Tibor Tajti

Moot Court

14 class hours

CEU is one of the participants of the international moot court competition devoted to the Vienna International Sales Convention (CISG, 1980) and international commercial arbitration (see: http://en.wikipedia.org/wiki/Willem_C._Vis_Moot) and has been represented by one team on the Vienna finals for the last ten years. Students who actively participate in all the activities from research, drafting of the memoranda for the claimant and respondent, oral hearing rehearsals and finals in Vienna may earn one credit upon the approval of the Program Chair. The department is normally in the position to cover the costs of travel and stay in Vienna for those team members who will be selected to represent CEU in Vienna. Rehearsals with the teams from other universities are also normally organized (Miskolc University Law School, ELTE Law School Budapest, Belgrade Law School, Zagreb Law School, Ljubljana Law School).

Csilla Kollonay-Lehoczky
Labour Law of the European Union

14 class hours

Starting from the very few core norms of the Treaty of Rome on social and employment matters, this course will give an introduction to the development of the legal instruments relating to working conditions within the European Union developing from instruments merely conditioning the internal market into instruments of protection of fundamental values common to the member states. The first, biggest block (of three class meetings) of the course will cover the directives born in reaction to the growing mobility and flexibility in the common market. Provisions regarding labour contract, working conditions and labour standards will be followed by norms providing guarantees in vulnerable situations such as company restructuring, group dismissals, company transfers and liquidation. A second major block (of two class meetings) will address issues of equal treatment, producing the largest case law of the ECJ in the area of employment and since 2000 growing far beyond the original economic boundaries. The last block of topics will address the role of social dialogue within the shaping of working conditions as well as in the constitutional system of the EU and its member states.

Stefan Messmann
Legal Aspects of Corporate Governance

14 class hours

Corporate Governance versus Company Law

Inspired by the seminal work of Berle and Means (1932), the corporate governance has time and again been subject of extensive scrutiny and controversy, especially in the 1960s and 1970s. These debates focused on the managerial corporations in the USA and UK, triggered by spectacular business failures, the built-up of huge excess capacities, and unscrupulous managers expropriating shareholders. The ENRON and similar cases have definitely shown the loopholes of company laws. This course will therefore focus on corporate control and accountability of US, European and Asian corporations beyond the respective company laws examining i.a. the voting power concentration in listed companies, owner-controls versus manager controls, board and ownership structures as well as making international comparison of identities of owners. Finally, the course will examine the employees' co-determination in the member states of EU and the workers' role in Japan as well as the corporate governance codes in main industrialised countries.

Stefan Messmann
German Legal Concepts (in German)

14 class hours

The importance of studying the German legal concepts, with specific emphasis on terminology, at the legal faculty of a European university doesn't need to be proven especially: the influence of the BGB - the German civil code - on the European legal systems and the extensive use of the German language in economic transactions in Central and Eastern Europe are clear evidences.

This course is designed for students having fair knowledge of the German language and a desire to extend this knowledge to legal terminology. Therefore the reading material of this course will be in German exclusively.

The course will be divided into two parts. The first part will offer a short introduction to German legal system and concepts. In the second part exercises will take place in both oral translations from German into English and explanations of legal texts in German. A basic vocabulary of legal terminology is attached as an annex to these reading materials.

Matthias Mahlmann

Fundamental Rights Theories

14 class hours

The second half of the 20th century is marked by the growth of a human rights culture. Human rights form now something like a secular Decalogue of fundamental normative orientation. The concept of human rights raises plethora of difficult and challenging questions. The attempt to answer these questions leads to the very theoretical core of the law itself. The course will first look at the history of ideas to give contemporary debates an adequate background without theoretical naiveté. It will then turn to analytical and structural theories of rights to develop an adequate formal concept of what rights are about. Finally, questions of substantial contents and their legitimacy will be discussed. Throughout, the discussion will draw from concrete examples of the contemporary adjudication of fundamental rights to avoid lofty spheres of deficient abstractness. As a result of these reflections, it should become clearer how the idea of fundamental human rights has developed, what its real content is, what role the theory of fundamental rights has in legal adjudication and how a catalogue of material rights can (and cannot) be justified in an age of profound ethical scepticism.

Matthias Mahlmann

Freedom of Speech: European Perspectives

14 class hours

Freedom of Speech is a paradigmatic civil liberty. It ranks prominently in the history of thought and its reflection about human rights. It is marked by its importance not only for individuals but for the society -- if conceptualised as democratic -- as a whole. The course will introduce freedom of speech in the context of three interwoven legal spheres. First, it will turn to the framework of the European Convention of Human Rights. It will then investigate the regime of Fundamental Rights of the European Union. Thirdly, it will illustrate the influence of these inter-, and supranational orders on a national jurisdiction taking up the example of Germany and explain the different understandings that have been developed in these spheres. The theoretical, foundational issues of freedom of speech and its prospects in highly industrialised societies will be discussed in the light of concrete case law and contemporary challenges.

Roger Errera

Judicial Review of Administrative Action in French Administrative Law

14 class hours

The course will begin by focusing on the role of judicial review as one of the basic components of the rule of law and as a means of accountability of the Administration. The fundamental characteristics of the French legal and judicial system will be then analyzed, as well as the set-up of administrative courts. Special attention will be given to the place of the Conseil d'Etat. Remedies will be analyzed. Both French administrative law and judicial review have undergone deep changes since the 1970s. The course will comment on

their causes: new domestic legislation; the growth of constitutional law; international human rights instruments and the case law of the European Court of Human Rights. The main instruments devised and used by the courts will be studied: procedural rules (standing; disclosure of documents); affirmation of general principles of law; review of reasons. The main features of the case law relating to the extension of the liability of the Administration will be commented.

Leonard Hammer

International Humanitarian Law

14 class hours

TBA

Anita Ramasastry

Legal Aspects of Internet and Electronic Commerce

14 class hours

TBA

Gar Yein Ng

Judicial Independence and Administration

14 class hours

This course will introduce the judicial function from a separation of powers perspective. It will examine elements of judicial independence, impartiality and accountability. A closer look shall be given to the importance of appointments systems, including training, discipline, promotions, and dismissals. The budgetary aspects of the operation of the judiciary will be covered with special attention to the adjustment of judicial pay. The problem of judicial self-governance and administration will be addressed with special emphasis on the apparent tension between independence and accountability. The course will also explore the impact of independent inquiries led by judges on judicial integrity and on the investigation powers of the political branches.

Gar Yein Ng

Fair Trial Rights Beyond Criminal Procedure

14 class hours

The course gives an in-depth look at the elements to a fair trial, including access to justice, due process, judicial independence and impartiality and fair trial rights in relation to other rights. Sources will include the International Covenant for the Protection of Civil and Political Rights, and the European Convention on Human Rights. A deeper look will be given at the difference between the role of judge in private law cases, and in public law cases, especially with regard to judicial review. Students will be expected to contribute knowledge from their own legal systems.

FIFTH MODULE

RESTRICTED ELECTIVE and ELECTIVE COURSES

Roger Errera

Speech in Context

Speech and Privacy; Press Privileges

14 class hours

The course will begin by a general reflection on the foundations of freedom of speech and on its formulation in domestic and international instruments. Special attention will be given to the balancing of competing values and interests: individual rights, such as protection against libel and of privacy, or societal values, as illustrated by group-libel or hate-speech laws. Privacy will be studied as a component of the rights of personality. The contents and scope of this legal category will be explored, as a preface to the question: What are the foundations of a right to privacy? The attitudes and answers of different legal systems will be analyzed: Britain, France; Germany, the USA, together with the pertinent case law of the European Court or Human Rights. The course will also address the following question: Should the press and journalists enjoy some privileges, e.g. in relation to the disclosure of sources or searches and seizures? If so, to which extent and with which qualifications? The law and practice in France, the UK and Britain will be commented, with the recent case law of the European Court of Human Rights.

Daniel Smilov

**Political Rights in Comparative Perspective: Electoral Rights and Political Parties
(US, Germany, UK)**

28 class hours

The course explores some of the major issues concerning the relationship between law and democracy: the constitutional protection of equality, freedom of expression and association, and their derivative political rights in two areas of regulation - elections and the operation of political parties. The constitutional arrangements and practices of three countries are studied – the US, Germany, and the UK, as well as the jurisprudence of the ECHR.

Firstly, the course focuses on the constitutional protection of electoral rights. More specifically, the course examines the constitutional entrenchment of the right to vote and the one-person-one-vote principle, as well as some major constitutional controversies and theoretical debates relating to electoral law.

Secondly, the course deals with constitutional problems concerning the regulation of political parties. It examines constitutional requirements on political loyalty in the public service, political patronage, the establishment, registration, membership, and operation of political parties. Special attention is paid to the controversial issue of party and campaign finance. The interrelation between major institutional features of the regimes (parliamentary-presidential character, strong parties - weak parties) and basic constitutional constraints, as freedom of speech and equal protection, will be at the centre of discussion.

Constitutional provisions and general laws on elections, political parties and party funding will be studied, along with the major constitutional controversies and theoretical debates on the topic. Two types of approach to the constitutional regulation of elections and party

operation and funding will be discussed: while in the US and Germany these problems are in the focus of extensive constitutional jurisprudence, in the UK they have been predominantly in the domain of the legislature. The advantages and disadvantages of each of these approaches will be examined.

The students will be expected to read the course materials in advance, and to be able to discuss them in class: in-class participation will be one of the major grading factors.

Grading: 60% final exam (closed book, in-class exam) 40% in-class participation

Cole W. Durham

Freedom of Religion – The International System

14 class hours

This course will introduce students to the international norms that provide for the protection of freedom of religion or belief. The course will analyze the key relevant norms in the UN system, under the European Convention, within the OSCE, and within other regional human rights systems. Particular attention will be paid to relevant decisions of the UN Human Rights Committee and the European Court of Human Rights. Issues addressed include the right to engage in religious persuasion and limits on proselytism, the right to registration of religious organizations, religious autonomy rights, and obligations of states to protect citizens from religious persecution.

Judit Sándor

Privacy Rights and Data Protection in the Information Age

14 class hours

This course provides an introduction to different concepts of privacy from comparative legal aspects. Though the legal scope of the right to privacy is highly controversial, the right to seclusion and the control of information about oneself (privacy as secrecy) are considered to belong to privacy rights in most legal systems. After 9/11, the issues of security and privacy are reconsidered in a new transnational political context. Numerous legal instruments have been implemented to respond to this challenge both in the United States and within the territory of the European Union – such as the Prüm Treaty with the aim to enhance international cooperation in combating terrorism and cross-border crime. However, the widespread application of security-sensitive technologies – such as fingerprinting, systematic collection of human DNA samples, the introduction of biometric identifiers and intelligent implants – also pose new threats to privacy.

The Data Protection Directive of the European Union is one of the most significant developments in privacy law. The course also includes the discussion of recent efforts to extend privacy principles in the age of Internet and in the era of Biotechnology. Both fields require special consideration with regard to transnational data transfer. The Syllabus is based on the analysis of selected legal texts, cases from American jurisprudence and from European countries.

Gar Yein Ng

Civil Liberties and Human Rights in the UK

14 class hours

This course shall introduce a brief history on the protection of human rights from the Bill of Rights to the signing of the European Convention on Human Rights in 1950, through to the Human Rights Act 1998, and developments since then. The course will explore the

nature and extent of rights protection under common law from contemporary developments. A deeper look shall be given to the freedom of expression (and the protection of privacy and reputation associated with it), the freedom of assembly v. public order (including the right to strike and demonstrate), freedom of movement, and freedom from discrimination.

Marie-Pierre Granger

EU Administrative Law

14 class hours

The law regulating the administration of the European Union has evolved into complex legal regime operating essentially at two levels, the supranational and the national levels. As a majority of national measures directly or indirectly originate in EU law, it is essential to understand how administrative decisions are made in the EU; how they are enforced at both EU and national level, and how they can be challenged. This course provides an overview of the administrative law of the European Union. It covers in particular, the dual nature of the EU administration (i.e. centralized and decentralized), administrative decision-making in the EU (with a particular focus on 'comitology' and agencies); the basic principles regulating administrative law-making (e.g. fundamental rights, equality, legal certainty and legitimate expectations, proportionality, due process, precautionary principle, transparency); judicial means of redress for unlawful administrative acts in the EU (i.e. interim measures, judicial review and damage actions), at both centralized (EU) and decentralized (Member States) levels; non-judicial means of challenging administrative actions (e.g. complaints to Ombudsman or the Commission, SOLVIT, etc.). The course will provide exposure to a wide range of learning methods and legal techniques, such as hypos, case briefs, debates, mini-moots, essay-writing, etc. At the end of the course the students should be able to expose and understand the various administrative decision-making processes of the EU, national and EU level enforcement, and the main judicial and non-judicial means of challenging EU administrative actions.

Note that this course requires previous knowledge of EU law. Attendance of the Jean Monnet Module is thus recommended for all those who wish to take this course.

István Szikinger

Police Practices

14 class hours

This course will examine the problem of police power in democratic, constitutional states. Particular emphasis will be placed on the functions of the organization and legal regulation of different actions, such as stop and search, arrest, entry, search, seizure, detention and questioning. The course will also review the ways of fighting against corruption and brutality. Issues related to civilian control and complaints procedure will also be discussed.

András Sajó

Transitional Justice

14 class hours

Democratic transitions are often plagued by the difficulties and costs of coming to terms with the deeds of unjust political regimes. Covering numerous jurisdictions within and outside Europe, constitutional and legal problems will be presented in their broader

historical and societal context. The course is aimed to provide students with a critical comparative analysis of highly divisive moral and legal issues. A workshop component at the end of the course will heavily draw on active student participation.

Károly Bárd

Right to Liberty

14 class hours

The course will present an overview of the jurisprudence on article 9 of the International Covenant on Civil and Political Rights and article 5 of the European Human Rights Convention. Following the discussion on the case law defining personal liberty and deprivation thereof the cases of permissible detention shall be presented. The course will extend to the analysis of the rationales and possible justifications of deprivation of liberty as a criminal sanction, further to the exploration of the status of detainees and to the specific rights for persons in custody and pre-trial detention.

The course will also present the international documents, which set the standards for the treatment of prisoners and will extend to the discussion on the status and the operation of international monitoring bodies. Finally, strategies for the prevention of torture and degrading and inhuman treatment should be explored.

Murray Wesson

Equality and Dignity in South African Constitutional Law

14 class hours

TBA

Oliver Lewis

Mental Disability Law and Advocacy

28 class hours

This applied course aims to recognize the protection of rights of people with disabilities as a mainstream human rights issue, and to equip students to become effective human rights advocates. Students will critically examine issues relating the human rights of people with intellectual disabilities and/or mental health problems. The course will cover topics relating to human rights, advocacy, and the development of policies. Issues which will be examined include: inhuman and degrading treatment; liberty and detention; guardianship; the right to life and investigations of deaths; consent to mental health treatment; the role of NGOs; discrimination and stigma; human rights research and monitoring, and advocacy at national and intergovernmental levels; and involvement of users of mental health services in advocacy and policy development. It is hoped that students will visit a State-run institution during the course. The course will be examined through class participation, assignments and a written examination.

It is expected that students will be familiar with the European Convention on Human Rights and case law of the European Court of Human Rights. During the course, students will become familiar with the newest UN human rights treaty, namely the Convention on the Rights of Persons with Disabilities, which opened for signature in 2007.

Eszter Polgári + HRSI
Human Rights in Practice Workshop

14 class hours

The **aim** of this one- credited course organized by *Human RightS Initiative (HRSI)* in cooperation with the Legal Studies Department is to equip Human Rights MA, LLM and Comparative Constitutional Law LLM students with practical skills by giving them the opportunity to, with the guidance and assistance of an OSI mentor (or NGO worker) undertake research on a human rights issue and, in the end, produce a final advocacy strategy paper tackling this issue. The course prepares the students to become engaged in human rights advocacy work as a step toward effectively addressing the human rights situation in the countries of the region.

“Human Rights in Practice (HRiP)” is a credited course for pass/fail (not for grade).

Michel Troper
French Constitutional Law- Advanced

14 class hours

TBA

Renáta Uitz
Privacy: The Body

14 class hours

Constitutional privacy protection reaches beyond means shielding the home and private correspondence from uninvited governmental intrusion and surveillance. The course explores matters relegated to this penumbra: the most personal and private human decisions about one's bodily integrity, decisions which are commonly associated with the protection of individual self-determination (private autonomy). Issues covered include questions in human reproduction (including contraception and abortion), acceptance and refusal of medical treatment (including consent to life sustaining medical treatments and problems of assisted suicide), sexual privacy and sex alteration. In such human decisions constitutional lawyers all the more often encounter the frontiers of their craft. It is easy to see that many of the problems addressed arise in a medical(ized) setting. One also gets to sense the fine line between the public and the private sphere in a modern state which aspires to or -sometimes-refuses to care about its citizens.

Via a comparative analysis of relevant jurisprudence the course challenges all participants to consider the extent to which challenges associated with the protection of bodily privacy can be addressed within a constitutional discourse, relying on the language of constitutional rights before courts of law. The course aims to supply students with a sound reading of leading cases and existing regulatory frameworks, and then reply on this sound foundation to inspire students to develop novel strategies and routes of regulation.

Richard Freer
American Civil Procedure (IBL)

14 class hours

This course provides a detailed overview of civil action in US courts. The course discusses the constitutional and statutory framework of civil procedure, the distinctive features of the adversary system and the structure of US civil procedure. The presentation of the overall framework of US civil action is supplemented by a study of multi-party

devices, rules of admissibility and exclusion of evidence, basics of conflicts and choice of law, and enforcement of judgements. In addition the course explores the role of foreign parties in US courts.

Peter Gerhart

Global Economic Institutions

14 class hours

TBA

Csilla Kollonay-Lehoczky

Gender and Law

14 class hours

The course is to provide knowledge on the development of the gender equality in the major legal regimes, the U.S. and the EU law and their jurisprudence. It will discuss the concept of gender discrimination, illuminating the concept of sex/gender, and the stereotypes triggering everyday hidden discrimination going with impunity. Focusing on labour market discrimination, the course will identify the forms of discrimination, distinguishing between direct and indirect discrimination (disparate treatment and acts with disparate impact). Equal pay, equal treatment of pregnant women, harassment as a form of discriminatory treatment and permitted exceptions when sex can be a lawful requirement will be discussed. Positive action and recent debates about "accommodating" gender differences will close the course.

Since the course is drawing on concepts and theories of feminist jurisprudence the completion of "Feminist Jurisprudence" (or an equivalent in the curriculum of previous studies) is a precondition for taking the course.

Howard Hunter

Comparative Law of Sales

14 class hours

The course compares and contrasts the Convention on the International Sale of Goods, the Uniform Commercial Code, the UNIDROIT Principles of International Commercial Transactions, and the common law in the treatment of sales transactions. The course is problem oriented, and the problems are based upon actual cases or disputes. Students are expected to prepare and present in class an analysis of one or more problems and are also expected to participate in daily discussions of the problems. Twenty percent of the course grade is based on class participation and eighty percent on the final examination.

Cliff Fleming

International Tax Law

14 class hours

This course will introduce students to (1) the workings of a tax on income, (2) the difference between an income tax and a consumption tax, such as a VAT, (3) the internationally accepted principles for allocating taxing jurisdiction over income and consumption among nation states, (4) the double taxation problem with respect to international income, (5) methods for alleviating double taxation of international income, (6) the deferral problem, (7) the transfer pricing problem and (8) the effect of bilateral double tax agreements on the preceding topics.

Armand de Mestral

Regional Trade Agreements

14 class hours

Class 1: History, Number and Types of RTA's; Policies pursued by states entering into RTA's; Alleged advantages and disadvantages

Class 2: Review of the working of significant Customs Unions and Free Trade Agreements (The EU as a RTA, MERCOSUR, NAFTA)

Class 3: a) RTA's in Asia; the development of the ASEAN

b) Significant bilateral FTA's

Class 4: FTA's currently under negotiation by the USA, EU, China, Japan etc and the challenges posed to the Multilateral trade System

Class 5: WTO law applicable to RTA's: GATT Art XXIV, the 1979 Enabling Clause, 1994 Understanding; WTO Committee on RTA's, ongoing WTO negotiations

Class 6: GATT/WTO cases dealing with RTA's

Class 7: The future of RTA's and the Multilateral Trade System

Readings: James H. Mathis Regional Trade Agreements in the GATT/WTO (Asser Press, The Hague, 2002); Jackson, Davie, Sykes, Legal problems of International Economic Relations (4th Edition, 2002) Chapter 11; WTO website and other internet websites to be indicated.

Mirosław Wyrzykowski / Jeremy McBride

Human Rights Protectors and Remedies

28 class hours

The course examines the mechanisms and institutions for protecting human rights within national legal systems and issues relating to the provision of remedies where violations of rights occur or are apprehended. It begins by looking at the constitutional system of human rights protection, the question of rights of access to a court and the protection afforded by constitutional and administrative tribunals. It continues with an examination of the role played by ombudspersons in the protection of human rights and the role played by State liability as a mechanism of protection. It then assesses the deficiencies in mechanisms for protecting human rights and possible reforms. The course continues with a review of the international standards for the provision of remedies for human rights violations and examines the various remedies that might be required (ranging from the effect of invalidating legislation and administrative acts, the provision of damages, the use of injunctive and declaratory relief and the use of 'alternative' remedies such as the exclusion of evidence). It then looks at the use of criminal responsibility as a remedy and concludes with a discussion of the remedial problems relating to waiver, immunities and impunity.

Guy Haarscher

European Values and Constitutional Law

14 class hours

The course will be dedicated to analyzing various aspects of the notion on "European values" as related to basic problems of constitutional law. Through the study of several distinct topics, I shall try to study European values in general and in the specific context of

European integration. I shall begin by studying the philosophical implications of art. I-2 (“The values of the Union”) of the stillborn European Constitution.

Then I shall discuss some specific subjects:

The new meaning of values such as “citizenship”, “nation”, “democracy” in the EU context (democratic deficit, post-national citizenship, constitutional patriotism according to Habermas, etc.). A comparison between the case-law of, respectively, the US Supreme Court and the European Court of Human Rights concerning in particular the limits of free speech (blasphemy, racist speech, Holocaust denial, etc.). A comparison between the present European and US conceptions of peace and war (critique of neo-conservatism, Robert Kagan, Fukuyama, etc.). The role of religion and secularism in Europe, the United States, the Islamic world and other contexts. My project in elaborating such a course has been to deal with non-“politically correct” subjects, but in the framework of a friendly academic controversy. Informed disagreement is welcome.

John J. Barceló

WTO/GATT Law

14 class hours

The course will include a study of (i) the basic WTO/GATT rules and principles that control national trade policies; (ii) dispute settlement in the WTO/GATT; and (iii) the WTO/GATT as a trade policy negotiating forum. The course will also treat the basic economic principles underlying the major WTO/GATT rules and will consider the extent to which trade rules should accommodate environmental policies.

Tibor Tajti

Capital Markets and Securities Regulation

28 class hours

The aim of this two-credit course is to provide the students with a solid understanding of the fundamental institutions of capital markets and in particular with the tasks imposed on the regulatory bodies in shaping the legal framework of capital markets in modern market economies. Although the basic approach will be comparative, the federal securities regulatory framework of the United States will serve as the model to discuss the fundamental issues of this hybrid and rapidly changing field of law. Besides the American developments the most important features and developments of the capital market and securities regulatory framework of Germany and the European Union will be also covered to the extent possible. In addition to that – to profit from the unique opportunity that our university is located at the heart of Central Eastern Europe and has a diverse students body predominantly coming from this ‘transitory’ region – and is thus in the unique position to directly follow the development of the fledgling capital markets of the region, whenever possible a special attention will be given to this peculiar part of the world. The curriculum includes also corporate governance, another emerging discipline, without which, no discussion on capital markets would be complete.

SIXTH MODULE

RESTRICTED ELECTIVE and ELECTIVE COURSE

Brett Scharffs

Comparative Freedom of Religion

14 class hours

TBA

W. Cole Durham, Jr.

Freedom of Religion – Advanced

14 class hours

This course will undertake an in-depth comparative analysis of the notion of religious autonomy as this theme has emerged historically, and in the context of decisions of the European Court, the United States Supreme Court, the German Constitutional Court, and others. The course will explore the theoretical grounding for religious autonomy, the comparative range of protections in different legal systems, and its implications in a number of practical areas such as church-property disputes, disputes concerning which branches of a religious community should be registered, the implications of autonomy for the religious employment context, and other relevant topics of interest to participants in the course.

Eszter Polgári + HRSI

Training in Persuasive Argumentation-Moot Court (HR LLM, Elective course for HR MA)

14 class hours

This course organized jointly by the *Human RightS Initiative (HRSI) and the Legal Studies Department* provides students with the skills required when lodging an application with the European Court of Human Rights (ECHR). Students become familiar with the practical aspects of the application process and are trained in building persuasive legal arguments to support their case.

Following an introductory session where students learn persuasive argumentation skills and the workings of the European Court of Human Rights from NGO practitioners students are divided into two teams of 3-5, the Applicant and the Respondent. Each team is assigned a trainer. Trainers are practitioners from the NGO sphere as well, who have been involved in representation of individuals before the European Court of Human Rights. The trainers are expected to hold at least 6 hours of training with their respective team, on analyzing a hypothetical situation and preparing arguments. The trainers are encouraged to also cover the rules of demeanour and the performance required in a Moot Court. The course culminates in a simulation of an ECHR trial, where the students can practice the skills gained during the course.

Michel Rosenfeld
Comparative Equality

14 class hours

The course will examine theoretical and practical issues concerning constitutional equality. Subjects covered will include formal vs. substantive equality, discrimination based on race, religion, sex, sexual orientation, and wealth, affirmative action and individual vs. group equality. The countries covered will include: the United States, France, Germany and others selectively.

Timothy Waters
International Criminal Law

14 class hours

What does it mean for criminal law to be international? Along with the monopoly on violence, the legal and bureaucratic power to define and sanction wrongful behavior is one of the core functions - and definitions - of the modern state. How does this function translate to the realm of inter-state relations?

This course provides an introduction to the politics, institutions, processes, and substantive commitments of international criminal law. It will consider international criminal law in its broader context, as one response (among many) to episodes of mass violence and social disruption, as well as a mechanism for control and replication of values, and will focus in particular on how the international aspect - the horizontality of legal relations in the state system - shapes that response.

The course will survey the historical development of legal responses to war and atrocities, especially through the politics and jurisprudence of the principal international tribunals of the modern era. Particular attention will be paid to the issues arising out of the Yugoslav conflicts, as well as Rwanda, the Great Lakes region, West Africa, East Timor, and World War II. The entire course will be an implicitly comparative legal exercise, considering various attempts to create international tribunals and domestic efforts to respond to international atrocities.

Renáta Uitz
Constitutional Adjudication: Courts Enforcing Rights

14 class hours

The course covers problems of constitutional adjudication in the U.S., Germany, France, Canada, South Africa and Eastern Europe, with a focus on the role of courts in giving full effect to the protection of constitutional and human rights. The two major issues covered by the course are models of standing and access to court in constitutional cases, and the problem of remedies. In addition, the course will explore difficulties with adjudicating previously unseen issues before courts and will revisit some techniques of interpretation typical in rights cases. As a result, the course hopes to contribute to a more advanced understanding of the role of constitutional litigation in the human rights regime.

Dimitrina Petrova
Human Rights Politics

14 class hours

The course explores the complex relationship between human rights and power. We step out of the human rights paradigm and attempt to evaluate “human rights” as a particular

phenomenon in the political universe, employing research methodologies and concepts from political science and the philosophy and sociology of power. We will first address the following questions: How are human rights strategies and activities related to power and political interests? Who are the power actors? How are human rights issues negotiated to accommodate power actors' interests? How are stake holders included in the power game? What is the legitimation index of human rights in relation to power? A second group of questions will then be explored concerning the political geography of the human rights movement. Who are the human rights defenders around the world and what is the basis of their solidarity? Who sets human rights priorities and defines the strategies to promote human rights at the global, regional, and national levels? What roles are played by inter-governmental organizations, governments, NGOs, social movements, and donor organizations?

Csilla Kollonay-Lehoczky

Equal Opportunity Law

14 class hours

The course on equal opportunity in employment confronts traditional and more recent views on the concept of "equality" and "equal opportunity". It describes basic terms of equal protection by the law (with particular respect to the possible grounds of discrimination) in an international perspective. The majority of the analyzed laws and jurisprudence will be based on US law (the Fourteenth Amendment, Title VII of the Human Rights Act and the relevant USSC case law), comparing it to the developing EU equality law and to other national laws and international (primarily UN) instruments on particular issues. Course discussion will cover individual and social aspects of the right of all persons to equal chances for entering, performing and progressing in a freely chosen occupation. Through legal norms and prominent legal cases the course is intended to provide students with familiarity of the changing concepts of discrimination and equal opportunity, its forms and content (paying attention to the hierarchy of grounds of discrimination, to the differences between direct and indirect discrimination). Race (the most ancient and most grave ground) and disability (a relative recently protected attribute) will be discussed in details, with special regard to issues of social integration, assimilation and the asymmetric concept of discrimination. The full discovery of the concept will proceed through discussing its boundaries regarding privacy, lawful exceptions and last, but not least, positive action.

Patrick Macklem

Comparative Federalism (CCL, HR LL.M.)

14 class hours

This course will examine federalism from a comparative perspective. It will explore the extent to which federalism, as a system of distributing legislative authority within a sovereign state, can address ethnic and cultural differences among citizens, promote the efficient allocation of goods and services by government, accommodate national and international pressures for trade liberalization and enhanced economic integration, and promote respect for fundamental human rights. It will focus on constitutional rules and principles governing federal systems in North America, Australasia and Europe, and, if time permits, will apply lessons from these jurisdictions to the emerging federal order in the European Union.

András Sajó / Renáta Uitz

17th Annual Conference – Individual vs. State

14 class hours

Counts as SJD workshop

The conference offers the opportunity to participate at an international conference on the relation of individual rights and grounds of restriction. Participants are expected to provide a research paper on the basis of the conference, applying the theoretical perspectives of the conference.

Stephen Golub

Strengthening Legal Systems and Services in Transitional and Developing Societies

14 class hours

The international community spends hundred of millions of dollars per year to strengthen legal systems and legal services in developing and transitional societies across the globe. As evinced by recent World Bank and United Nations initiatives, an increasingly prominent subset of such work features legal empowerment, which focuses on ways of using legal services to alleviate poverty and otherwise increase the power of disadvantaged populations.

This course considers a number of questions relevant to these efforts. The questions include:

- What assumptions underlie such assistance?
- Which efforts and strategies are having any impact?
- How do we know whether they are making any progress?
- What roles do lawyers, non-lawyers, politics and culture play?
- How do and should legal empowerment efforts relate to programs in other development fields (e.g., gender, natural resources, public health)?

The course explores such questions by scrutinizing various efforts to strengthen legal systems and services in a number of countries. A core focus is on international funding agencies and strategies that aim to advance poverty alleviation, access to justice, the rule of law and related priorities. But this inevitably includes consideration of the government institutions, nongovernmental organizations (NGOs) and citizen groups that receive international aid or that otherwise play key roles in whether and how development occurs. The focus accordingly includes legal services NGOs that assist and build the capacities of women, minorities and other disadvantaged populations. It also embraces initiatives ranging from judicial strengthening projects to work with traditional justice systems. The course is less concerned with law reform *per se* than it is with how law-oriented strategies can help improve the lives of the disadvantaged and otherwise advance development.

The aims of the course are:

- to promote students' understanding of and thinking about the field of law and development,
- to introduce students to potential career paths and the skills involved, and
- for all participants (including the instructor), to learn from each other's perspectives and experience.

The discussions will draw on academic and professional literature; guest speakers from and/or visits to Budapest-based organizations (such as the Public Interest Law Institute and the Open Society Justice Initiative); the backgrounds of any class members with

relevant experience; and the instructor's own experience and writings. In view of the fact that many students will come from Eastern and Central Europe and the former Soviet Union, there will be a particular though not exclusive focus on those regions.

Assessment of students will be based on the following criteria:

- final examination: 75 percent
- in-class participation: 25 percent

Richard Buxbaum

Human Rights in Corporations

14 class hours

This course will introduce the subject of Corporate Accountability, in comparative perspective (especially under EU and Member States and US legal regimes). It will review the basic problem of the modern economy whose effective use of scarce resources is thought to require large aggregations of capital organized in private corporate form. These large economic actors unavoidably wield a degree of power and have a societal, ecological and cultural impacts that in turn become a legitimate source of concern for governmental and other societal actors. The coverage begins with the "other stakeholder" problem, primarily involving the workforce, the financial and commercial providers of debt financing, and the community within which the facilities are situated. Consumer protection, antitrust concerns, and environmental protection (the latter especially in its trans-national context) are also covered. The intervention of actors concerned with these issues in the internal decision-making structure and processes of corporations will be a major focus of the course.

Patrick Macklem

International Human Rights Law

14 class hours

This course explores the relation between international human rights law and the conditions of a just international legal order – one that maintains a just distribution of sovereignty, promotes the just exercise of sovereign authority, and possesses the institutional capacity to check some of the adverse distributional consequences of globalization. It does so by exploring international human rights topics that are often thought of as peripheral to the field, namely, social and economic rights, international labour standards, the right to development, cultural rights, indigenous rights, and the right of self-determination. It will explore the nature and scope of these rights in their relevant institutional settings, including U.N. treaty institutions, the International Labour Organization, the World Bank, the World Trade Organization and the International Monetary Fund. Broader themes of the course include the debate between universalism and cultural relativism, the inter-penetration of international human rights law and other international and domestic legal fields, and classical and pragmatic conceptions of state sovereignty.

Peter Hay

European Choice of Law

14 class hours

What law does a court apply in a case that involves border crossing facts (a tort committed abroad, a contract made in one but to be performed in another country, the administration

of an estate with assets in different countries, the validity of marriages contracted in a system with different forms of marriage, and the like). Many countries have adopted rules for choosing the applicable law by statute (e.g., Europe), others have not but have developed "approaches" (e.g., the United States). The course examines choice of law in the above areas (and others) from both of these perspectives. Major attention is given to the European Union's "Rome II" Regulation on choice of law in tort, which replaces national rules on the subject. The Rome Convention (on contracts), soon to be the "Rome I Regulation" receives similar detailed treatment.

Stefan Messmann

Legal Aspects of Doing Business in Asia

28 class hours

At the beginning of the 21st century, the economic gravity of the world appears destined to return to Asia. Many Europeans think of "Asia" as being a homogenous group of peoples. The reality is, of course, very different. Due to historical reasons Asian nations have developed a number of different legal systems. History also plays a role in the omnipresent political tension, which pervades the vast continent and casts a dark shadow over the economic miracle. A number of regional bodies have been developed to maintain the economic boom and smooth over any political dispute.

The course intends to provide a basic introduction to regional bodies and legal systems present in Asia, discussing both regional bodies (ASEAN and APEC) and national legal regimes (Japan, PR of China, Taiwan, North and South Korea, Vietnam, India, Hong Kong, Singapore, Malaysia and Indonesia).

Hugo Frühling and Pramod Kumar

Criminal Justice Workshop

14 class hours

Comparative Perspectives on Crime and Justice

Over the past 30 years a growing number of countries have conducted crime or victimization surveys to assess national or local crime trends. Likewise, empirical research has been done to evaluate the effectiveness of criminal justice systems to deal with violence, to determine the effectiveness of particular policing strategies to ensure public order, and to determine the cost-effectiveness of criminal justice reform measures.

The aim of this course is to describe the uses and tools for research on crime, criminal justice and policing, and the contribution they could make to a more effective and democratic criminal justice policy. To do so, Professors Kumar and Frühling will draw on their experience in Latin America, Asia and other parts of the world, examine problem areas that require public policy decisions and the challenges they present to research.

The first section of the course will offer a comparative view of crime statistics, surveys and other research tools to assess the level of crime, fear of crime and the contribution of criminal justice systems to the control of crime. Based on information gathered and debated, the second section of the course will examine with the students the process of criminal justice reform that has been taking place in emerging democracies around the world. This process will be examined with attention to the evaluation of its impact, and research on its implementation. The third and fourth sessions will focus on research on policing: aims of the research on policing, issues and experiences of research on policing, and the impact of research on policing on actual policymaking. Finally, the students will

be presented with a problem they will have to solve using the material provided during the course.

Frederick Abbott

International Technology Transfer

14 class hours

Advances in technology are driving today's global economy. The private and public sectors invest in the development of new technologies to provide competitive advantage to business and to address social needs. Transfers of technology, whether by licensing or through direct investment, are essential to improving economic efficiencies and improving public welfare. Such transfers allow businesses and public sector institutions at different levels of the research, development and commercialization chain, and in different geographic locations, to take best advantage of developments.

This course focuses on the legal systems regulating transfers of technology. Components of the course include: (1) an overview of the global framework of intellectual property regulation, including the WTO, WIPO, regional, bilateral and national systems; (2) technology licensing and competition law, including regulation and case law in the US and EU; (3) recent case law addressing intellectual property and technology transfer concerns; (4) technology transfer in the pharmaceutical sector, including the drafting of licensing agreements, and (5) biotechnology, genetic resources and technology transfer.

The course addresses a wide range of technology subject matter, from computer software to pharmaceuticals to genetic resources.

Deborah A. de Mott

Art Law

14 class hours

TBA

Gar Yein Ng

Human Rights in Commonwealth

14 class hours

This course will introduce the historical, political and legal evolution of the story behind human rights protection (or the lack thereof) in some of the former British-commonwealth countries. This will include looking at human rights instruments set up for the protection of human rights, the institutional structure provided to enforce protection of human rights (including also the role of the Privy Council). The course will also examine the case law dealing with human rights protection within the Commonwealth (i.e. death penalty, property rights, social rights). The countries dealt with may vary according to class composition, but Canada and Australia will certainly be studied. African states, such as Sudan, Ghana and Nigeria may also be studied.

Students with law degrees from a civil law legal system are strongly encouraged to also take civil liberties and human rights in the UK.

Károly Bárd

Fair Trial Rights in Proceedings before International Criminal Tribunals

14 class hours

The course will focus on international due process standards as guaranteed in trials of defendants accused of the most serious crimes before international tribunals. In the center of discussion will be the key articles of the Rome Statute adopted by the United Nations Diplomatic Conference on the establishment of a permanent international criminal court and the relevant provisions of the Court's Rules of Procedure and Evidence. Following a brief description of the historical background of the creation of the International Criminal Court (ICC) and the analysis of the operation of the Nuremberg Military Tribunal and the ad-hoc international tribunals, the procedure to be followed by the ICC will be discussed in details in the light of international fair trial standards. In connection with the relationship between the ICC and the national courts traditional concepts of criminal law and institutions of international cooperation in criminal matters will be confronted with the provisions of the Rome Statute whereas the analysis will focus on the fair trial guarantees in international cooperation. The course will extend to the demonstration of the impact of different legal systems and of their human rights concepts on the ICC Statute as reflected in the provisions on procedure, on penalties and on the enforcement of judgments.

Bernard Rorke

Roma Rights

14 class hours

Across the region of Central and Eastern Europe Roma rights remains one of the most pressing areas of concern for those engaged in human rights issues. The Roma, as Europe's largest ethnic minority, have not benefited from the dramatic transition, consolidation and expansion of democracy and democratic values since 1989. There remains a veritable chasm between the bundle of rights with which citizens have been endowed, and the capacity of the Roma to access those rights. The repercussions range from social segregation and exclusion to a widespread tolerance of racially motivated acts of violence against the Roma. The course 'Roma Rights' will examine the difference between the norms which proclaim, recognize, define and assign human rights, and their application as they pertain to Roma minorities.

Four themes will be discussed at some length: (1) the current threats to fundamental rights of individuals belonging to Roma minorities, with a particular emphasis on freedom of movement, hate speech and racially motivated violence; (2) strategies to combat discrimination against Roma: successes and failures, merits and limitations of civic activism and strategic litigation; (3) the impact and consequences for Roma rights of EU enlargement and initiatives such as the Decade of Roma Inclusion 2005-15; (4) an exploration of the wider practical and philosophical tensions between the politics and ethics of identity and the politics of human rights as they pertain to Roma.

For each of these cross-cutting themes, a comparative analysis of the plight of the Roma and democracy's deficits within and beyond the borders of the European Union will be developed. The course will be lead by the Director of Roma Initiatives, Open Society Institute and interested students will have the opportunity of direct contact with a wide network of Roma and pro-Roma rights activists in Central and Eastern Europe.

Peter Hay

International Civil Litigation

14 class hours

The two central problems in international litigation (as distinguished from arbitration) concern a court's judicial jurisdiction over a foreign defendant and, once a judgment has been obtained, the recognition and enforcement of such a judgment in another country where the judgment debtor has assets. The course deals in detail with these two problems, including the effect of differences among countries for the exercise of jurisdiction and extent to which a foreign judgment is open for review or subject to defenses. In addition, there will be some coverage of international divorce, custody, and maintenance litigation, as well as of associated problems such as service of documents, discovery of evidence, and proving foreign law. The European Unions "Brussels I, II, and III Regulations" receive major emphasis.

Peter Hay

EU Law II

14 class hours

This course deals with the external relations of the European Union and its commercial policy. It considers types of association agreements concluded by the European Union (for instance, the Convention with the ACP -- Atlantic, Caribbean, and Pacific -- states, the closer association agreements with Mediterranean countries and with Turkey) and their differing approaches, the "Europe Agreements" with Eastern European countries, and the special problems of accession to membership faced by applicant states (as well as by the EU). Special emphasis will be given to the free movement of goods and persons, the right of establishment of companies, and the kind of transitional safeguards that new members retain, including the maintenance of temporary barriers to import the ability to restrict ownership of real property, and the maintenance of state subsidies.

Marie-Pierre Granger

Liability of Public Authorities in Comparative Perspective

14 class hours

The King can no longer do no wrong! Whilst suing the State in damages used to be an almost hopeless perspective, except for harmful administrative wrongs, recent legal developments across Europe converge in making it easier for natural and legal persons to claim compensation for harmful acts or omissions committed by the State, its agents and its various emanations. Not only is it now increasingly possible to sue the State in damages when it acts as an administrator, but also as a legislator and even a judge. This course provides an overview of the various public liability regimes and their recent evolution in France, Germany and the United-Kingdom, as well as the impact of the law and practices of the European Union and European Convention on Human Rights on the Europeanisation of public liability in Europe. The course will provide exposure to a wide range of learning methods and legal techniques, such as hypos, case briefs, debates, mini-moots, essay-writing, etc. At the end of the course the students should be able to expose the basis of the major public liability regimes available in Europe, and assess the efficiency of these regimes in the light of the objectives they pursue.

NOTES: