

## **Presentation of the lectures on European Human Rights facing globalisation**

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### **Content**

Nowadays, one of the greatest preoccupation is the theme of globalisation. Is it a positive or a negative fact to live in a global world? Day by day we are discovering it.

First, we will study the different definitions of the notion of globalisation to know what are talking about. Then, we will discover some of the questions raised by globalisation, like what are the relations between economy and Human Rights, what are the Human Rights' place in that phenomenon or, which is the respective place of concepts like unity and diversity in a global world, with the problematic question of universality of Human Rights: do they have to be the same all over the world? Taking into consideration that we do not have the same conception of Fundamental rights, which conceit of them have to be spread out?

We will realise that globalisation raised new problems like criminal networks on global step, migrants trafficking or, modern form of slavery (a fascinating case law of the European Court of Human Rights on domestic slaves will be studied).

After this overview, we will concentrate on Europe. The first aspect to understand is why Europe have two sources of Human Rights? In fact, we have on one hand the Council of Europe with the European Convention on Human Rights and the other hand the European Union with the Charter of the Fundamental Rights of the European Union, which is now binding since the entry into force of the Treaty of Lisbon.

We will study the different steps which have led to this text, the content of the Charter, the case law referring to it and also what are the modifications implied by the existence of a catalogue of Fundamental Rights in the balance of an economy based system.

Last aspect which is interesting to understand is, what are going to be the new relationships between the two European jurisdictions (the European Court of Human Rights one side and the Court of Justice of the European Community on the other). We will identify what are the sources of conflict between the two texts and the two jurisprudences and the solutions to these potential antagonisms (like the accession of the EU to the European Convention on Human Rights). But we will also use our imagination (which is not prohibit even in law field) to make some political fiction to anticipate if these evolutions are going to be positive or negative for the standard of protection of the Fundamental Rights in Europe.

Here I give you a draft of the structure of the lectures, but please be aware that it could be changed in some details from now till May

- Chapter 1. Definition of globalisation
- Chapter 2. Questions linked to globalisation
  - a) Relations between economy and Human Rights
  - b) Human Rights' place in that phenomenon
  - c) Unity and diversity
- Chapter 3. Raise of new problems from globalisation
- Chapter 4. Why Europe have two sources of Human Rights?
- Chapter 5. EU law taking into account Human Rights
  - Section 1. EEC original system: economy preeminence
    - § 1. The functionalist theory
    - § 2. The implementation by the Court of Justice of European Communities (CJEC) of the functionalist theory
    - § 3. Implementation of the functionalist theory by Member States: the national resistances
  - Section 2. The current Community system or "preeminence of the rights"
    - § 1. The case law compensation to the lack of protection of the fundamental rights
    - § 2. The textual contribution to the protection of the rights: the Charter of Fundamental Rights of the European Union
      - A. Community's evolution towards a codification
      - B. A catalogue of Fundamental rights
- Chapter 6. Conflicts arising from the existence of two sources of Human Rights in Europe and solutions

### **Methodology**

These are going to be interactive seminars more than lectures, in other words, you will be asked to give a very active participation. The teacher will proceed by Socratic method (a pedagogical technique in which a teacher does not give information directly, but instead asks a series of questions, with the result that the student comes either to the desired knowledge by answering the questions or to a deeper awareness of the limits of knowledge).

The goal is to develop a legal culture in European Law field and especially in protection of Human Rights, ie to have a framework of information and ideas that allows you to quickly find the information needed in your professional life and to use it with relevance and coherence; and this whatever field you will work in. A second aim will be to have the means to understand the mechanisms of the world to understand it better in order to have an impact on it.

We will learn or review, *inter alia*, how to examine a text (which could be an article of the European Convention on Human Rights or the Charter or one of the UE treaty or a passage of a case law), technique that will always be useful in any job you will have, and to identify arguments to analyse it in order to be able to use it afterwards.