

International Human Rights Law
Law 208, Spring 2026
Boğaziçi University, Faculty of Law
(Cr. 3, ECTS 5)

Instructor: Dr. Hasan Basri BÜLBÜL

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Class Hours:

Tuesday	Thursday
10.00-12.50	10.00-12.50

Office Hours: Tuesday 13.00-15.00

Course Overview: This course introduces students the foundations, history, philosophy, and principles of human rights law. It enables them to critically engage with the fundamental concepts of human right law. It then provides a depth of coverage of the protection of human rights in international, regional and national levels. This is followed by the analyses of some key substantive human rights in theory and practice. The module will be supplemented by case studies to enhance the learning experience.

Prerequisite: LAW 101, Consent of the instructor.

Assessment: 30% Midterm Exam (8 July 2026)
20% ECHR Application Draft (31 July 2026, 23.59pm)
45% Final Exam (To be announced by the university)
%5 Attendance and Active Participation in the class

Midterm and Final Exams: The course will be evaluated through two-hours midterm and final exams, both of which will comprise written assessments featuring problem-solving and essay questions. These assessments are designed to assess your proficiency in legal reasoning and evaluate your understanding of the course material. Comprehensive information regarding the content and administration of these exams will be provided to students in the upcoming weeks of the course.

Problem-solving Sessions: 4-5 PS sessions will be conducted on Wednesdays. The venues of the sessions will be announced later. Students are strongly encouraged to participate PS sessions.

Grading: Grading follows an adjusted catalogue, where *CB represents the average*. *Scoring below 45 in the final exam will result in an FF.*

Academic Integrity and Consequences: Plagiarism, cheating, or any other forms of academic dishonesty will lead to an automatic grade of "F" for the associated course objective. It is imperative to note that all students are obliged to adhere to the regulations set forth by the

Council of Higher Education (YÖK) and Boğaziçi University concerning academic integrity and misconduct.

Attendance and Participation Requirement: Students are expected to attend all lectures including problem solving sessions.

Main Sources:

International Human Rights Law, (4th edn) Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris.

Harris, O'Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Further materials will be provided on Moodle.

CONTENT BY WEEKS*

PART I: INTRODUCTION

WEEK 1:

Introduction

- **History/Development of Human Rights Law**
- **Philosophy of Human Rights Law**
- **Critical Perspectives**

Chapter 1: "History" in International Human Rights Law, (4th edn) Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris.

Chapter 3: "Critiques" in International Human Rights Law, (4th edn) Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris.

Further Reading: Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights", Harvard International Law Journal, Vol. 42, No. 1, pp. 201-245, 2001

PART II: PROTECTION

Mechanisms

- **International Protection of Human Rights,**
 - The United Nations System of Human Rights Protection

OHCHR, "The United Nations Human Rights Treaty System" Factsheet No: 30
<https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet30Rev1.pdf>

OHCHR, “Individual Complaint Procedures under the United Nations Human Rights Treaties” Factsheet No 7.

<https://www.ohchr.org/sites/default/files/2021-08/FactSheet7Rev.2.pdf>

WEEK 2:

Mechanisms

- **Regional Protection of Human Rights**

- The European System of Human Rights Protection

Part 1: Chapter 1. The European Convention on Human Rights in Context, Harris, O'Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Part II: Enforcement Machinery, Harris, O'Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

- Chapter 2. “Admissibility of Applications”
 - Chapter 3. “The European Court of Human Rights: Organization, Practice, and Procedure”

Mechanisms

- The European System of Human Rights Protection

- Chapter 4. The Execution of the Court’s Judgments, Harris, O'Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

- Other Regional Human Rights Systems

Further Reading: Chapter 20 “Regional Protection” in International Human Rights Law (4th Edn) Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris.

- **National Protection of Human Rights in Türkiye**

Abdurrahman Eren, “Ulusal İnsan Hakları Mekanizmaları”, Anayasa Hukuku Dersleri, Seçkin Yayıncılık, 5. Baskı, pp. 547-565.

Abdurrahman Eren, “Bireysel Başvuru”, Anayasa Hukuku Dersleri, Seçkin Yayıncılık, 5. Baskı, pp. 1140-1190.

WEEK 3

PART III: SUBSTANTIVE RIGHTS

Life & Integrity

- **The Right to Life**

Chapter 5. “Article 2: The Right to Life”, Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Opuz v Türkiye* (Positive obligation of states)
- *Öneryıldız v Türkiye* (Positive obligation of states to take preventive measures against humanitarian disasters)
- *Budayeva and others v Russia* (Positive obligation of states to take preventive measures against natural disasters)
- *M.Özel v Türkiye* (Human rights violation of right to life arising from 1999 earthquake)
- *Putintseva v Russia* (Death of detainee while escaping from the prison)
- *McCann and Others v. UK* (Proportionality on security/military operations against terrorism & killing as a last resort measure)
- *Vo v France* (Right to life of embryos)
- *Pretty v UK* (Euthanasia)

• **The Right not to be Tortured**

Chapter 6. “Article 3: Freedom from Torture or Inhuman or Degrading Treatment or Punishment, The Right to Life”, Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Ireland v UK (1978)* (Distinction between torture and inhuman or degrading treatment & evaluation of some interrogation techniques called as five techniques regarding wall-standing, hooding, white noise, sleep deprivation and food and drink deprivation)
- *Selmouni v. France (1999)* (The ECHR updated its interpretation of torture, stating that what was considered inhuman treatment in the past may now be classified as torture due to evolving human rights standards & an update to the standards applied in *Ireland v UK*)
- *Soering v UK* (Extradition of the person to the place where he will face torture)
- *Chitayev v Russia* (Purpose element of torturous actions to distinguish them from other legally invalid activities)
- *Khlaifia and others v Italy* (Finding of no-violation in an asylum seeker case by focusing on recent challenges faced by Italy)

Liberty

• **Slavery & Forced Labour**

Landmark Cases

- *Siliadin v. France* (Slavery & servitude / positive obligation to legally regulate)
- *Van Der Musselle v. Belgium* (Unpaid & forced labour)
- *CN v United Kingdom* (Positive obligation of states to penalize forced labour)
- *Rantsev v. Cyprus and Russia* (Human trafficking)
- *Chowdury and others v Greece* (Forced labour)
- *Droogenbroeck v. Belgium* (Work under detention)
- *Meier v Switzerland* (Work under detention)

WEEK 4

Liberty

- **The Right to Liberty and Security**

[Chapter 8. “Article 5: The Right to Liberty and Security of the Person”, Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights \(5th edn\)](#)

Landmark Cases

- *Khlaifia and others v Italy* (Violation of Article 5 in terms of challenging lawfulness of detention decision and promptly informing of detention reasons)
- *A and others v UK* (Indefinite detention without trial for terrorism)
- *Guzzardi v Italy* (The scope of the term “deprivation of liberty”)
- *Hassan v UK* (The distinction between the arrests in peace time and the conflict times which the international humanitarian law rules will prevail)
- *Steel and others v UK* (The term “crime” in Article 5(1)(c) and its autonomous interpretation)
- *Assanidzé v Georgia* (Arbitrary detention that are violations of Article 5 and Article 6)
- *McKay v UK* (The term “promptly” in Article 5(3) & not exceeding four days)
- *Al-Jedda v. UK* (Military detention in armed conflict & states remain bound by article 5, even in military operations abroad)
- *O’Halloran and Francis v. UK* (The difference between restrictions on movement and actual deprivation of liberty)

MIDTERM (8 July March 2026, Friday)

Trial

- **The Right to a Fair Trial**

Chapter 9. “Article 6: The Right to a Fair Trial”, Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Engel and Others v. Netherlands* (The cornerstone case for Article 6 & determination of the criminal nature of relevant situation based on Engels Criteria arising from this case & The Court applied Engels criteria to any punishment to identify whether it is under the criminal limb or civil limb of Article 6.) It influenced later case-law. For example:
 - *Campbell and Fell v. UK* (1984) – Applied Engel criteria to prison disciplinary proceedings.
 - *Jussila v. Finland* (2006) – Used the Engel criteria to assess whether tax surcharges required full criminal protections.
 - *Gülmez v. Turkey* (2008) – Applied Engel criteria to military disciplinary proceedings in Turkey.
 - *Salduz v Türkiye* (Access to a lawyer must be granted from the first police interrogation – Salduz principle)
 - *Pellegrin v France* vs. *Vilho Eskelinen and others v Finland* (Whether disputes of civil service under the Article 6 & changing interpretation of the Court)
 - *Refah Partisi v Turkey* (Dissolution of political parties is out of the scope of criminal limb of Article 6)
 - *Incal v Turkey* (Independence and impartiality of courts & prima facie appearance of independence of the body – State Security Courts (DGM) with military judges)
 - *Jalloh v. Germany* (Use of evidence obtained through ill-treatment & evidence obtained through torture or inhuman treatment is inadmissible)
 - *Vassilios Stavropoulos v. Greece* (Political and media influence on presumption of innocence)
- **No Punishment without Law**

Chapter 10. “Article 7: Freedom from Retroactive Criminal Offences and Punishment”, Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Kafkaris v. Cyprus* (the meaning of term “law” & law in forma lor material meaning)
- *Kokkinakis v. Greece* (the meaning of “clear and predictable law” in terms of Article 7)
- *Kononov v. Latvia* (One of the cornerstone judgments & retroactivity of war crimes and Article 7(2) context & war crimes can always be prosecuted under international law)

- *Maktouf and Damjanović v. Bosnia and Herzegovina* (war crimes in Bosnian war & application of harsher penalty as a violation of Article 7) (can be interpreted in comparison with *Kononov v Latvia*)
- *S.W. v. United Kingdom* (gradual changes in the law do not violate Article 7 if they are foreseeable)

WEEK 5

Identity

- **Private and Family Life**

Chapter 11. “Article 8: The Right to Respect for Private and Family Life, Home, and Correspondence”, Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Von Hannover v. Germany* (2004 & 2012) (Privacy vs. freedom of expression)
- *Gaughran v. the UK* (Indefinite retention of biometric data and photograph violated Article 8)
- *S and Marper v. UK* (DNA samples of innocent individuals indefinitely)
- *Marckx v. Belgium* (Family ties are recognized automatically, without legal obstacles regardless of the fact that child was out of marriage)
- *Niemietz v. Germany* (Expanded the definition of "private life" to include workplaces and professional settings)
- *Evans v UK* (Balance between concept of consent and right to family life & no violation)
- *Schalk and Kopf v Austria* (Same-sex marriage constitute an issue under the margin of appreciation of state parties)
- *Bărbulescu v. Romania* (privacy in the workplace)
- *Taşkın and others v. Turkey* (Environmental concerns and Article 8 context)
- *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* (Climate change in the context of violation of Article 8)

- **Freedom of Thought, Conscience and Religion**

Chapter 12. “Article 9: Freedom of Thought, Conscience, and Religion”, Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Kokkinakis v. Greece* (Cornerstone case & proselytism)
- *Lautsi and others v. Italy [Grand Chamber]* (Religious symbols in state institutions can be allowed if they reflect national traditions)

- *Hasan and Eylem Zengin v. Turkey* (Compulsory religion classes)
- *Leyla Şahin v. Turkey* (Headscarf rights)
- *Bayatyan v Armenia* (Conscientious objection)
- *Ahmad v United Kingdom vs. Eweida and others v. United Kingdom* (**compare the cases**) (When there is flexibility of resign it would not constitute violation of Article 9 & It cannot be considered that employee has flexibility of resign, it would constitute violation of Article 9 & Religious expression in the workplace)
- *Buscarini v. San Marino* (Religious oaths and freedom of conscience)
- *Alexandridis v. Greece* (Right not to manifest one's beliefs and not to be compelled to disclose one's religious affiliation)
- *İzzettin Doğan v. Turkey* (Equal treatment of religious groups)

Expression & Association

• Freedom of Expression

Chapter 13. “Article 10: Freedom of Expression”, Harris, O'Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Handyside v UK* (Cornerstone case)
- *Lingens v. Austria* (Cornerstone case & criticisms against politicians)
- (open to debate topics can be under the umbrella of Article 10)
- *Nagla versus Latvia* (Right of journalists not to disclose their sources as an intrinsic side of their occupation)
- *Incal v Turkey* (Political criticism on government & higher threshold)
- *Müller and Others v. Switzerland* (Balance between freedom of artistic expression and the protection of public morals)
- *Guja v. Moldova* (Balance between a civil servant's duty of loyalty to the state and the public's right to be informed about governmental misconduct)
- *Eon v. France* (Politicians' higher threshold for criticisms)
- *Özgür Gündem v. Turkey* (states' positive obligation to protect journalists)
- *Mustafa Erdoğan and Others v. Turkey* (Protection of academic freedom and the right to critique public institutions, including the judiciary)
- *Garaudy v France* (the praising views on Holocaust cannot be protected & debated ruling of the Court)
- *Jersild v Denmark* (just reporting extreme views can be protected under Article 10)
- *Stoll v Switzerland* (balance between press freedom and the protection of confidential information, especially in diplomatic contexts)

• Freedom of Assembly and Association

Chapter 14. “Article 11: Freedom of Assembly and Association”, Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Ezelin v France* (Cornerstone case & authorities must not penalize individuals solely for their presence at demonstrations where some participants act unlawfully, as long as the individuals themselves remain peaceful)
- *Demir and Baykara v Turkey* (Freedom of assembly for trade unions)
- *Plattform "Ärzte für das Leben" v. Austria* (Positive obligation to protect protesters from counterattacks)
- *Sigurður A. Sigurjónsson v. Iceland* (Negative side of Article 11 & negative right to not to be compelled to join an association)
- *Refah Partisi v Turkey* (Dissolution of political parties)
- *Ziliberberg v. Moldova* (Peaceful protest should not require prior authorization)
- *Navalnyy v. Russia [Grand Chamber]* (Repeated arrest for participating unauthorized but peaceful protests)
- *Kudrevičius and Others v. Lithuania* (Balance between public order and freedom of assembly)
- *Bukta and Others v. Hungary* (Spontaneous demonstrations do not always require prior notification)

WEEK 6

Discrimination & Remedy

- **Prohibition of Discrimination**

Chapter 17. “Article 14 (Freedom from Discrimination in Respect of Protected Convention Rights) and Protocol 12 (Non-Discrimination in Respect of ‘Any Right Set Forth by Law’)”, Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Rasmussen v Denmark* (Cornerstone case & ambit test)
- *D.H. and others v Czech Republic* (Indirect discrimination)
- *Nachova v Bulgaria* (Killing of minority people by the police with discriminatory intent of race & Article 2 and 13 violation in conjunction with Article 14)
- *Thlimmenos v. Greece* (First time the ECHR ruled that discrimination can arise from a failure to differentiate between different groups & governments must not only avoid unjustified differences in treatment but must also treat different situations differently when necessary)
- *Relating to Certain Aspects of the Laws on the Use of Languages in Education in Belgium v. Belgium (Belgian Linguistic Case)* (Article 14 must be read in conjunction with other rights, even if no direct violation of the main right is found)

- *Identoba and Others v. Georgia* (States have a duty to take reasonable steps to prevent and investigate acts of violence based on discrimination, even when committed by private individuals)
 - Discrimination grounds with case-law
 - *Sejdic and Finci v Bosnia and Herzegovina* (Race & must be evaluated very solid)
 - *Andrejeva v Latvia* (National origin)
 - *Khamtokhu and Aksenchik v Russia* (Sex & gender)
 - *Marckx v Belgium* (Birth status)
- **Right to an Effective Remedy**

Chapter 16. “Article 13: The Right to an Effective National Remedy”, Harris, O’Boyle, and Warbrick: *Law of the European Convention on Human Rights* (5th edn)

Landmark Cases

- *Klass and others v Germany & Silver and Others v. United Kingdom* (The concrete violation is not a requirement to use Article 13 & mere claim of violation can result in violation of Article 13 before domestic judicial organs)
- *Stamova v. Bulgaria* (Domestic legal systems must provide individuals with effective avenues to challenge administrative measures)
- *Kudla v Poland* (Excess of time in judicial proceedings can arise violation of Article 13 while there is no place to complain about the excess of time of the judicial proceedings)
- *Nachova v Bulgaria* (Killing of minority people by the police with discriminatory intent & Article 2 and 13 violation in conjunction with Article 14)
- *Mugemangango v. Belgium [GC]* (Effective legal remedies must be available for election-related violations & election complaints must be reviewed by an independent and impartial body)
- *N.D. and N.T. v. Spain* (Applicants’ own failure to access to judiciary does not lead to violation of Article 13 itself)

WEEK 7

The Right to Property

Economic and Social Rights

Derogations

Chapter 18. “Article 15: Derogation in Time of War or Other Public Emergency Threatening the Life of The Nation” Harris, O’Boyle, and Warbrick: Law of the European Convention on Human Rights (5th edn)

Landmark Cases

- *Brannigan and McBride v. United Kingdom* (Lengthy detention under martial laws)
- *Aksoy v. Turkey* (Lengthy detention under martial laws)
- *Mehmet Hasan Altan v. Turkey (2018)* & *Şahin Alpay v. Turkey* (Proportionality)

WEEK 8: Final Exams

** This is an estimated plan for the course. Some changes may be made by the instructor.*