



2024

20.00 credits

Q1 and Q2



**This learning unit is not open to incoming exchange students!**

Teacher(s)	EI Berhoumi Mathias ;
Language :	French
Place of the course	Bruxelles Saint-Louis
Learning outcomes	<p><b>At the end of this learning unit, the student is able to :</b>                      This predominantly legal seminar aims to look further, from a legal perspective, into certain contemporary questions in terms of fundamental human rights. It includes the realisation of an individual assignment by each student.</p> <p>The objective of the seminar is thus, among other things, to develop the students' capacity to:</p> <ul style="list-style-type: none"> <li>- define as precisely as possible the topic of the dissertation;</li> <li>- make the adequate methodological choices according to the topic;</li> <li>- carry out the analysis and the summary of a situation or a problem by determining the guidelines which apply to it;</li> <li>- share experience with and obtain feedback from the other students about the work in progress;</li> <li>- assimilate and respond to the observations and criticisms formulated by the other students and the teachers;</li> <li>- report on the progress of one's research;</li> <li>- master the requirements in terms of substance and form relative to the drafting of a paper on fundamental human rights legislation;</li> <li>- present the summary of certain common readings which could be assigned to students.</li> </ul>
Evaluation methods	<p>The students are graded on the basis of an assignment that must satisfy the following basic conditions:</p> <ul style="list-style-type: none"> <li>- to have for object and objective to answer a precisely determined research hypothesis and one that may be stated in the form of question;</li> <li>- to be presented in the form of a legally substantiated demonstration which answers the research question put forward;</li> <li>- to integrate the most relevant and most recent developments in legislation, doctrine and jurisprudence and to be complete and exhaustive in this respect;</li> <li>- to develop personal and original reasoning, thus demonstrating a student's creativity and legal interpretation skills;</li> <li>- to have legal discourse as a fundamental analytical resource (which a student can seek to clarify with the help of other disciplines);</li> <li>- the research must focus on international law and/or Belgian Law and/or comparative law: it may not be exclusively focused on foreign law.</li> </ul> <p>Certain formal requirements must also be respected:</p> <ul style="list-style-type: none"> <li>- the paper must comply with the rules relating to bibliographical references;</li> <li>- it must contain a bibliography which, source by source, details each element cited in the text;</li> <li>- it must be written in impeccable style and form;</li> <li>- it must be correctly structured.</li> </ul>
Teaching methods	<p>The seminar includes the individualized monitoring of each student's work as well as group sessions. An introductory session to present the topics to be covered in the seminar is organised at the beginning of the first term. During the second term, another session is devoted to the students' presentations of their research hypotheses.</p>
Content	<p>The object of the seminar is to consider the issue of the scope and implementation of cultural rights and to explore the different paths that would make it possible to overcome the obstacles that the classical doctrine continues to face in the effective implementation of these rights. To accomplish this, we will make use of the most up-to-date resources and techniques available to legal science, as well as the most recent developments in both national and international case law.</p> <p>Because only a precise and rigorous understanding of these unidentified or misidentified legal objects, i.e. cultural rights, makes it possible to grasp their effectiveness, the seminar will focus on two cultural rights in particular: the right to education and the right to take part in cultural life. The objective of the seminar and the students' assignments is to specify the effectiveness of these two rights, i.e. to define them from a legal standpoint and to identify their degree of applicability in a court of law. The process proposed is that of analysing the effectiveness of these rights in relation to the public policies that make it possible to carry them out: educational policies and cultural policies.</p>

Bibliography

- BEAT GRABER, (C.), « Substantive rights and obligations under the UNESCO Convention on Cultural Diversity », in Protection of the Cultural Diversity from a European and International Perspective, H. SCHNEIDER et P. VAN DER BOSCH (dir.), Anvers, Intersentia, 2008, pp. 141 et s.
- BIDAULT, (M.), La protection internationale des droits culturels, Bruxelles, Bruylant, 2010.
- BIETER (K. D.), The protection of the right to education by international law, Martinus Nijhoff Publishers, 2006.
- BREMS (E.), (dir.), Conflicts between fundamental rights, Antwerpen, Intersentia, 2008.
- BREMS (E.), « Vers des clauses transversales en matière de droits et libertés dans la Constitution belge ? », Rev. trim. dr. h., 2007, n°70, pp. 351 et s.
- BREMS (E.), A commentary of the United Nations Conventions on the Rights of the Child - Article 14 the right to freedom of thought, conscience and religion, Leiden, Martinus Nijhoff Publishers, 2006.
- BRIBOSIA (E.), « Applicabilité directe et primauté des traités internationaux et du droit communautaire. (Réflexions générales sur le point de vue de l'ordre juridique belge) », R.B.D.I., 1996, pp. 49 et s.
- BROCAL (C.), « Entre les devoirs de l'Etat et la liberté des parents, il y a le droit à l'instruction des enfants. Analyse de la jurisprudence de l'article 2, première phrase, du premier protocole additionnelle de la C.E.D.H. », C.D.P.K., 2005, p. 50 à 76.
- CHAPMAN (A. R.), « Development of Indicators for Economic, Social and Cultural Rights : The Right to Education, Participation in cultural life and Access to the Benefits of Science », in Human Rights in Education, Science and Culture. Legal Developments and Challenges, Y. DONDERS, V. VOLODIN (dir.), Paris, UNESCO Publishing/Ashgate, 2008, pp. 111 et s.
- CHAPMAN (A.R.) « Core Obligations related to ICESR Article 15(1) », in Privatisation and Human Rights in the Age of Globalisation, K. DE FEYTER, F. GOMEZ ISA (dir.), Anvers, Intersentia, 2005, pp. 305 et s.
- COWAN ( J. K.), DEMBOUR (M.-B.) et WILSON (R. A.) (dir.), Culture and Rights, Cambridge, Cambridge University Press, 2001
- CRAVEN (M.), The International Covenant on Economic, Social and Cultural Rights: A Perspective on Its Development, Oxford, Oxford University Press, 1995.
- CRONIN (A.-M.), « Consumers rights/ Cultural Rights: A new politics of European belonging », European Journal of Cultural Studies, 2002, vol. 5, pp. 307 et s.
- DECAUX (E.), « Les droits culturels : droits individuels universels, indivisibles et justiciables », Communications écrites concernant la Convention européenne des droits de l'homme et les droits culturels, 8ème Colloque international sur la Convention européenne des droits de l'homme, Annuaire de la Convention européenne des droits de l'homme, Annuaire de la Convention européenne des droits de l'homme, 1995, n°38, pp. 27 et s.
- DE COSTER (S.-P.), « La mise en œuvre des droits culturels par les pouvoirs locaux : l'exemple de l'audiovisuel », Rev. dr. comm., 1997, n°3, pp. 118 et s.
- DELGRANGE (X.) et EL BERHOUMI (M.), « Les droits en matière d'enseignement », M. VERDUSSEN et N. BONBLED (dir.), Les droits constitutionnels en Belgique - Les enseignements jurisprudentiels de la Cour constitutionnelle, du Conseil d'État et de la Cour de cassation, Bruxelles, Bruylant, 2011, p. 1175 à 1294.
- DE SCHUTTER (O.) et VAN DROOGHENBROECK (S.) Le droit international des droits de l'homme devant le juge national, Bruxelles, Larcier, 1999.
- DONDERS (Y.), « The Legal Framework of the Right to Take Part in Cultural Life », in Human rights in Education, Science and Culture Legal Developments and Challenges, Y. DONDERS, V. VOLODIN (dir.), Paris, UNESCO Publishing/Ashgate, 2007, pp. 231 et s.
- DONDERS (Y.), « A right to cultural identity », in Cultural Human Rights, F. MANCIONI, M. SCHEININ (dir), Brill Publishers, 2008, pp. 317 et s.
- DONDERS (Y.), « Cultural life in the context of Human Rights », Comité des droits économiques, sociaux et culturels, Discussion générale sur le droit de participer à la vie culturelle, 9 mai 2008, Genève, E/C.12/40/13.
- DONDERS, (Y.), « The protection of cultural rights in Europe : None of the Eu's Business ? », Maastricht Journal of European and Comparative Law, 2003, vol. 10, n°2, pp. 117 et s.
- DONDERS (Y.), Towards a Right to Cultural Identity?, School of Human Rights Research Series, Intersentia/Hart, Antwerp/Oxford/ New York , 2002.
- DUBUISSON (F.), « Quand le « droit » du public à l'information » rencontre les « droits » sur l'information : vrai ou faux débat ? », in Droit d'auteur et liberté d'expression. Regards francophones, d'Europe et d'ailleurs, A. STROWEL et F. TULKENS (dir.), Bruxelles, Larcier, 2006, p. 72 et s.
- DUMONT ( H.), STROWEL (A.), (dir.), Politique culturelle et droit de la radio-télévision, Bruxelles, Bruylant Publications des Facultés universitaires Saint Louis, 1998.
- DUMONT (H.), « Le droit à la culture, ou une liberté-autonomie et un droit-créance peuvent-ils se concilier dans une liberté-participation ? », R.I.E.J., 1984, n°13, pp. 221 et s.
- DUMONT (H.), Le pluralisme idéologique et l'autonomie culturelle en droit public belge, Bruxelles, Bruylant, 1996.
- DUMONT (H.) et HACHEZ (I.), « Les obligations positives déduites du droit international des droits de l'homme : dans quelles limites ? », Y. CARTUYVELS, H. DUMONT, M. VAN DE KERCHOVE et S. VAN DROOGHENBOECK (dir.), Les droits de l'homme, bouclier ou épée du droit pénal ?, Bruxelles, pub. FUSL/Bruylant, 2007, p. 45 à 73.
- DUPUY (P.-M.) et BOISSON DE CHARZOUNE (L.), « Article 2 », L-E PETTITI, E. DECAUX, P.-H. IMBERT (dir.), La convention européenne des Droits de l'Homme : commentaire article par article, Paris, Economica, 1999, p. 999 à 1010.
- DUSOLLIER (S.), « Le droit d'auteur et l'appropriation artistique », Art'icle, Février 2006, pp. 8 et s.
- DUSOLLIER (S.), « Le 'droit' à la copie privée : le débat est-il clos ? », note sous Bruxelles, 9 septembre 2005, R.D.T.I. n°23, décembre 2005, pp. 71 et s.

Other infos	Materials: An outline is available on Intranet and, among other things, it presents the seminar's objectives and organisation, its object, some paths of thought that can be followed and the requirements in terms of substance and form. This document also includes a general presentation of the right to culture and the right to education.
Faculty or entity in charge	DRTB

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Advanced Master in Human Rights (shift schedule)	DRHB2MC	20		