

INFO Nr 6
COURSES IN ENGLISH

(programme subject to changes)

May 2, 2022

Student's proficiency in English should be at least level B2 according to the *Common European Framework of Reference for Languages*:

<https://euopass.cedefop.europa.eu/resources/european-language-levels-cefr>

Semester Courses in ENGLISH

Courses	ECTS	Fall 2022	Spring 2023	Fall 2023	Spring 2024	Professor
English Legal History	5		X			Yves Mausen
European Anti-Discrimination Law	5	X		X		Nula Frei (Astrid Epiney)
European Asylum Law	5		X		X	Sarah Progin-Theuerkauf
Forensic Science and the Criminal Justice System	5			X		Joëlle Vuille
Global Justice and the Law	5		X		X	D. Wohlwend (Marcel Niggli)
International Criminal Law	5		X		X	Gerhard Fiolka
Migration and Human Rights	5	X		X		Sarah Progin-Theuerkauf

International and European Responsibility Law	5				X	Marie-Louise Gächter-Alge (Samantha Besson)
International Contracts: Civil and Common Law Compared	5		X		X	Pascal Pichonnaz Franz Werro
Introduction to Swiss Law	5	X		X		Hubert Stöckli
Privacy – A Comparative Law Approach	5	X				Christiana Fountoulakis

We particularly would like to draw your attention on the course **Introduction to Swiss Law**. This course is created especially for exchange and international students in order to give them an insight into Swiss Law. Students will be encouraged to follow this course. This course is opened to Bachelor and Master students.

Block Courses in ENGLISH

Courses	ECTS	Fall 2022	Spring 2023	Fall 2023	Spring 2024	Professor
Comparative Constitutional Law	5		X		X	Eva Maria Belser
Federalism, Decentralisation and Conflict Resolution	5	X 15.08-02.09.22				Eva Maria Belser Institute of Federalism

Seminar in ENGLISH

Courses	ECTS	Fall 2022	Spring 2023	Fall 2023	Spring 2024	Professor
International Contracts and Arbitration	5		X			Thomas Probst
International Criminal Justice (Wien)	5		X		X	Gerhard Fiolka

Descriptions are provided for information only. Please consult the updated descriptions for 2022/2023 on [Timetable](#).

“Introduction to Swiss Law” (Semester course)

University of Fribourg – Fall 2022

Prof. Hubert Stöckli

Description

The semester course "Introduction to Swiss Law" introduces the students to key aspects of Swiss Law (including the role of Public International Law and European Law in Switzerland).

The course consists of the following eight modules which are taught by the respective specialists:

- A brief history of everything
- The Swiss Constitution and what it stands for
- The system of succession law and some challenges ahead
- How Swiss contract law deals with consumers in general and standard contracts in particular
- Modern family concepts and family law in Switzerland
- The Swiss criminal law: crimes and sanctions
- International Law as it relates to Swiss Law
- Switzerland and the European Union

In order to give the students a chance to follow the "Blockkurse"/"Cours blocs" in weeks 1-3 of the semester, the course will start in the fourth week of the fall semester. It will from then take place every Thursday (except where noted otherwise in the course programme).

NB: Please note that the course is exclusively open to exchange students at the University of Fribourg (regular students are not admitted to this course).

Goals:

By visiting the course students will

- gain insight into the most important areas of Swiss Law.
- learn about the main sources of law (enacted law and decisions of the Federal Supreme Court).
- learn about the specificities of Swiss Law in comparison to foreign legislations.

The acquired knowledge enables students to critically compare and contrast rules of substantive Swiss Law with the law of their home countries.

Examination

Students take a 2-hours written examination about the content of two of the modules.

Materials

Documentation will be made available in the respective course on the platform "moodle2" (moodle2.unifr.ch).

“International and European Responsibility Law” (Semester course)

University of Fribourg - Spring 2024

Prof. Samantha Besson

Dr. Marie-Louise Gächter-Alge

Descriptif / Description

This Master semestrial course pertains to the concept, regime and mechanisms of international responsibility of States and of International Organizations. These issues will be examined first in general, and then in specific areas such as international and European human rights law, European Union Law and United Nations law. Various aspects of international dispute settlement are also addressed when they affect the regime of international responsibility.

Ce cours semestriel de Master (en anglais) porte sur le concept, le régime et les modalités de la responsabilité de droit international des Etats, et des organisations internationales. Il s’agira d’examiner ces questions tout d’abord en général, puis ensuite dans des domaines spécifiques comme celui du droit international et européen des droits de l’homme, du droit de l’Union européenne et du droit des Nations Unies. Différents aspects du droit international de règlement des différends seront aussi couverts en marge dans la mesure où ils affectent le régime de la responsabilité internationale.

Objectifs / Goals

The students revisit the foundations of international responsibility studied during their studies for the Bachelor of Law, and deepen their knowledge with a view to identify the difficult questions and to address them critically. The students also learn to solve advanced practical cases within this field.

Les étudiants ré-apprennent les bases du droit de la responsabilité internationale étudiée au Bachelor et approfondissent leurs connaissances de manière à pouvoir identifier les questions difficiles et en traiter. Ils apprennent aussi à résoudre des cas pratiques avancés dans le domaine.

Examen / Examination

Students take a 2-hours written examination, comprised of two theoretical questions. Students may bring their own copy the Ziegler A.R./Besson S., *Traité internationaux*, latest edition. (The documents must comply with the “*Directives d’examen de la Chaire*” as well as with the *Directive du 15 février 2016 concernant l’usage des lois aux examens (Directive annotations)*).

L’examen est un examen écrit de 2h comprenant 2 questions théoriques. Le matériel à disposition est le Ziegler A.R./Besson S., *Traité internationaux*, dernière édition. Les documents doivent être conformes aux *Directives d’examens de la Chaire* ainsi qu’à la *Directive du 15 février 2016 concernant l’usage des lois aux examens (Directive annotations)*.

Matériel / Materials

- The documents are made available on «Moodle» (<http://moodle2.unifr.ch/>; Droit international et commercial).
- Students also acquire the Besson S./Ziegler A.R., *Traité internationaux*, 3^e édition, Stämpfli : Berne 2016 or any collection of equivalent texts.
- The other documents, and in particular the ARSIWA 2001 and DARIO 2011, will be provided in PDF format on Moodle.

- Les documents de cours sont disponibles sous Moodle (<http://moodle2.unifr.ch/>; sous Droit international et commercial).
- Les étudiants acquièrent aussi le Besson S./Ziegler A.R., Traités internationaux, 3^e édition, Stämpfli : Berne 2016 ou tout recueil de textes équivalents.
- Les autres documents, et notamment les ARSIWA 2001 et DARIO 2011, seront fournis en PDF dans le Moodle du cours.

“Privacy – A Comparative Law Approach” (Semester course)

University of Fribourg – Fall 2022

Prof. Christiana Fountoulakis

Description

The course focuses on the protection of individual privacy in different legal systems. The importance and the meaning of “privacy” in Western European, Anglo-American and other legal cultures will be discussed on the basis of selected cases and articles. We will see the different facets of privacy and the extent to which each of it is legally protected under the various laws. It will also be shown that, under some laws, privacy is considered as an independent legal right, whereas in other countries no legal action can be brought for invasion of privacy.

A further key aspect will be the protection of the personal sphere at the age of internet. New technologies allow for arguably unlimited collection, sharing and storage of personal information. We will examine whether some laws are more concerned than others about these developments and whether there are common approaches, comparable legislation or similar case law.

Goals

The students will be familiar with the Swiss, foreign and international case law and legislation discussed in class. They will be able to describe the similarities and differences regarding the protection of privacy under the different laws and draw conclusions from this comparison.

The students are expected to have done the recommended reading and to actively participate in class.

Examination

There will be a final oral exam of 15 minutes at the end of the course.

“English Legal History” (Semester course)

University of Fribourg – Spring 2023

Prof. Yves Mausen

Description

A presentation of the historical evolution of the sources of English law and the development of the English courts, setting the Common Law tradition in its broader context: Anglo-Saxon legislation, Medieval legal culture, Royal institutions, procedural issues.

Goals

A better understanding of the nature of the Common Law by an analysis of its various influences and inspirations

Examination

Oral exam

Materials

A selection of texts and a general outline of the course made available on Moodle.

“European Anti-Discrimination Law” (Semester course)

University of Fribourg – Fall 2022

Prof. Nula Frei

Description

This course focuses on anti-discrimination law from a European perspective. While the course centers on the relevant anti-discrimination directives of the European Union, students will also learn about their interrelationship with anti-discrimination law under the European Convention on Human Rights as well as international human rights law protecting special groups from discrimination such as women, children or persons with disabilities.

The course will treat the different forms of discrimination (direct and indirect discrimination, harassment and instructions to discriminate as well as related acts such as hate speech or gender-based violence) and will take a closer look at some of the protected grounds like gender, “race”, religion, age, sexual orientation or disability. Thematic focuses will lie on the different regulatory spheres of anti-discrimination law such as employment or access to goods and services, access to justice, welfare, as well as current discussions on diverse topics such as racial profiling, affirmative action or gender quota.

Goals

Students are familiar with the European Union anti-discrimination directives as well as with their foundations in European and international human rights law.

They are able to apply their knowledge to practical situations and to solve real cases.

Examination

The assessment will take the form of a written exam (duration: 2h).

Materials

Documentation will be made available on «moodle».

“European Asylum Law” (Semester course)

University of Fribourg – Spring 2023

Prof. Sarah Progin Theuerkauf

Description

The course gives an introduction on International Refugee Protection and Human Rights. Based on this, the instruments of the Common European Asylum System will be discussed, especially the Dublin Regulation. The course will also take into account the association of Switzerland to the Dublin system.

The course is interactive. Case studies and oral presentations are mandatory.

Goals

At the end of the course, participants are able to assess applications for international protection and work with the EU instruments. They are also familiar with the important judgments of the CJEU in the area of asylum.

The course will allow students to work for migration offices, NGOs or other institutions active in the area of refugee protection.

Examination

The exam is written (2h).

Materials

All legal texts necessary for the course are available on Moodle.

“Migration and Human Rights” (Semester course)

University of Fribourg – Fall 2022

Prof. Sarah Progin Theuerkauf

Description

The course will analyze the application of human rights to a migrant's life cycle – from departure in the country of origin to arrival and stay in a host country and a possible return. The special situation of asylum seekers, refugees, regular and irregular migrants will be highlighted. The course will also take into account existing case-law of the European Court of Human Rights and other international instances.

Goals

The course will allow students to get familiar with human rights that have a special meaning for migrants (non-refoulement principle, right to family life, etc.) by studying the ECtHR's and other instances' landmark cases.

Examination

The exam will be oral (15 minutes, without preparation). It will consist of a case and several questions.

Students are allowed to use the laws indicated during the lecture and published on Moodle.

Materials

Not yet available

“International Contracts: Civil and Common Law Compared”

(Semester course)

University of Fribourg – Spring 2023

Prof. Franz Werro

Prof. Pascal Pichonnaz

Description

Despite an unprecedented number of international transactions and a growingly global economy, laws remain different throughout the world. The divide between the civil law and the common law traditions remains also deeply entrenched. Contract laws and business issues are, like all legal and societal issues, eminently cultural. Because of the frequent application of national laws in international disputes, it is very important to learn how to communicate between lawyers across cultures and legal systems. This is the reason why the persons in charge of this course have invited Prof. Greg Klass to share his knowledge of US Contract law, a common law system, driven by state case law and some nationwide integrated norms, such as the Uniform Commercial Code.

The course will deal with questions relating to the binding force of contracts, from formation to performance and enforcement, contract interpretation, change of circumstances, breach of contract and remedies. It will allow students to acquire a deeper understanding of the features of US Contract Law and Civil Contract Law in Europe and Switzerland. At the same time, it will be a unique opportunity to share views across the Atlantic and to relate to the cultural differences.

Goals

1. *To be able to understand the basic differences between civil law and common law of contract*
2. *To be able to see why difference matters and at what stage this is important*
3. *To have a good knowledge of the main cases presented*
4. *To be able to exchange on contract law issues, while understanding the cultural divide*

Essential skills:

Students will have the opportunity to learn (L) specific skills, to practice (P) these skills, and be evaluated (E) on the essential employability skills (i.e. critical skills that a person needs in the workplace).

These skills may include:

- **communication** (e.g. read and understand information, write and speak so that others pay attention and relate, listen and ask questions to appreciate the views of others, share information using a range of information and communications technologies, use relevant scientific knowledge and skills to explain or clarify ideas),
- **problem solving and critical thinking** (e.g. assess situations and identify problems, seek different views and evaluate them based on facts, recognize the human, interpersonal, technical and scientific dimensions of a problem, identify the root of a problem, be creative and innovative in exploring possible solutions, evaluate solutions to make recommendations or decisions, implement solutions, check to see if a solution works, and act on opportunities for improvement),
- **managing information** (e.g. locate, gather, and organize information using appropriate technology and information systems, access, analyze, and apply knowledge and skills)

working with others (e.g. understand and work within the dynamics of a group) – this will be less central this year given the pandemic restrictions.

Examination

2 hours written exam – open-book – case analysis and short essay

Documentation

Documentation is available on moodle : <https://moodle.unifr.ch/course/view.php?id=25748>

“Forensic Science and the Criminal Justice System” (Semester course)

University of Fribourg – Autumn 2023

Prof. Joëlle Vuille

Description

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Goals

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Examination

The

Materials

Documentation

“Global Justice and the Law” (Semester course)

University of Fribourg - Spring 2023

Prof. D. Wohlwend (Prof. Marcel Niggli)

Description

This.

Goals

The

Examination

The

Materials

Documentation

“International Criminal Law” (Semester course)

University of Fribourg – Spring 2023

Prof. Gerhard Fiolka

Description

War crimes, genocide, crimes against humanity and crimes against peace have marked the 20th century and are an ongoing reality in our times. But how do states and the international community react to those crimes?

This semester course focuses on the core crimes of international criminal law. It will treat the foundations of international criminal law, its development as well as the substantial aspects of international criminal law such as the different crimes and general rules on their application such as different modes of individual criminal responsibility, but also the reasons for excluding criminal responsibility. Furthermore, we will look at different actors in the field of international criminal law such as the International Criminal Court, ad hoc courts, hybrid courts and domestic jurisdiction.

Goals

After completing this course, students should know the rules of international criminal law and the different national and international institutions active in the field of international criminal law. They should be able to solve cases in international criminal law, but also to reflect critically about problems and challenges in the field of international criminal law.

Examination

The examination consists in an oral exam of 15 minutes (without time for preparation).

Students are expected to use their own legal resources such as acts and international agreements during the exam. Those documents may be annotated at leisure.

Materials

Information about documents needed for the course will be made available on Moodle.

“Comparative Constitutional Law” (Block course)

University of Fribourg - Spring 2023

Prof. Eva Maria Belser

Description

In this course, students will analyse constitutional matters such as government systems, judicial review, checks and balance arrangements, and human rights protection from a comparative perspective. We will first focus on fundamental constitutional values, such as individual freedom rights, and examine how these values are protected and promoted in different constitutional systems. By analysing constitutional texts, cases and further materials (for instance in the field of free speech, freedom of religion and non-discrimination) we will aim at better understanding different human rights concepts and concretisation mechanisms as well as common features of different legal systems and contexts. We will then turn to constitutional principles such as democracy, the rule of law, federalism and decentralisation and familiarize ourselves with different ways to organise public participation, to protect common interests and to set up a system of horizontal and vertical power sharing. In doing so, we will also try to better understand how different constitutional systems are affected by and react to increasing internationalisation of fragmentation of law and society. Throughout the course, we will discuss methodological matters of comparative law and improve our knowledge in the general theory of the state. The main focus of the course will be on the following constitutional systems: Germany, France, Switzerland, USA, India, South Africa and Ethiopia but we will also look at some new or fragile states and at some states in transition (Kosovo, South Sudan, and Nepal, etc.). Time permitting we will moreover discuss some new challenges to constitutional law such as migration, erosion of state power, and the impact of new technologies on constitutional matters.

Goals

These are the main objectives of the course

- students are familiar with comparative working methods;
- students know various constitutions and court cases and are able to deal with different legal texts and cases;
- students are aware of different human rights concepts and implementations mechanisms;
- students are acquainted with different state organization systems and are able to grasp differences and commonalities;
- students understand the importance of context to constitutional questions and answers

Examination

There will be an oral exam at the end of the course (15 minutes). They can take all documents and personal notes to the exam (open book).

Materials

Documents will be available on Moodle. .

Please register before the beginning of the course (Yvonne.heiter-steiner@unifr.ch).

“International Contracts and Arbitration” (Seminar)

University of Fribourg – Spring 2023

Prof. Thomas Probst

Description

This Seminar on International Contracts & Arbitration deals with typical issues that arise in connection with international contracts and with their resolution by arbitral proceedings. The first part of the seminar comprises five lecture-type sessions during which the fundamentals of international contracts and of international arbitration will be discussed (including external experts). The second part consists of a moot court arbitration on a case related to an international contract.

Goals

This Seminar aims at providing students with specific knowledge and know-how as to international contracts and related dispute resolution by arbitration.

Examination

There is no specific exam. The assessment will be based on a) active participation during lectures: 1/3; b) quality of written briefs / arbitral award: 1/3; c) oral pleadings and deliberation: 1/3.

Documentation

Documents will be made available on the homepage of Professor Probst

“Federalism, Decentralisation and Conflict Resolution” (Block course)

University of Fribourg – Fall 2022

August 15, 2022 – September 2, 2022

Prof. Eva Maria Belser

Description

Federalism and decentralisation are crucial mechanisms to share power and limit abuse of power. Since federalism and decentralisation combine shared action for specific purposes (e.g. defence, external relations, economic development) with autonomous action for other purposes (e.g. education, culture, health), such vertical power sharing is considered as being necessary to accommodate the multinational and multi-ethnic composition of most societies today. Federalism and decentralisation are not only seen as tools for power sharing, minority accommodation and inclusive state-building but also as a means for ensuring good governance, fostering democracy and contributing to development. It does therefore not

come as a surprise that theories and practices of federalism and decentralisation are discussed and put to the test throughout the world.

Vertical power sharing is topical in both stable as well as conflict-ridden societies, and can play a decisive role in post-conflict situations. During the last three decades, federalism and decentralisation have become important instruments for conflict transformation and resolution. Especially in countries characterised by state failure or fragility and/or inter-group conflicts, federalism and decentralisation are more and more often used to guarantee autonomy to marginalised groups and to provide access to power at the centre. Peace treaties typically provide for some form of power sharing between the conflicting groups and their territories. Linking federalism and decentralisation to peace-making and transition processes has therefore become an important research field.

For further information: Check our website at http://www.unifr.ch/ius/federalism_fr/accueil or contact Yvonne Heiter-Steiner at yvonne.heiter-steiner@unifr.ch.

Goals

The course enables students to enhance their knowledge about federalism, decentralisation and other forms of power sharing, especially when it comes to the chances they offer and the limits they face with regard to the transformation and resolution of intra-state conflicts. Students are provided insights into methodological and practical knowledge on conflict resolution and in writing a research paper.

Examination

A written exam will take place at the end of the Course and successful students will receive a Diploma in Federalism, Decentralisation and Conflict Resolution by the Institute of Federalism and the University of Fribourg. Students registered at the University of Fribourg at the Faculty of Law and exchange students will be eligible for obtaining ECTS credits towards their Master's Degree. All participants will receive a certificate of participation.

In order to successfully complete the Summer University, the participants must attend the whole course.

02.05.2022