

## HUMAN RIGHTS IN EASTERN COUNTRIES

Discipline <i>Academic field</i>	Law
Enseignant <i>Teacher</i>	Natasa DANELCIUC-COLODROVSCHI
Contact <i>E-mail address</i>	<a href="mailto:natasa.colodrovschi-danelciuc@univ-amu.fr">natasa.colodrovschi-danelciuc@univ-amu.fr</a>
Niveau de formation <i>Academic level</i>	2 <sup>ème</sup> année
Volume horaire <i>Hours</i>	20
Langue <i>Language</i>	English

### Description du cours / Course outline

The question of respect for the Rule of law in Eastern countries and the democratic future of their political regime is leading in actual debates and is a source of tension on European level which implies institutional and political stalemates. This course will familiarize students with the cultural, political and legal specificities that characterize Eastern countries' systems and have an important influence on the relationship between national legal systems and the European system for protection of human rights. Their knowledge will make it possible to better understand the positions these countries defend, the reasons of the existent strong stalemates in order to be able to consider possible solutions or to rethink certain approaches for avoiding a total interruption of the dialogue.

### Objectifs pédagogiques du cours / Course objectives

This course aims to provide a general presentation of the conventional system for the protection of human rights, its developments to ensure a better guarantee of rights and freedoms and the difficulties of implementation in Eastern European countries.

### Compétences acquises / Learning outcomes

- Knowledge of human rights concepts
- Knowledge of the European human rights protection system
- Knowledge of the contextual specificities of Eastern European countries (historical, political and legal)
- Ability to identify issues related to the relationship between legal systems and extra-legal factors that may be sources of substantive disputes

### Plan de cours par séance / Course content for each session

1. Historical evolution of the protection of human rights in Eastern countries and the constitutional particularities
2. The import of the Western model of guarantee and protection of rights and freedoms into the new democratic Constitutions

3. The role of the European Court of Human Rights as a developer of the national systems of guarantee and protection of rights and freedoms
4. The evolution of the control and interpretation techniques of the European Court of Human Rights with regard to the litigation specificities of Eastern countries
5. The gradual strengthening of controversies concerning the guarantee and protection of certain rights and freedoms
6. The adoption of measures at national level to oppose the European Court of Human Rights judgements
7. The evolution of the mechanism for supervising the execution of the judgments of the European Court of Human Rights to remedy political and institutional blockages in Eastern countries
8. A question of avoidable misunderstandings or insurmountable differences?

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Références bibliographiques / Bibliography

### Books

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- L. Szoszkiewicz, *Business and Human Rights in Central and Eastern Europe: Constitutional Law as a Driver for the International Human Rights Law*, Cambridge University Press, 2023 (open access)

### Articles and conference papers

- M. Bakardjieva, « The other civil society: digital media and grassroots illiberalism in Bulgaria », *European Societies*, 2023, N° 25, pp. 304-325
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- A. Blagojevic, M. Majnaric, « The Rule of Law, the doctrine of legitimate expectations and the Constitutional Court of the Republic of Croatia », *EU and Comparative Law Issues and Challenges Series*, 2024, N° 8, pp. 184-206
- A. Bodnar, « Polish road toward an illiberal State: methods and resistance », *Indiana Law Journal*, 2021, N° 4, pp. 1059-1087
- J. Elster, « Constitutionalism in Eastern Europe : An Introduction », *The University of Chicago Law Review*, vol. 58, 1995, N° 2, pp. 447-482, <https://constitutionnet.org/sites/default/files/Elster%20Eastern%20Europe.pdf>
- S. Foric, D. Trlin, « Bosnia and Herzegovina on the European path: the dynamics of State functionality

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M. Hartwig, « The Institutionalization of the Rule of Law : The Establishment of Constitutional Courts in the Eastern European Countries », *American University International Law Review*, vol. 7, 1992, N° 3, <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1536&context=auilr>

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J. Kahn, « The relationship between the European Court of Human Rights and the Constitutional Court of the Russian Federation: conflicting conceptions of sovereignty in Strasbourg and St Petersburg », *The European Journal of International Law*, 2019, N° 3, pp. 933-959

I. Kavass, G. Christian, « The 1977 Soviet Constitution: a historical comparison », *Vanderbilt Journal of Transnational Law*, 1979, vol. 12, pp. 533-662

S. Kelbia, R. Lutsyki, V. Skomorovskyi, O. Polishchuk, M. Lysak, « Ensuring the Rule of Law under Martial Law: A Comparative Study of Constitutional Mechanisms », *CERIDAP*, 2025, N° 3, <https://ceridap.eu/ensuring-the-rule-of-law-under-martial-law-a-comparative-study-of-constitutional-mechanisms/?lng=en>

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S. Suteu, « The Populist Turn in Central and Eastern Europe: Is Deliberative Democracy Part of the Solution? », *European Constitutional Law Review*, 2019, N° 3, <https://www.cambridge.org/core/journals/european-constitutional-law-review/article/populist-turn-in-central-and-eastern-europe-is-deliberative-democracy-part-of-the-solution/05A8387AD3D9601BF8FFAD7D9363C983>

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Mini CV de l'enseignant / Mini CV of the teacher

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Nataşa DANELCIUC-COLODROVSCHI is an Associated Professor at the Faculty of Law and Political Science of Aix-Marseille University, and Deputy-director of the Institute Louis Favoreu.

Her areas of research focus on comparative constitutional law (France and Eastern countries), European and International human rights law, legal systems' relationship, democratic transitions and democratic consolidation, crisis of liberal democracy, participatory democracy, moralization and transparency of public life.

She is the author of more than 250 research studies and the Editorial Director of the journal *Lettre de l'Est*.

As a recognized specialist of constitutional and European law, she is a member of Scientific and Editorial Committees of several French or foreign legal and multidisciplinary journals.

