

INFO Nr 6
COURSES IN ENGLISH

(programme subject to changes)

March 29, 2023 (last update)

Please note that the list is currently being updated and may still change a few times in the coming months. A regular update will be made.

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

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

Semester Courses in ENGLISH

Course Code	Courses Each course gives 5 ECTS	Fall 2023	Spring 2024	Fall 2024	Spring 2025	Professor
DDR.01779	Comparative Contract Law (former: <i>International Contracts: Civil and Common Law Compared</i>)		X		X	P. Pichonnaz F. Werro
DDR.02461	Competition Law (every two years)				X	M. Amstutz
DDR.02451	Law and the Digital Economy: Data, Contract, Competition	X		X		P. Pichonnaz M. Drenhaus
DDR.00866	European Antidiscrimination Law	X		X		N. Frei (A. Epiney)
DDR.01773	European Data Protection Law (every two years) (former : <i>Droit européen de la protection des données</i>)				X	M.-L. Gächter-Alge (S. Besson)
DDR.02454	Family, Status and Identity (every two years)			X		L. Heckendorn (A. Jungo)
DDR.02248	Global Justice and the Law		X		X	D. Wohlwend (M. Niggli)
DDR.00661	International and European Cooperation in Criminal Matters (every two years) (former: <i>Internationale Rechtshilfe in Strafsachen</i>)	X				G. Fiolka

DDR.02455	International and European Human Rights Law (every two years)			X		S. Besson
DDR.02453	International and European Refugee Law		X		X	S. Progin
DDR.00596	International and European Responsibility Law		X			M.-L. Gächter-Alge (S. Besson)
DDR.00525	International Arbitration		X		X	T. Göksu (R. Mabillard)
DDR.00673	International Criminal Law		X		X	G. Fiolka
DDR.02463	International Environmental Law (every two years)				X	N.N. (A. Epiney)
DDR.00515	International Humanitarian Law (former : <i>Droit international humanitaire</i>)	X		X		A.-M. La Rosa (S. Besson)
DDR.00456	Introduction to Swiss Law	X		X		H. Stöckli
DDR.00732	Islamic and Jewish Law		X		X	R. Pahud de Mortanges
DDR.02456	Privacy and Media Law (every two years)		X			Ch. Fountoulakis Y. Mausen

Block Courses in ENGLISH

	Courses Each course gives 5 ECTS	Fall 2023	Spring 2024	Fall 2024	Spring 2025	Professor
DDR.00776	Comparative Constitutional Law		-		X	E. M. Belser
DDR.02452	Economy, Governance, Climate (every two years)		X			I. Romy
DDR.00770	Federalism, Decentralisation and Conflict Resolution (every two years)			X 17.08. – 04.09.2024		E. M. Belser IFF

Seminar in ENGLISH

	Seminar Each seminar gives 5 ECTS	Fall 2023	Spring 2024	Fall 2024	Spring 2025	Professor
DDR.00950	International Criminal Justice (Wien)		X		X	G. Fiolka
DDR.02469	Migration and Human Rights (every two years)				X	S. Progin

Descriptions are provided for information only. Please consult the updated descriptions for 2023/2024 (available soon) on [Timetable](#).

We particularly would like to draw your attention on the following:

- **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.
- **Written papers:** Several teachers agree with papers to be written in English. Students may write proseminars (pass/fail - 3 ECTS), seminars (graded – 5 ECTS), research papers (graded – 10 ECTS). The fields concerned are: Public international Law, European Law, International Criminal Law, Conflict resolution in construction, Public procurement law, History of Law, Religious Law, Roman Law, Private Law, Criminal Law, Civil Law, Law of Obligations, Civil procedure and enforcement, Public Law, Business Law.

“Introduction to Swiss Law” (Semester course – DDR.00456)

University of Fribourg – Autumn 2023 / Fall 2024

Prof. Hubert Stöckli

Description

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

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

- A brief history of everything
- Switzerland and the European Union
- Swiss Public Law
- Tort Law
- Succession Law
- Property Law
- Criminal Law
- Contract Law
- Tax Law

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) from 12:15 pm to 3.00 pm.

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 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.

Materials

Documentation will be made available in the respective course on the platform “moodle”.

“Comparative Contract Law” (Semester course – DDR 01779)

(former *International Contracts: Civil and Common Law Compared*)

University of Fribourg - Spring 2024 / Spring 2025

Prof. Pascal Pichonnaz

Prof. Franz Werro

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:

5. **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),
6. **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),
7. **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

“Competition Law” (Semester course – DDR 02461)

University of Fribourg - Spring 2025

Prof. Marc Amstutz

Descriptif / Description

Objectifs / Goals

Examen / Examination

Matériel / Materials

“Law and the Digital Economy: Data, Contract, Competition”

(Semester course – DDR 02451)

University of Fribourg – Autumn 2023 / Fall 2024

Prof. Pascal Pichonnaz

Dr. Marc Drenhaus

Descriptif / Description

Recent developments in digital technologies have and will have a fundamental impact on society and our daily lives. The so-called digital revolution has effects on various fields of law, which are not restricted to economy and business law. Some projects in Europe and in the US envisage digital inheritance and tokenisation of immovable for example.

It remains that at the heart of digital changes lie the various aspects of the digital economy. This is triggered by data in the so-called data economy. Fundamental changes have however also occurred in structural aspects, linked to competition between very large platforms (addressed by the EU in the Digital Markets Act “DMA”), but also in more day-to-day business with the contractual relationships through platforms (Digital Services Act “DSA”) and the basic contracts between businesses or between businesses and consumers. The raise of AI as a disruptive element in these contractual features should not be neglected to keep the larger understanding of the phenomena.

This course will aim at giving answers to fundamental questions, such as: How blockchain and DLT are regulated? How should one analyse contract triggered by artificial intelligence and so-called algorithmic contracts? How to understand and regulate decentralised autonomous organisations (DAO)? These are some of the questions that will be discussed in this course. We will identify and analyse some of today’s salient aspects of the digital economy with an analysis of approaches and solutions proposed in particular by the EU.

Among other subjects, we will specifically address the following:

- **Data:** Understanding some of the key roles of data in the digital economy; how can it be legally defined and how the generation, use and distribution of it should be regulated.
- **Distributed ledger technology (DLT, e.g. Blockchain):** How does this technology work, how is it linked to decentralised autonomous organisations (DAO) and what challenges for the law arise from it?
- **Artificial intelligence:** Overview of the recent developments, including the AI Act and the AI Liability Act of the EU.
- **Contracts in the digital economy:** Understanding of contracts concluded by AI (algorithmic contracts) or via digital platforms and execution of it through smart contracts.
- **Competition:** What are the particularities of the digital economy as to competition, given the fundamental role of large and very large platforms? What means have been identified to address them?

Both Swiss and EU Law in the field of Data and Digitalisation will be referred to, as well as soft law instruments and practices.

Objectifs

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Goals

By the end of the course, you will understand the most important current legal issues related to the digital technologies in regard to economy and recognize how these are linked together. You will have an overview of some of the legal approaches that are being put in place in order for the law to fulfil its various functions in a digital economy.

Examen / Examination

Two hours written exam, with a mix between issue spotting and essay type questions.

Matériel / Materials

Documentation will be provided on moodle, and will consist mainly in a number of articles, legal material and slides.

“European Anti-Discrimination Law” (Semester course – DDR 00866)

(former *European Anti-Discrimination Law*)

University of Fribourg – Autumn 2023 / Fall 2024

Dr. Nula Frei (Prof. Astrid Epiney)

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 legal framework surrounding equality and non-discrimination in Europe. In particular, they know the equality law of the European Union, both in the Treaties as well as in secondary law directives. They are familiar with the case-law of the European Court of Justice interpreting these legal provisions.
- Furthermore, they are familiar with the (case-)law relating to Article 14 of the European Convention on Human Rights and have a basic understanding of the Swiss domestic equality law.
- Students are able to apply their legal-doctrinal knowledge to practical situations and to solve legal cases.
- Students are familiar with the theoretical concepts related to equality and non-discriminations, the controversies surrounding these concepts, and the conceptual questions raised by contemporary social disputes. They are able to critically analyse current problems by using these concepts, and to make connections between their theoretical knowledge and the European law, including case-law, on equality and non-discrimination.

Examination

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

Materials

Documentation will be made available on «moodle».

“European Data Protection Law” (Semester course – DDR 01773)
(former *Droit européen de la protection des données*)

University of Fribourg - Spring 2025

Dr. Marie-Louise Gächter-Alge (Prof. Samantha Besson)

Descriptif / Description

Objectifs / Goals

Examen / Examination

Matériel / Materials

“Family, Status and Identity” (Semester course – DDR 02454)

University of Fribourg - Autumn 2024

Dr. Lukas Heckendorn (Prof. Alexandra Jungo)

Descriptif / Description

Objectifs / Goals

Examen / Examination

Matériel / Materials

“Global Justice and the Law” (Semester course – DDR 02248)

University of Fribourg - Spring 2024 / Spring 2025

Dr. Denise Wohlwend (Prof. Marcel Niggli)

Description

While justice has traditionally been theorized primarily within the state, over the past three decades the concept has increasingly been applied to the global sphere. Due to intensified globalization processes, there are more and more problems that affect people in more than one state and/or that can only be solved through international cooperation. One may think of extreme poverty, health inequalities, increased flows of people, exploitative labour conditions or anthropogenic climate change.

The course will introduce students to the major philosophical theories of global justice. In a second step, some of the most important specific issues in the field of global justice will be discussed. This implies a critical assessment of the existing legal norms, institutions, and practices in the relevant areas. Examined approaches to global justice include: contractualism, cosmopolitanism and

particularism. Discussed specific issues include inter alia: humanitarian intervention, international trade, climate justice and migration.

Goals

By the end of the course, you will:

- know the basic elements and critiques of the major philosophical theories of global justice;
- be able to critically discuss these theories in the context of selected specific issues in the field of global justice and be better able to provide your own answer;
- be able to critically assess and reflect on existing legal norms, institutions and practices in the relevant areas from a global justice perspective.

Examination

Two-hour written examination on everything covered in the course.

Information on the examination process and the documents that are allowed in the exam hall will be announced during the course.

Materials

The documentation will be available on Moodle.

There will be a list with compulsory readings for each course.

“International Humanitarian Law” (Semester course – DDR 00515)

(former *Droit international humanitaire*)

University of Fribourg – Autumn 2023 / Autumn 2024

Dr. Anne-Marie La Rosa (Prof. Samantha Besson)

Descriptif / Description

The aim of the course is to give students a good understanding and a general knowledge of international humanitarian law, i.e. the international rules that tend to protect people and goods affected by armed conflicts, particularly when they are in the power or at the mercy of the enemy power, and those that restrict, for humanitarian reasons, the right of parties to such conflicts to use the methods and means of warfare of their choice.

After a brief historical review of international humanitarian law, the course will examine the main substantive provisions of this law, their purpose and their current meaning (interpretation) in the light of practice. The means of implementation provided for by international humanitarian law and the efforts made in this area will also be examined.

Objectifs / Goals

Understanding of the structures of international humanitarian law;

Ability to analyse specific cases and present various possible solutions.

Examen / Examination

2-hour written examination on a concrete case.

Documentation available for the examination: an up-to-date version of the *Recueil de Traités internationaux* (Besson/Ziegler), *Code de droit international humanitaire* (David/Tulkens/et al.) or the *Geneva Conventions* on sale on the ICRC website.

The annotations on the documents used by candidates must comply with the Directive of 15 February 2016 on the use of laws in examinations (*Directive annotations*; available on the Dean's Office's and Chair's websites, and in Moodle). Documents will be checked on site before the start of each examination.

Matériel / Materials

An up-dated version of the *Recueil de Traités internationaux* (Besson/Ziegler), *Code de droit international humanitaire* (David/Tulkens/et al.) or the *Geneva Conventions* on sale on the ICRC website.

Other course documents available on Moodle (under Droit et Droit international et commercial)"

“International and European Human Rights Law” (Semester course – DDR 02455)

University of Fribourg – Autumn 2024

Prof. Samantha Besson

Descriptif / Description

Objectifs / Goals

Examen / Examination

Matériel / Materials

“International and European Refugee Law” (Semester course – DDR 02453)

University of Fribourg - Spring 2024 / Spring 2025

Prof. Sarah Progin Theuerkauf

Description

This course will deal with the different instruments on refugee protection on an international and European level. The first part of the course will deal with the Geneva Refugee Convention and the principle of non-refoulement. The question of climate refugees will also be discussed. The second part of the course will focus on the Common European Asylum System (CEAS) and its different directives and regulations.

The course is interactive and many practical cases will be analyzed.

Goals

The course will give an overview on the legal instruments in the area of refugee protection on the international and European level. Many practical cases will be studied.

Participants will acquire knowledge that will allow them to work in the asylum sector, be it with authorities or with NGOs or International Organizations.

Examination

The exam will be oral (15 minutes) and consist of a small case and questions. No preparation time is granted.

The legal texts that are permitted during the exam will be communicated during the course and be made available on Moodle.

Matériel / Materials

All documents will be made available on Moodle.

“International and European Responsibility Law” (Semester course – DDR 00596)

University of Fribourg - Spring 2024

Dr. Marie-Louise Gächter-Alge (Prof. Samantha Besson)

Descriptif / Description

This Master semestrial course pertains to the concept, regime, conditions 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.

This course will not be passively livestreamed.

Ce cours semestriel de Master (en anglais) porte sur le concept, le régime, les conditions 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.

Ce cours n'est pas retransmis en passive livestreaming.

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, Stämpfli: Bern and the ARSIWA/ARIO in official version. (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 Besson S./Ziegler A.R., *Traité internationaux*, dernière édition, Stämpfli : Berne et les ARSIWA/ARIO en version officielle. 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; (under Droit international et commercial).
- Students also acquire the Besson S./Ziegler A.R., *Traité internationaux*, latest edition, Stämpfli : Berne or any collection of equivalent texts.
- The other documents, and in particular the ARSIWA 2001 and ARIO 2011, will be provided in PDF format on Moodle.
- *Les documents de cours sont disponibles dans le Moodle du cours (sous Droit international et commercial).*
- *Les étudiants acquièrent aussi le Besson S./Ziegler A.R., *Traité internationaux*, dernière édition, Stämpfli : Berne ou tout recueil de textes équivalents.*
- *Les autres documents, et notamment les ARSIWA 2001 et ARIO 2011, seront fournis en PDF dans le Moodle du cours.*

“International Arbitration” (Semester course – DDR 00525)

University of Fribourg – Spring 2024

Prof. tit. Tarkan Göksu (Prof. Ramon Mabillard)

Description

International arbitration as a special form of procedural dispute resolution is at the intersection of civil procedure law and international private law. The following topics of international arbitration will be dealt with in the advanced course:

- General introduction to the subject
- Area of application, location, arbitrability and arbitration agreement
- Arbitral court and pendency
- Procedure and jurisdiction
- Arbitral award and legal protection
- Enforceability and recognition of foreign arbitral awards

The legal situation in Switzerland is dealt with throughout, taking into account the international relevance of the subject matter. In terms of content, the course is a continuation and consolidation of the Master’s

courses in Civil Procedure Law and IPR I. Prior attendance of the Civil Procedure Law course is recommended.

Goals

Students understand the procedural principles of arbitration and are able to assess in particular in which cases the inclusion of an arbitration clause in contractual relations is appropriate and when it is not. They have an idea of how arbitration proceedings proceed and are sensitised to typical arbitration law problems. They also have basic knowledge in the area of challenging arbitral awards as well as the enforceability and recognition of foreign arbitral awards.

Examination

This is an oral examination of 15 minutes (without preparation time). The examination consists of questions and cases. Candidates may take and use the BGG, the ZPO and the IPRG (official collection or uncommented text edition).

Materials

The most important documents as well as the exact details of the course dates are available on Moodle.

“International and European Cooperation in Criminal Matters”

(Semester course – DDR 00661) (former *Internationale Rechtshilfe in Strafsachen*)

University of Fribourg – Autumn 2023

Prof. Gerhard Fiolka

Description

The course deals with particular aspects of transnational criminal procedures in procedural, but also substantial law.

One main aspect is mutual legal assistance in criminal matters (domestic acts and treaties). We will discuss extradition, but also other types of cooperation in criminal procedures.

Furthermore, specific aspects of European criminal law such as questions of jurisdiction, the European arrest warrant, the cooperation within Schengen and "ne bis in idem" within Europe will be discussed.

Objectifs / Goals

The course requires a regular and active participation. Students are expected to be able to solve problems in the fields of jurisdiction, mutual legal assistance, extradition and European cooperation in criminal matters and to assess those rules critically.

Examen / Examination

There will be an oral exam of 15 minutes without preparatory time.

Students may use their own documentation, which may be annotated at leisure.

Matériel / Materials

Documents will be made available in the course.

“International Environmental Law” (Semester course – DDR 02463)

University of Fribourg - Spring 2025

N.N. (Prof. Astrid Epiney)

Descriptif / Description

Objectifs / Goals

Examen / Examination

Matériel / Materials

“International Criminal Law” (Semester course – DDR.00673)

University of Fribourg – Spring 2024 / Spring 2025

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.

“Islamic and Jewish Law” (Semester course – DDR.00732)

University of Fribourg - Spring 2024 / Spring 2025

Prof. René Pahud de Mortanges

Description

Islamic and Jewish law both have a religious basis that originated a long time ago. Since then, they have had to be reinterpreted again and again to be applicable in the present. This is also true in different societal and cultural contexts because Muslims and Jews live in different parts of the world today, be it as a majority or as a minority.

This course aims to introduce the sources, the methods of interpretation and the important areas of regulation of the two religious rights. As with other religious rights, the focus is on family law; depending on the country, this stands (in Western states like Switzerland) alongside or (in the Near East) in place of national law. The course is also therefore also interested in legal pluralism between state and religious law. Experts in Islamic and Jewish law will be involved in the course, which will also include an excursion. Specific legal knowledge is not required.

Goals

The aim of the course is to understand the internal norms and self-perception of two religious communities, as well as the state legal norms applicable to them; thereby, seeking possible solutions to current areas of conflict in society.

Examination

Oral exam.

Matériel / Materials

In addition to the materials on Moodle and the script, the following two books are recommended for the course:

Pahud de Mortanges/Bleisch Bouzar/Bollag/Tappenbeck, Religionsrecht, FVRR, Bd. 23, 2. Auflage, Zürich/Basel/Genf 2018.

Winzeler, Einführung in das Religionsverfassungsrecht, FVRR, Bd. 16, 2. Auflage, Zürich/Basel/Genf 2009.

The course documents can be found on moodle.

“Privacy and Media Law” (Semester course – DDR.02456)

University of Fribourg - Spring 2024

Prof. Christiana Fountoulakis
Prof. Yves Mausen

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 Description 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. In addition, a certain number of lessons will deal with historical issues related to some of the main questions of privacy and media law, namely the notion of a person's honour and the different ways to defend it. Germanic legislation from late Antiquity as well as more recent medieval social practices will offer some of the most striking examples. But also modern English common law and its more technical categories of libel and slander will serve as background to a general introduction to what it meant through the ages for private matters to become public.

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.

The class will be held at the premises of the University. It will be streamed for those students who will not be able to join the class in person.

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, both from a contemporary and historical perspective, and draw conclusions from this comparison. The students are expected to have accomplished the recommended reading and to actively participate in class.

Examen / Examination

There will be an oral exam at the end of the course.

“Comparative Constitutional Law” (Block course – DDR.00776)

University of Fribourg - Spring 2025

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 Soudan, 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).

“Economy, Governance, Climate” (Block course – DDR.02452)

University of Fribourg –Spring 2024

Prof. Isabelle Romy

Descriptif / Description

Objectifs / Goals

Examen / Examination

Matériel / Materials

“Federalism, Decentralisation and Conflict Resolution” (Block course – DDR.00770)

University of Fribourg – Autumn 2024

August 17, 2024– September 4, 2024

*Prof. Eva Maria Belser
Institute of Federalism*

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](#) 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.

“International Criminal Justice (Wien)” (Seminar – DDR.00950)

University of Fribourg - Spring 2024 / Spring 2025

Prof. Gerhard Fiolka

Description

The Seminar in International Criminal Justice is organised by the University of Vienna with participation of the Universität der Bundeswehr in Munich and Fribourg University. The seminar usually takes place towards the end of the spring semester in Vienna.

If you require further information you don't find on the website of Prof. Fiolka, please contact gerhard.fiolka@unifr.ch.

“Migration and Human Rights” (Seminar – DDR.02469)

University of Fribourg – Spring 2025

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

06.02.2023/6.07.2023