UNIVERSITY OF LUCERNE

FACULTY OF LAW

COURSES IN ENGLISH

SPRING 2022–2023
Welcome

Dear students,

The Faculty of Law welcomes you to the spring semester 2022 at the University of Lucerne. If you come from Europe or overseas to study in Lucerne, we would like to extend a particularly warm welcome to you as a visitor to our city and country.

Our Faculty offers one of the broadest range of courses in English at Master’s level in Switzerland. Students enjoy the freedom of choice between multiple courses clustered mainly in the fields of human rights and international economic law, which are taught by renowned national and international lecturers. Furthermore, we offer the excellent certificate programme “Global Legal Studies: International Economic Law, Human Rights and Sustainability (GLS)” for incoming exchange students at Master’s level. The GLS certificate adds value to your professional profile and will allow you to gain unique insights into the law and practice of global law and earn an additional qualification.

We sincerely hope that you will make the best of these offers and prepare for the next steps in your career path.

On the following pages you will find an overview and the detailed descriptions of our courses in English language as well as useful information on contacts and the core semester dates.

Dean Andreas Eicker  
Professor of Law

Mira Burri  
Managing Director Internationalisation
Information about the Faculty

Faculty of Law
Address Frohburgstrasse 3
Mailing address P.O. Box 4466, 6002 Lucerne
E-Mail rf@unilu.ch
Website www.unilu.ch/law
Phone +41 (0)41-229.53.00

Faculty’s Board
Dean Prof. Dr. iur. Andreas Eicker +41 (0)41-229.53.10
Vice Dean Prof. Dr. iur. Nicolas Diebold +41 (0)41-229.53.40
Faculty Manager lic. iur. Madeleine Stämpfli +41 (0)41-229.53.12
Member Prof. Dr. iur. Karin Müller +41 (0)41-229.53.33
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lic. iur. Flavia Canali, RA +41 (0)41-229.53.08
Charlotte Wolfsisberg, MLaw +41 (0)41-229.53.09

Dean’s Office (room 4.04)
Opening hours Monday to Friday 8 am to 12.30 pm
Monday to Thursday 1.30 pm to 5 pm

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Sandra Möstl +41 (0)41-229.53.00

Staff and Student Admin. Margrit Derlet +41 (0)41-229.53.03

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Bea Schuler +41 (0)41-229.53.26

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System Administration Sandra Gisler +41 (0)41-229.53.13

Apprentice Julia Tellenbach +41 (0)41-229.53.16

Steering Committee Internationalisation
Managing Director Mira Burri +41 (0)41-229.53.71
international-rf@unilu.ch
Law Library, ZHB
Address Frohburgstrasse 3
Mailing address P.O. Box 4463, 6002 Lucerne
E-Mail info.upg@zhbluzern.ch
Website www.zhbluzern.ch
Phone +41 (0)41-349.76.00

Opening hours
Monday to Friday 7.30 am to 9.30 pm
Saturday 7.45 am to 3.30 pm

Core Semester Dates

Spring Semester 2022
Mon 21 Feb 2022 Start of courses
Tue/Mon 24/28 Feb 2022 Carnival / no courses
Fri – Sun 15 - 24 Apr 2022 Easter Break / no courses
Thu 26 May 2022 Ascension Day / no courses
Fri 27 May 2022 End of courses

Examinations for Courses in English
30 May – 09 June 2022
Examinations for Courses in German
10 June – 01 July 2022

Fall Semester 2022
Tue 20 Sep 2022 Start of courses
Tue 01 Nov 2022 All Saints’ Day / no courses
Thu 03 Nov 2022 Dies Academicus / no courses in the morning
Thu 08 Dec 2022 Immaculate Conception / no courses
Fri 16 Dec 2022 End of courses

Examinations for Courses in English
12 - 22 Dec 2022
Examinations for Courses in German
05 - 25 Jan 2023

Details see: https://www.unilu.ch/law/exams
Guidelines Governing the Certificate Programme
Global Legal Studies: International Economic Law, Human Rights and Sustainability

of 29 May 2017

The Faculty of Law,

based on § 19 section 2 and § 57 section 1 of the Study and Examination Regulations (Studien- und Prüfungsordnung, StuPO) of 28 September 2016 of the Faculty of Law of the University of Lucerne
decrees:

§ 1 Subject of the Guidelines

These Guidelines govern the Certificate Programme «Global Legal Studies: International Economic Law, Human Rights and Sustainability» (hereinafter «GLS»). The Study and Examination Regulations (Studien- und Prüfungsordnung) of 28 September 2016 are fully applicable.

§ 2 Scope and Aim of the GLS Programme

1 The GLS programme is an educational offer of the Faculty of Law of the University of Lucerne that forms part of its Master programme. It does not lead to the grant of a specific degree but is meant to acknowledge a certain specialisation in the field of global legal studies.

2 The GLS programme consolidates the English language courses offered at the Faculty of Law of the University of Lucerne.

§ 3 Structure and Content of the GLS Programme

1 The GLS programme is an «à la carte» programme. Students can choose from all English language courses offered. The requirements for admission, attendance and evaluation of each specific course apply. All courses are assessed and need to be awarded a passing grade in order for credit to be granted.

2 The course offer is published each year for the forthcoming two semesters. The updated information is made available under: www.unilu.ch/courses-in-english

§ 4 Admission and Fees

1 The GLS programme is open for regular Lucerne students matriculated in the Master programme and officially admitted exchange students from partner universities.

2 No additional fees apply.
§ 5 Award of a Certificate

1 A minimum of 5 courses equivalent to a minimum of 25 ECTS credits must be successfully completed in the framework of the GLS programme for the award of the dedicated certificate.

2 Credits earned for the GLS certificate cannot be counted as part of the Faculty of Law’s Master Profiles, as specified by the Guidelines to Study and Examination Regulations (Wegleitung zur Studien- und Prüfungsordnung) of 12 September 2016.

3 The Certificate is awarded by the Dean of the Faculty of Law of the University of Lucerne, if all the requirements of the programme have been fulfilled. The Certificate to be awarded will read *Certificate in «Global Legal Studies: International Economic Law, Human Rights and Sustainability».*

§ 6 Entry into Force of the GLS Guidelines

The present Guidelines shall enter into force on 1st August 2017.

Lucerne, 29 May 2017

On behalf of the Faculty of Law of the University of Lucerne

Prof. Dr. Bernhard Rütsche
Dean
# Courses in English, Spring 2022 - Spring 2023

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<thead>
<tr>
<th>Courses</th>
<th>Professor</th>
<th>Credits</th>
<th>Spring 22</th>
<th>Fall 22</th>
<th>Spring 23</th>
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</thead>
<tbody>
<tr>
<td>Anti-Terrorism Law</td>
<td>Eran Fish, PhD, LL.M</td>
<td>5</td>
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<tr>
<td>Copyright in the Digital Age (Block Course)</td>
<td>Prof. Mira Burri</td>
<td>5</td>
<td>X</td>
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<tr>
<td>Current Issues in Human Rights Law (Workshop)</td>
<td>Prof. Martina Caroni</td>
<td>5</td>
<td>X</td>
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<tr>
<td>English for Law and Business (Advanced)</td>
<td>PD Dr. Gordon Millar</td>
<td>3</td>
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<tr>
<td>International Arbitration</td>
<td>Prof. Daniel Girsberger</td>
<td>5</td>
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<td>International Banking &amp; Capital Market Regulation</td>
<td>Prof. Franca Contratto</td>
<td>5</td>
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<td>International Environmental Law (Block Course)</td>
<td>Prof. Thilo Marauhn</td>
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<td>International Human Rights Law</td>
<td>Prof. Martina Caroni</td>
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<tr>
<td>International Humanitarian Law</td>
<td>Prof. Martina Caroni</td>
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<tr>
<td>International Intellectual Property Law</td>
<td>Prof. Mira Burri</td>
<td>5</td>
<td>X</td>
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<td>International Investment Protection Law</td>
<td>Dr. Rodrigo Polanco Lazo</td>
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<td>International Law of Contemporary Media</td>
<td>Prof. Mira Burri</td>
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<td>International Litigation</td>
<td>Prof. Rodrigo Rodriguez</td>
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<td>International Migration Law</td>
<td>Dr. Stephanie Motz</td>
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<tr>
<td>International Sports Law</td>
<td>lic. iur. Michele Bernasconi</td>
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<td>International Trade Law</td>
<td>Prof. Mira Burri</td>
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<tr>
<td>Internet Law</td>
<td>Prof. Mira Burri</td>
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<tr>
<td>Introduction to Swiss Law (for incoming exchange students only)</td>
<td>Professors Mathis / Rodriguez / Coninx / Maeder</td>
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<td>Introduction to the Common Law System</td>
<td>Cynthia Anderfuhrten, JD</td>
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<td>Law and Economics (Workshop)</td>
<td>Prof. Klaus Mathis</td>
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<td>Law and Justice in Literature and Film</td>
<td>Dr. Steven Howe</td>
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<td>Law and Society in a Global Context</td>
<td>Prof. Vagias Karavas</td>
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1 (X) = expected offer
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<tr>
<th>Courses</th>
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<th>Credits</th>
<th>Spring 22</th>
<th>Fall 22</th>
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<tbody>
<tr>
<td>Law of Sustainable Development</td>
<td>Prof. Klaus Mathis</td>
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<td>Dr. Charlotte Sieber</td>
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<td>Public International Law (Workshop)</td>
<td>Prof. Martina Caroni</td>
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<td>Moot Courts</td>
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<td>ELSA European Human Rights Moot Court (EHRMCC)</td>
<td>Prof. Sebastian Heselhaus</td>
<td>18</td>
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<td>European Law Moot Court (ELMC)</td>
<td>Prof. Sebastian Heselhaus</td>
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<td>Nelson Mandela World Human Rights Moot Court</td>
<td>Prof. Martina Caroni</td>
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<td>Willem C. Vis Moot Court</td>
<td>Prof. Daniel Girsberger</td>
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<td></td>
<td>Roxane Schmidgall, MLaw</td>
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<td>Guest Courses</td>
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<td>Current Challenges to the Prohibition of</td>
<td>Prof. Nils Melzer</td>
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<td>Torture (and other Cruel, Inhuman or</td>
<td>UN Special Rapporteur</td>
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<td>Degrading Treatment)</td>
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<td>Intellectual Property Law and Society:</td>
<td>Dr. iur. Jessica Lai</td>
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<td>Current issues and alternative</td>
<td>Victoria University of Wellington, NZ</td>
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<td>The Law and Policy of Brexit</td>
<td>Prof. Tobias Lock</td>
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<td>United States Constitutional Law: Basic</td>
<td>Prof. Nils Melzer</td>
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<tr>
<td>Concepts and Current Developments</td>
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<td>Summer School (3 weeks in July)</td>
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<td>Lucerne Academy for Human Rights</td>
<td>Prof. Sebastian Heselhaus</td>
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<tr>
<td>Implementation</td>
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Detailed Descriptions of the Courses, Spring 2022 – Spring 2023

Find the most up-to-date information in the [electronic course finder](#).

### Anti-Terrorism Law

**Professor:** Eran Fish, PhD, LL.M.

**Dates:** Fall

**Course Type:** Lecture

**Course Description:** The aim of this course is to introduce students to the jurisprudential, doctrinal, and moral aspects of counter-terrorism law. The course will take a broad approach, encompassing case law from Europe, the US and the Middle East, international law, and some theoretical literature. We will ask, among other things, what is the right legal framework for counter-terrorism laws, whether there is a non-biased definition of terrorism, and how to reconcile the commitments to public security and to human rights. Though the course will be conducted as a series of lectures, students are encouraged to participate in the discussion.

**Prerequisites:** None.

**Course Objectives:** By the end of the course, students will be able to identify the relevant issues at play, and to analyse complex questions in the field of anti-terrorism law.

**Weekly hours:** 2 hours a week

**Language:** English

**Examination Mode / Credits:** Written exam (open book) / 5 Cr

**Contact:** eran.fish@doz.unilu.ch

**Material:** Reading materials will be uploaded on OLAT.

### Copyright in the Digital Age (Block Course)

**Professor:** Prof. Dr. iur. Mira Burri

**Dates:** Spring

**Course Type:** Workshop

**Course Description:** Digital technologies and the Internet in particular have triggered disruptive changes in long-established modes of creating, distributing and using works, ranging from literature and music to scientific publications and computer software. International and national copyright law has adapted, at least partially, in an attempt to reflect these changes. Yet, the jury is still out on whether these changes are appropriate and there is an intense ongoing debate on the proper scope of copyright and the means of its enforcement in the digital space. On the one side, there are strong voices, especially from the entertainment industries, that claim that the digital revolution has seriously undermined copyright protection that is essential to encourage the creation and distribution of new works. On the counter side, there are those who believe that strong and ever stronger copyright protection in fact inhibits technological innovation, hampers creativity and chills freedom of expression.

It is the purpose of this workshop to clarify the stakes in this debate and thematise the challenges that stand before policy- and rule-makers in the field of digital copyright law. It will use current developments, such as the Google Books case and the Creative Commons licence, or questions on the liability of Internet intermediaries, and discuss the law and practice at the international level and in selected national jurisdictions (US, EU and Switzerland).
### Current Issues in Human Rights Law - Workshop

**Professor:** Prof. Dr. iur. Martina Caroni  

**Dates:** Spring  

**Course Type:** Workshop "Human Rights and Climate Change"  

**Course Description:** Climate change caused by human activity has undeniably a negative impact on the full enjoyment of a wide variety of human rights, including the right to life, to food and water, to a adequate standard of living, to housing etc. In the workshop we want to shed light on the different aspects of the topic.  

The workshop will be held in two parts. During the first part of the semester students will work in groups (3 to 4 students) and prepare presentations and papers on self-chosen topics relating to this semester's theme. After a first organisational meeting at the beginning of the semester, there will be no weekly class meetings, but rather individual guidance sessions with Prof. Martina Caroni and her team for the groups. During the second part of the semester, there will be weekly meetings for the group presentations and discussion of the issues presented.

**Prerequisites:** Basic knowledge of international human rights law and/or international humanitarian law recommended (but not a requirement)

**Weekly Hours:** 2 hours a week  

**Language:** English  

**Examination Mode / Credits:** Grade based on class participation (1/3), presentation and conduction of discussion (1/3) and the paper (1/3) / 5 Cr  

**Limitation:** Yes, 12 students  

**Registration:** Registration/deregistration mandatory on the "UniPortal"  

**Contact:** martina.caroni@unilu.ch
# English for Law and Business (Advanced) (Non-Legal Course)

**Professor:** PD Dr. Gordon Millar  
**Dates:** Fall  
**Course Type:** Lecture  
**Course Description:** The nine sessions will be allocated to the following topics. Each topic will be exemplified with the help of a case/cases or an appropriate document.  
  - **Session 1:** Legal Research (knowledge of precedent, court hierarchy and records)  
  - **Session 2:** Legal Analysis and Argument (identifying and formulating legal issues, synthesising legal arguments, critiquing legal arguments)  
  - **Session 3:** Presenting Legal Arguments (presentation language and skills, the debating society culture, separating self and role)  
  - **Session 4:** Legal Ethics (the language of ethics and policy)  
  - **Session 5:** Business and the Law I (the language of tort and contract)  
  - **Session 6:** Business and the Law II (the language of trusts)  
  - **Session 7:** Management thinkers in English  
  - **Session 8:** Creative Destruction: innovation and change  
  - **Session 9:** Creative Construction: business strategy and design  
  Information about the assessment, a take-home activity, will be given in Session 8.  
**Prerequisites:** English from at least level B2; no native speakers admitted  
**Course Objectives:** In order to make the best out of an exchange semester, a double degree or an LLM in an Anglo-American context, preparation and acclimatisation is of great benefit. The same goes for a job start in an English-speaking context. This course aims to familiarise students with the legal and business English concepts, lexis and communication skills necessary to an effective start into an English-speaking experience.  
**Weekly hours:** 9 sessions of 2 hours each  
**Language:** English  
**Examination Mode / Credits:** Paper, passed/failed (with grade) / 3 Cr  
**Contact:** gordon.millar@doz.unilu.ch

# International Arbitration

**Professor:** Prof. Dr. iur. Daniel Girsberger  
**Dates:** Fall  
**Course Type:** Lecture with exercises  
**Course Description:** International arbitration has firmly established itself in dispute resolution as a private form of adjudication existing alongside the jurisdiction of the state courts. Switzerland is a popular venue for arbitration in particular for commercial, investment, sports and domestic arbitration.  
**Prerequisites:** Basic knowledge of Civil Procedure and Commercial Law  
**Course Objectives:** The aim of this course is to convey the principles and types of alternative dispute resolution (with an emphasis on commercial arbitration, but also touching upon mediation, investment and sports arbitration) and to foster an understanding of how arbitration works in concrete cases.  
**Weekly hours:** 2 hours a week  
**Language:** English  
**Examination Mode / Credits:** Written exam / 5 Cr  
**Contact:** daniel.girsberger@unilu.ch, theresia.kloetzli@unilu.ch
Literature

- Further required materials will be announced at the beginning of the course.

The recommended literature will be available at the "Studiladen".

Legislation required for the exam

The necessary laws and rules will be made available to participants at the beginning of the lecture.

International Banking & Capital Market Regulation

**Professor:** Prof. Dr. iur. Franca Contratto

**Dates:** Spring

**Course Type:** Lecture

**Course Description:**
This course gives an overview of the international regulatory framework for banks and capital markets. It conveys the economic, legal, and geopolitical foundations necessary to understand the key pillars of today's «architecture» for global financial markets. The course program is based on the key body of current international standards (Basel Committee on Banking Supervision/BCBS, Financial Stability Board/FSB, International Commission of Securities Regulators/IOSCO, etc.) and analyzes the challenges of their implementation in the jurisdictions of leading financial centres in the world (namely the EU, UK, US, Hong Kong & Singapore).

The course not only covers the classical elements of international financial regulation (banking supervision, capital market regulation, enforcement & sanctions), but also sheds light on various «hot topics», such as climate change and green finance, digital finance and cryptocurrencies as well as current trends in enforcement, such as internal investigations, whistleblower protection and the «globalization of class actions».

**Prerequisites:**
The course does not require any particular prior knowledge, except for a good command of English.
For students who have previously attended the course "Finanz-markrecht", this course offers the opportunity to deepen their understanding of regulatory approaches to banks and capital markets in a global context, to critically reflect on their previous knowledge of Swiss law with comparative law analyses, and thus to prepare for a practical activity in this challenging legal field.

**Course Objectives:**
The key goals of this course are to:

- Foster a deep understanding of the legal, economic and political challenges of regulating and supervising banks and capital market transactions in a global context.
- Enable students to identify market failures in the global financial system and to critically assess various regulatory approaches to correct them.
- Raise awareness of differing regulatory approaches in various jurisdictions through comparative legal analysis and reflections on the role of regulatory and legal «culture».

Familiarize students with current issues that will shape the future design of global financial regulation.

**Weekly hours:** 2 hours a week

**Language:** English

**Examination Mode / Credits:** Oral or written exam / 5 Cr

**Contact:** franca.contratto@unilu.ch

**Notice:** No specific textbook will be required. All relevant information on the course, including a detailed syllabus as well as all course materials and readings will be available for download on OLAT. Students are responsible for keeping updated on potential changes of the syllabus and/or class dates and times announced on OLAT.
International Environmental Law

**Professor:** Prof. Dr. iur. Thilo Marauhn

**Dates:** Fall

**Course Type:** Block Course

**Course Description:**
International environmental law has emerged as one of the fastest growing areas of public international law. Originally created by States for States to address problems arising between States, it has moved beyond this and has become part of global governance. This course offers a critical account of the history, key concepts, governance structures and regulatory techniques of this branch of public international law. In addition, we will have a closer look at particular subject matters and their management by the international community, including climate change, atmospheric protection, oceans, freshwater and biodiversity.

**Prerequisites:** Basic knowledge of international law

**Course Objectives:**
1. To understand governance structures and regulatory techniques of international environmental law
2. To understand key concepts of international environmental law
3. To know important multilateral environmental agreements (MEAs)

**Weekly hours:** Block Course

**Language:** English

**Examination Mode / Credits:** Written exam / 5 Cr

**Contact:** thilo.marauhn@doz.unilu.ch

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**Literature**

What’s indispensable?

Selected course materials will be available, both online and at the Studiladen.


**Further Literature**

- JUTTA BRUNNÉE, Procedure and Substance in International Environmental Law, Brill/Nijhoff 2020;

**Legislation required for the exam**

- Will be made available as course material.
International Human Rights Law

Professor: Prof. Dr. iur. Martina Caroni

Dates: Fall

Course Type: Lecture

Course Description: The course focuses on the sources, emergence, expansion, and enforcement of international human rights norms. It introduces the major international institutions and political processes by which international human rights norms are established and enforced, namely the regimes established under the United Nations, regional human rights conventions (European, Inter-American, African), and the various treaties. The course is divided into two parts: the first part introduces the evolution and conceptual foundations of human rights, the most important human rights treaties and the mechanisms for their implementation; the second part considers selected substantive human rights guarantees (e.g. the right to life, prohibition of torture) and cross-cutting issues (e.g. human rights and the environment, business and human rights etc.) in a comparative mode using standards developed in international human rights law as well as regional standards. As the course will be held in a seminar-like style, i.e. emphasising class discussions, active preparation for and participation in the class is expected.

Prerequisites: Basic knowledge of Public International Law recommended

Course Objectives: Students are able to identify, analyse and assess issues relating to human rights questions.

Weekly hours: 2 hours a week

Language: English

Examination Mode / Credits: The examination type (oral or written) will be announced at the beginning of the semester. / 5 Cr

Contact: martina.caroni@unilu.ch

Literature

Essential teaching materials?
- Reader “International Human Rights Law”: the reader will be available at the Studiladen
- Collection of Treaties “International Human Rights Law”: a collection of relevant human rights law treaties will be available at the Studiladen.

Further Reading
Further reading can be done on the basis of any book on international human rights law.

Treaties pertinent for the exam
- Covenant on Economic, Social and Cultural Rights (CESCR);
- Covenant on Civil and Political Rights (CCPR);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- European Convention for the Protection of Human Rights and Fundamental Freedoms (as amended by Protocols Nos. 11 and 14 and supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16) (ECHR);
- African Charter on Human and Peoples Rights (AFCHR);
- American Convention on Human Rights (ACHR);
- Arab Charter on Human Rights (2004);
- Convention on the Prevention and Punishment of the Crime of Genocide;
- International Convention for the Protection of all Persons from Enforced Disappearance (CED);
- Convention on the Rights of Persons with Disabilities (CRPD);
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- Convention on the Rights of the Child (CRC);
International Humanitarian Law

**Professor:** Prof. Dr. iur. Martina Caroni

**Dates:** Spring

**Course Type:** Lecture

**Course Description:** Despite the fact that the UN Charter prohibits the use of force, armed conflicts remain a reality in today’s world. The special legal regime for situations of armed conflicts is provided by International Humanitarian Law (IHL). IHL neither addresses the reasons nor the possible legal justifications of armed conflicts; instead it focuses on the protection of the victims of warfare. IHL aims at mitigating the effects of armed conflicts by constraining the means and methods of warfare and by obliging all parties to a conflict to protect persons not engaged in hostilities, mainly civilians and soldiers out of combat. Humanitarian law therefore aims at limiting harm and suffering caused by wars, thereby accepting the existence of armed conflict in today’s world.

The course offers an introduction to IHL, its development, legal bases and challenges. It focuses on the two branches of international humanitarian law, the law of Geneva (protection of victims) and the law of The Hague (means and methods of warfare), the rules governing international and non-international armed conflicts as well as the implementation of those legal norms. These issues will be discussed and analysed in the light of current developments, recent events and challenges to IHL.

**Prerequisites:** Basic knowledge of Public International Law and Human Rights Law is recommended.

**Course Objectives:** Students are able to identify, analyse and assess issues relating to IHL when faced with situations of armed conflict.

**Weekly hours:** 2 hours a week

**Language:** English

**Examination Mode / Credits:** The examination type (oral or written) will be announced at the beginning of the semester / 5 Cr

**Contact:** martina.caroni@unilu.ch

**Literature**

**Essential teaching materials**

- The Course Reader „International Humanitarian Law“.

The reader will be available at the “Studiladen”.

- Copies of the four Geneva Conventions and the three Additional Protocols to the Geneva Conventions. These can be ordered for free from the International Committee of the Red Cross (www.icrc.org) and are also available at the “Studiladen”.

**Further Reading**

Further reading can be done on the basis of any book on International Humanitarian Law.

**Treaties required for the exam**

- Geneva Conventions I-IV;
- Additional Protocols I-III.
# International Intellectual Property Law

**Professor:** Prof. Dr. iur. Mira Burri

**Dates:** Fall

**Course Type:** Lecture

**Course Description:** This course focuses on the increasing importance of intellectual property rights in international law, business transactions and litigation. It offers an introduction to the basic notions, forms, principles and problems of intellectual property protection in transnational relations by discussing the law and leading cases decided in the United States, the European Union and Switzerland, and by studying the TRIPS Agreement of the World Trade Organisation and relevant materials of the World Intellectual Property Organisation. Students will learn about the critical current and future policy issues underlying the protection of intellectual property rights at the national and global level.

The knowledge gained in the course will be a great asset for those seeking to pursue a career in large internationally positioned legal firms, in international and non-governmental organisations and in the Swiss federal administration.

**Prerequisites:** No specific prerequisites; knowledge of Swiss intellectual property law is an asset but not a requirement.

**Course Objectives:**
- Furthering of the understanding, the application of knowledge and professional judgment in the field of international intellectual property law.
- Acquiring core knowledge in the areas of patents, copyright, trademarks, the protection of trade secrets and geographical indications.
- By the end of the course, students will be able to frame and independently assess current developments in intellectual property law, to actively engage in debates and formulate legal opinions on the topic based on acquired knowledge of national and international law and practice, as well as of contemporary legal scholarship.

**Weekly hours:** 2 hours a week

**Language:** English

**Examination Mode / Credits:** Oral and open book exam / 5 Cr

Class attendance and active participation are critical to success in the course. Each class requires adequate preparation.

**Contact:** mira.burri@unilu.ch

**Material:** The reader (see below) will be available as a hard copy at Studiladen as well as an electronic copy on OLAT. Specific mandatory readings on the basis of the reader will be specified.

The relevant legal texts can be downloaded from the websites of the WTO and the WIPO, and will be provided on OLAT.

**Literature**

**International Investment Protection Law**

<table>
<thead>
<tr>
<th>Professor:</th>
<th>Dr. iur. Rodrigo Javier Polanco Lazo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dates:</td>
<td>Spring</td>
</tr>
<tr>
<td>Course Type:</td>
<td>Lecture and case studies</td>
</tr>
<tr>
<td>Course Description:</td>
<td>The international regime for the protection of foreign investments is an important part of International Economic Law. Switzerland alone has entered into over 120 Bilateral Investment Promotion and Protection Agreements (BITs) in order to protect the investments of Swiss companies in partner countries from non-commercial risks such as unlawful expropriation, discriminatory regulations or restrictions on capital flows. Investment protection clauses are also part of preferential trade agreements (PTAs), like NAFTA, CETA and the CPTPP, as well as multilateral treaties, such as the Energy Charter Treaty. In total, today there are more than 3000 international investment agreements (IIAs), including both BITs and PTAs with investment chapters. The lecture offers an in-depth introduction to international investment protection law with a focus on both the substantive principles governing the protection of foreign investments and procedural mechanisms for the settlement of disputes between the host state and the foreign investor. Following an overview of the history and the underlying rationale of investment protection law, the course will examine the general principles such as expropriation, non-discrimination and fair and equitable treatment, as well as investor-state dispute settlement. Emphasis is also placed on the criticisms against international investment protection, as well as the tension between the international obligations relating to investment protection and the states' sovereign right to regulate social standards, environmental protection or human rights issues.</td>
</tr>
<tr>
<td>Prerequisites:</td>
<td>The course is designed for advanced students with an interest in globalisation and international economic relations. Ideally (but not necessarily), students have basic knowledge in (public) International Law.</td>
</tr>
<tr>
<td>Course Objectives:</td>
<td>To provide students with an understanding of the need for international protection of foreign investors and investments, and the solutions offered by different treaty regimes; to assess the downsides and risks of investment protection; to promote practical skills in arbitration cases; to offer a deeper understanding of the role of investment arbitration in recent treaty negotiations with a view to a comparative law analysis.</td>
</tr>
<tr>
<td>Weekly hours:</td>
<td>2 hours a week</td>
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<tr>
<td>Language:</td>
<td>English</td>
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<tr>
<td>Examination Mode / Credits:</td>
<td>The final grade will be determined based on a case presentation during the course and the exam (oral, open book) at the end of the course. / 5 credits</td>
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<tr>
<td>Registration:</td>
<td>Registration/Deregistration mandatory on the &quot;UniPortal&quot;</td>
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<tr>
<td>Limitation:</td>
<td>Yes, 28 students</td>
</tr>
<tr>
<td>Contact:</td>
<td><a href="mailto:rodrigo.polanco@doz.unilu.ch">rodrigo.polanco@doz.unilu.ch</a></td>
</tr>
</tbody>
</table>

**Literature**

**What's indispensable?**

- Reader (Syllabus, Cases, legal texts) will be provided as PDF;
# International Law of Contemporary Media

**Professor:** Prof. Dr. iur. Mira Burri  
**Dates:** Fall  
**Course Type:** Lecture  
**Course Description:** The course provides an introduction to the current issues in the regulation of media at the international level, covering the pertinent human rights norms, the rules of the World Trade Organization, and the relevant topics of international telecommunications, Internet Governance and copyright law. New digital media build the specific focus of the course and spur interesting discussions on the evolution of cyberlaw, taking into account current developments, such as around fake news, creativity online and the role of platforms.  
**Course Objectives:**  
- Furthering of the understanding, the application of knowledge, and professional judgment in the area of the international law of contemporary media.  
- By the end of the course, you will be able to frame and independently assess the legal implications of modern media phenomena, such as Google Books, online misinformation or net neutrality.  
**Weekly hours:** 2 hours a week  
**Language:** English  
**Examination Mode / Credits:** Oral and open book exam (5 Cr); mandatory participation in one interactive session.  
**Contact:** mira.burri@unilu.ch  
**Material:** There is no particular script or textbook needed for the course. The relevant readings to each session will be provided electronically and made available on OLAT.  

Legislation required for the exam  
None.

# International Litigation

**Professor:** Prof. Dr. iur. Rodrigo Rodriguez / Prof. Mark E. Wojcik, JD / Lauren Fielder, LL.M.  
**Dates:** Spring  
**Course Type:** Block Course  
**Course Description:** This course will survey practical issues of international civil litigation including: choice of forum; choice of law; personal and subject-matter jurisdiction; international service of process; international gathering of evidence; antisuit injunctions; motions to compel arbitration; defenses to being sued in foreign courts including forum non conveniens; enforcing and resisting judgments and international arbitral awards; and strategies to help clients avoid international litigation.  
**Course Plan**  
Part One with Lauren Fielder, LL.M. will guide participants through in-depth, selected international litigation case studies.  
Part Two with Prof. Wojcik will introduce key issues and concepts in international litigation, including jurisdiction, defenses, choice of forum, choice of law, service of process, collecting evidence, antisuit injunctions, and enforcing judgments and international arbitration awards.  
Part Three of the course with Prof. Rodrigo Rodríguez will focus on litigation strategies under Swiss and European Union Law including service of process, taking evidence, recognition of judgments, and defense strategies.  
**Prerequisites:** None
Course Objectives: This practice-oriented course will provide students with an understanding of transnational litigation and how it differs from other forms of international dispute resolution. Students will learn how to respond to and handle concurrent proceedings in multiple jurisdictions and learn practical matters such as enforcement (or avoiding enforcement) of court judgments from other jurisdictions, in particular from common-law jurisdiction such as the United States. Students will also be enabled to apply the tools provided by Swiss and international law to a cross-border litigation case.

Weekly hours: 3 blocks
Language: English
Anrechnungsmöglichkeit/en: International Litigation
Examination Mode / Credits: Written exam; combination of multiple choice questions and short essay questions / 5 Cr
Contact: rodrigo.rodriguez@unilu.ch; mark.wojcik@doz.unilu.ch; lauren.fielder@doz.unilu.ch

Guest Students: Open for Guest Students

Literature

What’s indispensable?
- Reader with court decisions, excerpts of relevant treaties and statutes, and academic literature (will be accessible online at no charge to students enrolled in the course);
- Supplemental collection of relevant excerpts from treaties, statutes, rules, and regulations from selected jurisdictions including Switzerland, the European Union, the United Kingdom, the United States, and selected countries from Asia, Africa, and Latin America. (These materials will be accessible online at no charge to students enrolled in the course).

Further Literature
Additional court decisions and readings will be accessible online.

International Migration Law

Professor: Dr. iur. Stephanie Motz

Dates: Spring

Course Type: Lecture

Course Description: As a result of globalisation of labour markets, demographic pressures in sending and receiving States, environmental disasters, political changes in sending States etc. international migration is a topic of ever-increasing interest and relevance. The course focuses on the international legal framework that regulates the flow of people across international borders as regular or irregular migrants including the rights and responsibilities of States as they pertain to international migration and the protection of human rights of migrants. Topics will include: Contemporary patterns of international migration; International Human Rights of Migrants; Regulation of entry and exit of persons; Refugees and asylum seekers; Nationality and statelessness; International labour migration, international labour law and protection of non-nationals; Trafficking in persons and smuggling of migrants; International, regional and bilateral migration processes; Emerging migrations issues.

Prerequisites: Basic knowledge of Public International Law, Human Rights Law and/or Migration Law would be an asset.

Course Objectives: Students are able to indentify, analyse and assess issues relating to international migration law.

Weekly hours: 4 lessons every two weeks
Language: English
Examination Mode / Credits: Oral exam / 5 Cr
Contact: stephanie.motz@unilu.ch
Material: Will be announced in due course
International Sports Law

Professor: lic. iur. Michele A.R. Bernasconi, LL.M.

Semester: Fall

Course Type: Lecture with exercises

Course Description: There is hardly another field of law that has seen in recent years a develop-
ment such as that of sports law. It is sufficient to look at the number of sports-related disputes or at the size of sports-related business around the world, to realise that law and lawyers are now a crucial part of the world of sport. The course provides an introduction to all the current issues at international level, so as for example doping, transfer of players, match fixing, sports-related arbitration, ambush marketing, governance issues, media and IP matters, etc.

Prerequisites: No specific prerequisites; a general interest for sports is of advantage.

Course Objectives: The aim of the course is to provide a legal and practical insight into all current issues of Sports Law.

Weekly hours: Six blocks of 4 hours each

Language: English

Examination Mode / Credits: Oral exam / 5 Cr

Contact: michele.bernasconi@doz.unilu.ch

Legislation required for the exam
None

International Trade Law

Professor: Prof. Dr. iur. Mira Burri

Dates: Fall

Course Type: Lecture and case studies

Course Description: The course introduces the international trade law embodied predominantly in the World Trade Organisation (WTO). It offers in-depth knowledge of the fundamental disciplines of trade in goods (GATT) and trade in services (GATS) as well as the more specialised WTO agreements on, for example, technical barriers to trade, subsidies, and anti-dumping. Moreover, the course covers the unique dispute settlement system of the WTO. The course offers a deeper understanding of the recent political conflicts with regard to protectionist policies as introduced by the USA. In addition, case studies illustrate the tension between free trade and domestic policies: May the US restrict the import of shrimp being caught by killing the endangered species of sea turtles? May the EU prohibit the import of Canadian seal fur due to inhumane killing of seals? May the US prohibit online gambling to the detriment of Antiguan online gambling providers? Methodically, the course offers a systematic approach to the legal instruments of the WTO as well as WTO jurisprudence. The knowledge of fundamental WTO principles also serves as basis for the understanding of the
substance of bilateral and regional trade agreements, such as CPTPP and TTIP.

**Prerequisites**
The course is designed for students with an interest in globalisation and international relations. Ideally (but not necessarily), students have basic knowledge in Public International Law.

**Course Objectives:**
The students become familiar with the legal framework of the international trading system and the legal principles of trade law, such as national treatment, most-favoured-nation treatment, market access and exceptions for environmental, health, safety and other policies. The students learn to interpret international trade treaties and become knowledgeable about the WTO dispute settlement system. Importantly, they become aware of the balance between international trade liberalisation and national regulatory authority and interests.

**Weekly hours:**
2 hours a week

**Language:**
English

**Examination Mode / Credits:**
The final grade will be determined on the basis of a presentation of a case during the case studies, class participation and the exam (oral, open book) at the end of the course. / 5 Cr

**Registration:**
Registration/Deregistration mandatory on the "UniPortal"

**Limitation:**
Yes, 32 students

**Contact:**
nicolas.diebold@unilu.ch

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**Literature**

**Course material**

Reader (syllabus, cases, legal texts).

**Essential legal texts required for the exam**

WTO-Agreements provided in the Reader.

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**Internet Law**

**Professor:**
Prof. Dr. iur. Mira Burri

**Dates:**
Spring

**Course Type:**
Lecture

**Course Description:**
The course explores the legal issues arising out of the Internet’s growing role as a commercial, public and personal platform. The course looks at how regulators and courts respond to the novel issues raised by the rapid changes in digital technologies. Topics include, among others: jurisdictional questions over the borderless Internet; intellectual property rules around digital content and how they can be enforced online; liability of intermediaries, such as social media services or search engines; online privacy protection; and freedom of speech questions.

The course covers global legal developments, as well as those in the major jurisdictions of the United States and the European Union.

**Course Objectives:**
Furthering the understanding, the application of knowledge and professional judgment in the different areas of Internet law and policy.

By the end of the course, students will be able to frame and independently assess current developments in Internet law, to actively engage in debates and formulate legal opinions on the topic based on acquired knowledge of national and international law and practice, as well as contemporary legal scholarship.

**Weekly Hours:**
2 hours a week

**Language:**
English

**Examination Mode / Credits:**
The final exam is oral and open book. 5 credits will be awarded.

Class attendance and active participation are strongly encouraged.

**Contact:**
mira.burri@unilu.ch

**Information:**
Information about the course, including detailed schedule of sessions, will be made available on OLAT.
Literature

**What’s indispensable?**


The textbook is available for download in a PDF format (as a whole, or separate chapters) at [http://internetcasebook.com/](http://internetcasebook.com/). Semaphore Press lets you choose your price. For students, USD30 is the recommended price, which is a fair deal. A printed version is available on all major book-selling platforms.

All relevant chapters, treaties and additional literature will be made available on OLAT.

**Relevant treaties and conventions:**


**Introduction to Swiss Law**

**Professor:** Prof. Dr. iur. Klaus Mathis  
Dr. iur. Tina Huber-Purtschert / Prof. Dr. iur. Rodrigo Rodriguez  
Asst.-Prof. Dr. iur. Anna Coninx / Asst.-Prof. Dr. iur. Stefan Meader

**Course Type:** Lecture and excursions

**Course Description:** The course gives an overview on Swiss law and provides incoming students with the background for their legal studies in Switzerland. Therefore, participation is highly recommended. The course comprises the following core parts: Constitutional history and constitutional law (i.e. the organisational structure of the Swiss State, human rights and the very specific democratic political rights in Switzerland), Private Law (Swiss Civil Code, Swiss Code of Obligations, incl. an overview on landmark cases) and Criminal Law (incl. the system of execution of sentences and measures in Switzerland).

**Constitutional History and Constitutional Law:**  
Prof. Dr. Klaus Mathis  
- Introduction to the Constitutional History of Switzerland  
- Introduction to Constitutional Law  
- Excursion to Berne

**Private Law:**  
Dr. Tina Huber-Purtschert
Introduction: Civil Law vs Common Law, Sources and Principles of Swiss Private Law
- Civil Code: Overview and selected topics
- Part I: Contract and Tort Law
  Part II: “Ask a judge!” (Q & A wit a local judge or attorney)
- Part I: Company Law
  Part II: Workshop (learn how to set up a limited liability company in Switzerland)

**Criminal Law:**
Asst. Prof. Dr. Stefan Maeder
- Introduction to Swiss Criminal Law
- Introduction to Swiss Criminal Procedure Law
- Film “Thorberg” (excerpts), discussion
  (the film might be replaced with a day trip, in which case the date would be announced as soon as possible)

**Prerequisites:** None

**Course Objectives:** To give students a good understanding of the Swiss legal system, the organisation of the Swiss state and the principles of the Swiss political system.

**Weekly hours:** 2 hours a week, partly replaced by excursions

**Language:** English

**Examination Mode / Credits:** Written exam, graded / 5 Cr

**Limitation:** Only for incoming exchange students

**Contact:** alexander.baumann@unilu.ch

**Notice:** Attendance at all lectures and excursions is mandatory. For further details see the guidelines on OLAT.

**Literature**
**What is indispensable?**
- **WALTER HALLER,** *The Swiss Constitution in a Comparative Context, 2nd Edition,* Zurich/St. Gall 2016 (will be distributed in class);
- Further reading materials will be distributed in class resp. made available online.

**Legislation required for the exam**
- Federal Constitution of the Swiss Confederation (will be distributed in class);
- Swiss Civil Code (available online on https://www.fedlex.admin.ch/eli/cc/24/233_245_233/en);
- Swiss Code of Obligations (available online on https://www.fedlex.admin.ch/eli/cc/27/317_321_377/en);
- Handout with selected provisions of the Swiss Criminal Code and the Swiss Criminal Procedure Code (will be provided).
Introduction to the Common Law System

**Professor:** Cynthia S. Anderfuhren-Wayne, JD

**Dates:** Spring

**Course Type:** Lecture

**Course Description:** Law firms and other legal institutions throughout the western world, increasingly need lawyers with a working knowledge of both civil and common law, particularly in the field of international law. Such knowledge is especially relevant in recent times wherein cross-border transactions are the norm, and an understanding of the underlying principles of the applicable law and legal system is essential to the successful performance of such transactions. True to its title, this course offers a general introduction to the common law system. It aims at clarifying the more fundamental attributes of this system and how they combine to form its core. Using US law as a model, the course also examines the unique interplay between case law and statutory law in the common law system through a study of selected cases, statutes and legal subject areas, with an emphasis on substantive aspects. The course will prove beneficial to those considering a career in the international realm - more particularly, to persons who anticipate practicing in fields such as international corporate, commercial, contract or tort law. It will also provide an excellent foundation for those planning to pursue an advanced law degree in an English-speaking (i.e., common law) country. Throughout the course, students will learn and practice a technique enabling them to optimally analyze a common law case. Time allowing, practice may encompass a brief class presentation; however, this will be done purely as an exercise (i.e., it will not be graded). At the end of the course, there will be an “open book” (i.e., with notes and dictionary allowed) final that will include, inter alia, a case that students will analyze according to the technique they have practiced during the course.

**Prerequisites:** There are no prerequisites for attending this course, except that students should be able to understand and effectively communicate in both written and spoken English. A good test to determine capability is the ability to read an English newspaper article and make a summary of its contents. Particular language skills (grammar etc.) are not necessary and will not be relevant for the final grade.

**Course Objectives:** Upon completion of the course students will:
- develop a proficiency in analysing the salient points of a common law case according to the “case-brief method”;
- understand the significance of precedent and the relationship between case law and statutory law in the context of the common law system;
- become familiar with common law approaches to basic legal subject areas, such as corporate, tort, criminal and contract law; and
- understand the structure of the US court system and how to identify the court deciding a given case as well as the weight to be given to its decision.

**Weekly hours:** 2 hours a week

**Language:** English

**Examination Mode / Credits:** Semester assignment / 5 Cr

**Contact:** cynthia.anderfuhrren@doz.unili.ch

**Literature**

**What’s indispensable?**

All the legal literature for the course will be supplied over the OLAT on a weekly basis. Supplementary materials, including a comprehensive (“fakultativ”) reading list, will be available as well. Students should purchase a paperback copy (pocket edition) of “Black’s Law Dictionary”. Any editions published within the last 10 years are adequate. If desired, there are also a number of good German, French and Italian to English (and v.v.) law dictionaries that might be of use. These are best found on the web, which has some fairly good law translation sites as well.
Legislation required for the exam

Although some legislation will be given out during the course and may be needed for the exam, it is not necessary to purchase this as it is all available on the internet.

Law and Economics (Workshop)

**Professor:** Prof. Dr. iur. Klaus Mathis, MA in Economics et al.

**Dates:** Spring

**Course Type:** Workshop

**Course Description:** In this course international scholars in the field of Law and Economics present their research findings. The participants critically discuss the working papers and comment on them.

**Course Objectives:** Students have a critical look at scientific lectures and working papers in the field of Law and Economics.

**Prerequisites:** Attendance of the course „Rechtsökonomie“ or good knowledge of economics

**Weekly hours:** 2 hours a week

**Language:** English

**Examination Mode / Credits:** Writing a comment to a working paper, graded essay / 5 Cr

**Contact:** klaus.mathis@unilu.ch

**Notice:** In order to receive the credits for this course, students must fulfil a mandatory attendance requirement at the conference which takes place in Lucerne, as well as write an 8-10 page essay in either German or English on the topic of one of the presented papers. The essay must be submitted electronically and, additionally, as a signed hardcopy by 31 May and will be graded.

Literature

**What's indispensable?**

The course documents will be distributed via OLAT.

Law and Justice in Literature and Film (Non-Legal Course)

**Professor:** Dr. phil. Steven Howe

**Dates:** Spring 2023

**Course Type:** Lecture

**Course Description:** This course introduces students to a vibrant and vital area of interdisciplinary study. Readings of law with, against and across literature and film can open up novel possibilities for understanding and critiquing legal values and ideologies, (i) help engender a richer intellectual history of law, (ii) cast new light on key jurisprudential themes, and (iv) grant access to ethical issues frequently covered over in formal legal discourse. The recent ‘cultural turn’ in legal scholarship has, moreover, breathed new life into explorations of the moral and political significance of popular cultural representations of law.

The module proceeds in two parts. Part I will offer an overview of key texts introducing theories and methods in law-and-literature and law-and-film studies. Part II will focus on critical discussion of a selection of literary and
cinematic case studies. Alongside classic and canonical texts that engage themes of law, justice and punishment, we will also consider a number of modern films, plays and novels that address urgent contemporary issues.

**Course Objectives:** Upon completion of the module it is expected that students will:

- have a working knowledge of scholarly approaches to the study of law-and-literature and law-and-film
- be conversant with a selection of literary and cinematic texts and the legal ideas they articulate
- comprehend how legal-theoretical approaches might be applied to the study of literature and film
- have an appreciation of recent developments in the fields of cultural-legal and law-and-humanities studies and of their value to legal work
- have a deeper understanding of how law and (popular) culture interact in different contexts

**Weekly hours:** 9 sessions of 2 lessons each

**Language:** English

**Examination Mode / Credits:** Essay (graded, 75%), class participation and assignments (25%) / 3 Cr

**Contact:** steven.howe@unilu.ch

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**Law and Society in a Global Context**

**Professor:** Prof. Dr. iur. Vagias Karavas

**Dates:** Fall

**Course Type:** Lecture / Seminar

**Course Description:**

Law and Society has already a long and interesting intellectual history with a global reach. As a discipline it aims at analysing the way law reflects and impacts society. Accordingly, law is not to be studied in cognitive isolation, but rather in connection with its various social and cultural environments.

The course aims at introducing students into this fascinating field of study, and at providing them with a better understanding of law in its changing global contexts.

Alongside a general introduction to the particular European history, theory and methods of the Law and Society discipline, the course shall further provide students with unique insights in current debates regarding law’s increasingly important global dimensions and the challenges connected with them. Thus questions such as the following will be thoroughly discussed:

- What does globalisation mean? Can there be a law beyond the nation state?
- What are the features of a specific global law? Do global actors, like for example multinational firms, have to abide by human rights laws?

**Course Objectives:**

The course objectives are to help students use interdisciplinary resources as well as international and comparative perspectives in their studies of law; to equip students with critical skills in their work with law; and to sharpen their view of law as part of a global society.

**Weekly Hours:** 2 hours

**Language:** English

**Examination Mode / Credits:** Essay (graded, 75%), class participation and assignments (25%) / 5 Cr

**Contact:** vagias.karavas@unilu.ch

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**Literature**

**What’s indispensable?**

Relevant course material will be made available online via OLAT.
Further Literature:

- NIKLAS LUHMANN, Law as a Social System, 2008;
- GUNTER TEUBNER, Global Law Without a State, 1996.

Legislation required for the exam

None.

Law of Sustainable Development

<table>
<thead>
<tr>
<th>Professor:</th>
<th>Prof. Dr. iur. Klaus Mathis; Dr. iur. Charlotte Sieber</th>
</tr>
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<tbody>
<tr>
<td>Semester:</td>
<td>Spring</td>
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<td>Course Type:</td>
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</tbody>
</table>

Course Description: In times of climate change, increasing inequality and societal division, we look at the role of the law in fostering sustainable development – in Switzerland and globally. The course is divided into two parts: 1) origins, theories and legal definition of 'sustainable development' along with the law of sustainable development in Switzerland, and 2) the international law of sustainable development with a focus on its implementation and enforcement in a number of case studies.

It is intended to shed light on the underlying concepts of sustainable development, how these concepts are translated into the law, and on the obstacles in law and in practice standing in the way of sustainable development globally. We will also present a number of best-practices to illustrate the necessary prerequisites for sustainable development in climate change mitigation, in the preservation of natural resources, and in the fight against poverty.

Course Objectives:

- Know the most relevant concepts of sustainable development
- Know the history and regulatory framework of the UN Sustainable Development Goals (SDGs)
- Be able to identify obstacles and opportunities in Swiss and in international law for sustainable development
- Be able to name the most relevant prerequisites for a favourable regulatory framework of sustainable development in climate change mitigation, in the preservation of natural resources, and in the fight against poverty
- Have an appreciation of the most recent developments in international law in sustainable development and of their implications for domestic law

Weekly hours: 2 hours a week

Language: English

Examination Mode / Credits: Oral exam / 5 Cr

Contact: klaus.mathis@unilu.ch

What's indispensable?

- Reader

Legislation required for the exam

# Public International Law

<table>
<thead>
<tr>
<th><strong>Professor:</strong></th>
<th>Prof. Dr. iur. Martina Caroni</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dates:</strong></td>
<td>Fall</td>
</tr>
<tr>
<td><strong>Course Type:</strong></td>
<td>Workshop</td>
</tr>
<tr>
<td><strong>Course Description:</strong></td>
<td>This workshop focuses on current issues of public international law and will be held in three parts. Following an introductory and organisational session in the first week of the semester students will work in small groups (3-4 students) and prepare presentations and papers on self-chosen topics relating to current issues of public international law. During this period there will be no weekly class meetings but rather individual and group guidance sessions with Prof. Martina Caroni and her team. Finally, during the last weeks of the semester there will be meetings for the group presentations and class discussions.</td>
</tr>
<tr>
<td><strong>Prerequisites:</strong></td>
<td>Knowledge of Public International Law</td>
</tr>
<tr>
<td><strong>Weekly hours:</strong></td>
<td>See &quot;Course Description&quot;</td>
</tr>
<tr>
<td><strong>Language:</strong></td>
<td>English</td>
</tr>
<tr>
<td><strong>Examination Mode / Credits:</strong></td>
<td>Grade based on class participation (1/3), presentation and conduct of discussion (1/3) and the paper (1/3). 5 Cr.</td>
</tr>
<tr>
<td><strong>Limitation:</strong></td>
<td>Yes, 12 (6 exchange students and 6 Lucerne students)</td>
</tr>
<tr>
<td><strong>Registration:</strong></td>
<td>Registration/Deregistration mandatory on the &quot;UniPortal&quot;. Only students who enrol during this period will receive a grade at the end of the semester.</td>
</tr>
<tr>
<td><strong>Contact:</strong></td>
<td><a href="mailto:martina.caroni@unilu.ch">martina.caroni@unilu.ch</a></td>
</tr>
</tbody>
</table>
Moot Courts

For detailed information go to: https://www.unilu.ch/en/mootcourts
Please note, that participation of incoming students is subject to special arrangements to be made with the supervisors and coaches of the particular moot court.

ELSA European Human Rights Moot Court Competition (EHRMCC)

<table>
<thead>
<tr>
<th>Professor:</th>
<th>Prof. Dr. iur. Sebastian Heselhaus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Course Type: Moot Court Competition</td>
<td></td>
</tr>
<tr>
<td>Course Description: The course prepares for the participation in the ELSA European Human Rights Moot Court Competition. This Moot Court is jointly organised by the European Law Students’ Association (ELSA) and the Council of Europe. The subject of the Moot Court is a human rights case under the European Convention on Human Rights. The teams submit pleadings for both sides, the applicant and the respondent to the case. From all teams registered for the competition 18 teams will qualify for the final oral round. The final oral round is annually held in Strasbourg with the pleadings taking place at the European Court of Human Rights (ECtHR) and the Council of Europe. Judges of the ECtHR may sit on the bench. In 2016/17 the University of Lucerne participated at the EHRMCC for the first time and qualified for the finals in Strasbourg. The Moot Court competition is a unique opportunity to gain practical experience in human rights law and to plead in front of the ECtHR. Participating in a Moot Court has an extremely high reputation among law firms. Students will be guided by coaches experienced in the Moot Court and are trained in Human Rights Law as well as in presenting legal arguments. In addition, the team will participate in a Pre-Moot before the finals take place, if possible. The attendance of the course might serve as a basis for the master thesis.</td>
<td></td>
</tr>
<tr>
<td>Prerequisites: Basic knowledge of Human Rights Law</td>
<td></td>
</tr>
<tr>
<td>Course Objectives: In-depth analysis of specific Human Rights Law problems and the jurisdiction of the ECtHR; development of practical lawyer’s skills; providing contacts to leading law firms.</td>
<td></td>
</tr>
<tr>
<td>Weekly hours: Self organised; hours equivalent to credits; written phase expected between September and November, oral phase expected between January and March</td>
<td></td>
</tr>
<tr>
<td>Language: English</td>
<td></td>
</tr>
<tr>
<td>Examination Mode / Credits: Written papers and oral presentation / 18 Cr</td>
<td></td>
</tr>
<tr>
<td>Registration: Please register as soon as possible by e-mail to the contact person below</td>
<td></td>
</tr>
<tr>
<td>Limitation: 4 students</td>
<td></td>
</tr>
<tr>
<td>Contact: Marlies Vanhooren: <a href="mailto:elsa-coach@unilu.ch">elsa-coach@unilu.ch</a></td>
<td></td>
</tr>
<tr>
<td>Material: All the necessary material will be provided in advance/at the start of the Moot Court.</td>
<td></td>
</tr>
</tbody>
</table>
## European Law Moot Court (ELMC)

<table>
<thead>
<tr>
<th>Professor:</th>
<th>Prof. Dr. iur. Sebastian Heselhaus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Course Type:</td>
<td>Moot Court Competition</td>
</tr>
<tr>
<td>Course Description:</td>
<td>The course prepares for the participation in the European Law Moot Court competition. The teams submit written pleadings on a case concerning current issues pending before the Court of Justice of the European Union (CJEU). From all teams registered for the competition only 48 teams will qualify for the oral rounds, which take place in major cities across Europe and the U.S.. The European Final itself takes place in Luxembourg, where the students have the unique opportunity to plead before the real judges of the CJEU. Since their first participation in 2007, teams from the University of Lucerne have consistently qualified for the oral phase of the competition. In the past few years the teams travelled to Florence, Belgrade, New York and Leiden. The Moot Court Competition is a unique possibility to learn about the practice of law and has an extremely high reputation among law firms. Students will be guided by coaches experienced in the Moot Court and be trained in European Law as well as in presenting legal arguments. In addition, the team will participate in a Pre-Moot Court before the regional finals take place, if possible. The attendance of the course might serve as a basis for the master thesis.</td>
</tr>
<tr>
<td>Prerequisites:</td>
<td>Basic knowledge of EU Law</td>
</tr>
<tr>
<td>Course Objectives:</td>
<td>Objectives of the Moot Court are: an in-depth analysis of specific, mostly economic law problems in the EU; development of practical lawyer’s skills; building up personality and character in business; providing contacts to leading law firms.</td>
</tr>
<tr>
<td>Weekly hours:</td>
<td>Self organised; hours equivalent to credits; written phase expected between Sep and Nov, oral phase expected between Jan and Feb</td>
</tr>
<tr>
<td>Language:</td>
<td>English</td>
</tr>
<tr>
<td>Examination Mode / Credits:</td>
<td>Written papers and oral presentation / 18 Cr</td>
</tr>
<tr>
<td>Registration:</td>
<td>Please register as soon as possible by e-mail to the contact person below.</td>
</tr>
<tr>
<td>Limitation:</td>
<td>4 students</td>
</tr>
<tr>
<td>Contact:</td>
<td>Marlies Vanhooren: <a href="mailto:elmc-coach@unilu.ch">elmc-coach@unilu.ch</a></td>
</tr>
<tr>
<td>Material:</td>
<td>All the necessary material will be provided in advance/at the start of the Moot Court.</td>
</tr>
</tbody>
</table>

## Nelson Mandela World Human Rights Moot Court

<table>
<thead>
<tr>
<th>Professor:</th>
<th>Prof. Dr. iur. Martina Caroni</th>
</tr>
</thead>
<tbody>
<tr>
<td>Course Type:</td>
<td>Moot Court Competition</td>
</tr>
<tr>
<td>Course Description:</td>
<td>The World Human Rights Moot Court Competition is a unique competition established to train law students to use various human rights systems. Written on a cutting-edge topic currently debated, the hypothetical case operates as the basis of the competition. Students argue the merits of this case by writing legal memoranda and preparing oral arguments for presentation in front of a panel of eminent human rights experts. The final round of the World Human Rights Moot Court will be held in Geneva.</td>
</tr>
</tbody>
</table>
| Prerequisites: | - Bachelor degree  
- interest in Human Rights recommended |
| Course Objectives: | Increase the students’ knowledge of human rights law and the United Nations Human Rights system in particular through practical experience and hands-on learning. |
| Language: | English |
| Examination Mode / Credits: | Written papers and oral presentation / 18 Cr |
| Limitation: | 2 students |
| Application: | Yes. |
| Contact: | martina.caroni@unilu.ch |
**Course Type:** Moot Court Competition

**Course Description:** The Willem C. Vis International Commercial Arbitration Moot is a competition in the course of which close to 400 university teams from all over the world compete against each other representing the parties of a fictive case in front of simulated arbitration panels. The case revolves around typical issues arising out of the UN-Convention on International Sale of Goods (CISG) and the field of International Commercial Arbitration. On the basis of the case the participants draft a Memorandum for Claimant and subsequently for Respondent. The week before Easter the oral pleadings take place in Vienna. The course aims at teaching the participants in different theoretical and practical skills of a lawyer. On one side it inculcates profound knowledge of the CISG, International Commercial Arbitration and Comparative Law. On the other side, the participants acquire skills such as drafting memoranda, performing oral pleadings, broadening and strengthening the command of the spoken and written English language. Last but not least, the participants experience the intensive teamwork in a group of ambitious students.

**Prerequisites:** Bachelor degree

**Course Objectives:** Education of particularly proactive, interested and talented students in different theoretical and practical juridical skills in the English language.

**Weekly hours:** One entire semester

**Language:** English

**Examination Mode / Credits:** Evaluation of the written and oral performance of the individual participants in the course of the entire Moot / 18 Cr

**Registration:** Yes.

**Contact:**
- daniel.girsberger@unilu.ch
- roxane.schmidgall@doz.unilu.ch

**Material:** Announced in the preliminary stages of the course
Guest Courses

Current Challenges to the Prohibition of Torture (and other Cruel, Inhuman or Degrading Treatment)

**Professor:** Prof. Nils Melzer
UN Special Rapporteur

**Dates:** Spring

**Course Type:** Guest Course

**Course Description:** This course will examine the prohibition of torture and other cruel, inhuman or degrading treatment or punishment under international law. Lectures will first introduce definitional concepts and discuss specific criteria governing the prohibition of coercive methods based on the intentional and purposeful infliction of pain or suffering. These concepts and criteria will then be "tested" by directly applying them to selected scenarios and political narratives occurring in present-day reality. The overarching aim of the course is to illustrate and reaffirm the practical relevance of the prohibition in the contemporary global political environment.

**Prerequisites:** None

**Course Objectives:** To familiarise students with the universal prohibition of torture and other cruel, inhuman or degrading treatment or punishment and to explore current challenges and debates affecting that prohibition.

**Weekly Hours:** 1 (Block Course: 12-15 lessons)

**Language:** English

**Examination Mode / Credits:** Written exam, passed or failed / 2

**Registration:** Registration/Deregistration mandatory on the UniPortal

**Limitation:** Yes, 50

**Contact:** nils.melzer@geneva-academy.ch

**Literature**

**What's indispensable?**


**Further Literature**

**Thematic reports:**

- DOSWALD-BECK, "Human Rights in Times of Conflict and Terrorism" (OUP, 2011), Chapter 7;
- APT/CEJIL, "Torture in International Law - a guide to jurisprudence" (2008) (http://www.apt.ch/content/files_res/jurisprudenceguide.pdf);
- UN General Assembly, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, "Relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence", UN Doc. A/74/148, 12.07.2019.
- UN General Assembly, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, "Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment", UN Doc. A/72/178, 20.07.2017.
Country visit reports:

- UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Serbia and Kosovo. UN Doc A/HRC/40/59/Add.1, 25.01.2019.
- UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Argentina. UN Doc A/HRC/40/59/Add.2, 28.02.2019.
- UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Ukraine. UN Doc A/HRC/40/59/Add.3, 17.01.2019.
- UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Turkey. UN Doc A/HRC/37/50/Add.1, 18.12.2017

**Intellectual Property Law and Society: Current issues and alternative perspectives**

| Professor: | Dr. Jessica Lai |
| Dates: | Fall |
| Course Type: | Guest Course |
| Course Description: | This course provides students with skills to analytically and critically assess different kinds of intellectual property vis-à-vis society. It includes lectures on what intellectual property can protect – from films, to data, to software and pharmaceuticals – and the various issues that such protection might raise. |
| Course Objectives: | By the end of this course, students will be able to: |
| | • Identify and analyse the main characteristics of different intellectual property rights; |
| | • Identify and evaluate potential political, social or cultural concerns relating to intellectual property and the commercialisation of intellectual property; |
| | • Demonstrate intellectual independence, critical thinking and analytic rigour with respect the two foregoing course objectives. |
| Weekly Hours: | Block course; (4 x 3 hours) |
| Language: | English |
| Examination Mode / Credits: | Class participation (20%) |
| | Written exam (80%), passed or failed / 2 Cr |
| Registration: | Registration/Deregistration mandatory on the "UniPortal" |
| Limitation: | Yes, 50 |
| Contact: | jessica.lai@vuw.ac.nz |

**Course Outline**

<table>
<thead>
<tr>
<th>Block</th>
<th>Topic</th>
<th>Readings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction Copyright &amp; Performers’ Rights</td>
<td><a href="https://www.ige.ch/en/intellectual-property">https://www.ige.ch/en/intellectual-property</a></td>
</tr>
<tr>
<td></td>
<td>The “Copyleft” Movement</td>
<td><a href="https://www.ige.ch/en/protecting-your-ip/copyright">https://www.ige.ch/en/protecting-your-ip/copyright</a></td>
</tr>
<tr>
<td></td>
<td><a href="https://www.creativecommons.ch/">https://www.creativecommons.ch/</a></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Trade Marks and Innovation</td>
<td><a href="https://www.ige.ch/en/protecting-your-ip/trade-marks">https://www.ige.ch/en/protecting-your-ip/trade-marks</a></td>
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</table>

**The Law and Policy of Brexit**

**Professor:** Prof. Tobias Lock  
Maynooth University, IRL

**Dates:** Spring

**Course Type:** Guest Course

**Course Description:** The UK’s decision to leave the European Union raises a myriad of legal questions. These include the process of leaving according to Article 50 TEU; the legacy of membership as dealt with by the Withdrawal Agreement; continued relevance of EU law in the UK legal order (now known as ‘retained EU law’); the new relationship as found in the Trade and Cooperation Agreement; and the difficult legal issues raised by the Protocol on Ireland/Northern Ireland as well as the wider implications of Brexit for cooperation in Europe. This course aims to provide an overview of these questions in three four-hour blocks. It will expose students to issues of EU constitutional law; EU single market law; and EU external relations law. Moreover, students will deal with some of the UK’s constitutional arrangements challenged by Brexit.

**Prerequisites:** An interest in EU law and in comparative constitutional law; and ideally some basic understanding of core EU principles. Very good command of English.

**Course Objectives:** On completion of this course the students will be able to:

1. Demonstrate knowledge on the key legal issues raised by Brexit, including – but not confined to – the Brexit process, the Withdrawal Agreement and the Trade and Cooperation Agreement.
2. Apply knowledge, skills and understanding in using a range of research skills and materials that are informed by the constantly changing questions surrounding Brexit.
3. Apply critical analysis, evaluation and synthesis to the forefront issue of Brexit.
4. Use a wide range of routine (e.g. library research) and a range of advanced skills (research with primary sources; news items; foreign sources) to communicate research findings in presentations and essays.

**Weekly Hours:** Block course

**Language:** English

**Examination Mode / Credits:** Written exam, passed or failed / 2 Cr

**Registration:** Registration/Deregistration mandatory on the “UniPortal”

**Limitation:** Yes, 50

**Contact:** tobias.lock@mu.ie

**Literature**

This is a highly topical course where the political landscape is ever-changing. It discusses new and partly unresolved issues, which make the course a particularly interesting experience. There is already some literature on the topic of ‘Brexit’, but some of it may well be out of date by the time we meet for the first seminar. In addition, the literature is fast-growing.

The recommendation therefore includes some literature that can be considered to lay down some of the basics about Brexit, which probably will not change. And in addition, the recommendation includes a number of blogs, which tend to be regularly updated reflecting on the latest developments.
What’s indispensable?
For the constitutional basics of the EU&the basics on Brexit:

- Read any EU law textbook (e.g. Craig and de Burca, 7th edn. OUP 2020) on: EU law-making (what are Directives and Regulations in particular; what competences does the EU have?); primacy of EU law; direct effect;

Further Literature
- MICHAEL DOUGAN, The UK’s Withdrawal from the EU A Legal Analysis. Oxford University Press, 2021;
- SYLVIA DE MARS, EU Law in the UK, OUP 2020;
- KENNETH ARMSTRONG, Brexit Time, 2017 Cambridge University Press;
- MICHAEL DOUGAN (ed), The UK after Brexit, 2017 Intersentia (contains numerous contributions on various aspects of Brexit);

Blogs
Keep an eye on – there is plenty of Brexit coverage online:

- EU Law Analysis blog http://eulawanalysis.blogspot.co.uk/
- Verfassungsblog: www.verfassungsblog.de
- UK Constitutional Law Blog: https://ukconstitutionallaw.org/blog/

United States Constitutional Law: Basic Concepts and Current Developments

<table>
<thead>
<tr>
<th><strong>Professor:</strong></th>
<th>Toni M. Jaeger-Fine, JD Fordham Law School, NY, USA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dates:</strong></td>
<td>Fall</td>
</tr>
<tr>
<td><strong>Course Type:</strong></td>
<td>Guest Course</td>
</tr>
<tr>
<td><strong>Course Description:</strong></td>
<td>This course will introduce students to the basic principles underlying the U.S. Constitution. We will address them from a textual and historical perspective, and examine certain principles through the lens of current constitutional controversies.</td>
</tr>
<tr>
<td><strong>Prerequisites:</strong></td>
<td>Students will be expected to do reading in advance of class, which will include the text of the U.S. Constitution and select Supreme Court cases.</td>
</tr>
<tr>
<td><strong>Weekly Hours:</strong></td>
<td>Block course</td>
</tr>
<tr>
<td><strong>Language:</strong></td>
<td>English</td>
</tr>
<tr>
<td><strong>Examination Mode / Credits:</strong></td>
<td>Written exam, passed or failed / 2 Cr</td>
</tr>
<tr>
<td><strong>Registration:</strong></td>
<td>Registration/Deregistration mandatory on the “UniPortal”</td>
</tr>
<tr>
<td><strong>Limitation:</strong></td>
<td>Yes, 50</td>
</tr>
<tr>
<td><strong>Contact:</strong></td>
<td><a href="mailto:tfine@law.fordham.edu">tfine@law.fordham.edu</a></td>
</tr>
</tbody>
</table>
## Summer School

### Lucerne Academy for Human Rights Implementation

<table>
<thead>
<tr>
<th><strong>Professor:</strong></th>
<th>Prof. Dr. iur. Sebastian Heselhaus et al.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dates:</strong></td>
<td>July</td>
</tr>
<tr>
<td><strong>Course Type:</strong></td>
<td>Summer School</td>
</tr>
</tbody>
</table>
| **Course Description:** | The Lucerne Academy for Human Rights Implementation is a worldwide 2-week programme of coursework and hands-on learning for law students and legal practitioners held in the heart of Europe at the University of Lucerne, Faculty of Law, in Switzerland, in partnership with several distinguished international law schools. It will be offered in July at the University of Lucerne.

This is a summer school with a distinctly global relevance. Given the realities of human rights implementation, the focus of the programme will be on the challenges and practical aspects of litigation and advocacy of human rights. Students will not only learn about the field of human rights, but about how to incorporate that knowledge into the actual work of defending human rights. Special focus will be placed on advocacy skills such as case assessment and oral argumentation.

Students will be given a choice of coursework on a variety of topics related to human rights on progressive and traditional issues under both the European Convention of Human Rights and the UN Conventions.

In addition, the summer school includes two excursions, one to the UN Headquarters (Geneva) and one to the European Court of Human Rights (Strasbourg). This is a summer school with a global focus established to create a dynamic and unique training programme in human rights.

Participants can earn seven (7) ECTS credits for the successful completion of the courses and lunch seminars. All successful participants will be awarded Certificates of Completion. |
| **Language:**  | English                                   |
| **Examination Mode / Credits:** | Written exams / 7 Cr                     |
| **Information/Registration:** | www.lucerne-academy.ch                   |
| **Limitation:**| Yes                                      |
| **Contact:**  | lucerne-academy@unilu.ch                  |
CONTACT
University of Lucerne
Faculty of Law
Frohburgstrasse 3
P. O. Box 4466
6002 Lucerne
Switzerland
www.unilu.ch/rf