

# EDUCATION ON HUMAN RIGHTS AT FACULTIES OF LAW IN SERBIA

ANALYSIS

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# 1. Introduction

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The recognition, implementation and efficient protection of human rights today doubtless represents a *conditio sine qua non* of the democratic rule of law, which means that the good quality of human rights education at faculties of law, i.e., clear and functional knowledge of future lawyers has exceptional importance. Once they graduate, students of law will have an opportunity to encounter and look after the protection of a vast array of human rights from different positions, and some of them might even have the opportunity to make additional breakthroughs in the evolution of human rights in this respect and to develop efficient human rights protection systems. The nature of the legal profession and the professional direction law graduates will take in future require from them a specific level of functional and applicable knowledge on human rights, because they will be in a position to choose from an array of professions that significantly affect people's lives, welfare of the community and the society as a whole. As a matter of fact, every lawyer who directly applies law will inevitably reach a point in his/her career when he/she will be in a position to protect a human right or to urge its full exercise; this is particularly important when it comes to lawyers who choose professions that are closely related to the judicial sector (judges, public prosecutors, state attorneys, private attorneys, notaries, public bailiffs) and to the public administration.

As a result of their nature, human rights are studied through different modalities at faculties of law. Human rights are sometimes studied at specialised courses or even at multiple courses (usually as a logical distinction between internal, i.e., positive, and international human rights), as well as partially through a multitude of courses which do not contain this term in their names. In other words, sometimes a special stress is laid on the fact that this is a study of human rights, while elsewhere the achievements made in this field, due to their nature, are incorporated ("concealed") in the study material.

Such partial character of the study of human rights, which sometimes overlaps with the study material of several courses, as well as the ensuing diversity of approaches, have significant consequences on the perception and level of functional knowledge of human rights of recent law school graduates. Therefore, a number of specific questions have to be asked regarding the view on human rights of graduates who have studied human rights in this way for four years – whether there are gaps and room for improvement in this respect, what teaching methods are used, whether the relevant course is compulsory or elective and finally: what kind of functional knowledge in this field (graduates or) students get, i.e., if it satisfies the requirements of their future professions.

During the preliminary research conducted for the needs of this paper, significant indications of a problem in this respect appeared, and the research itself reaffirmed these suspicions. Namely, although it is clear that students and their professors will maintain that university students' knowledge in every field of law, like in the vast majority of social activities, is greater than what it is in the perception of those who work with them after graduation, it has turned out that this discrepancy is especially pronounced in the field of human rights.

A survey conducted with senior undergraduates [translator's note: Serbian: apsolventi – students who have attended all lectures, but have not graduated yet] shows that 53.4% of respondents mostly agree with the statement that the curriculum of undergraduate studies has enabled them to learn enough about human rights, and another 16.4% respondents agree with this statement. On the other hand, eight respondents mostly or completely disagree with this statement, while 14 respondents do not know whether the curriculum has enabled them to learn enough about human rights.

Cumulatively speaking, therefore, almost 70% of respondents evaluated their level of knowledge in the field of human rights as positive.

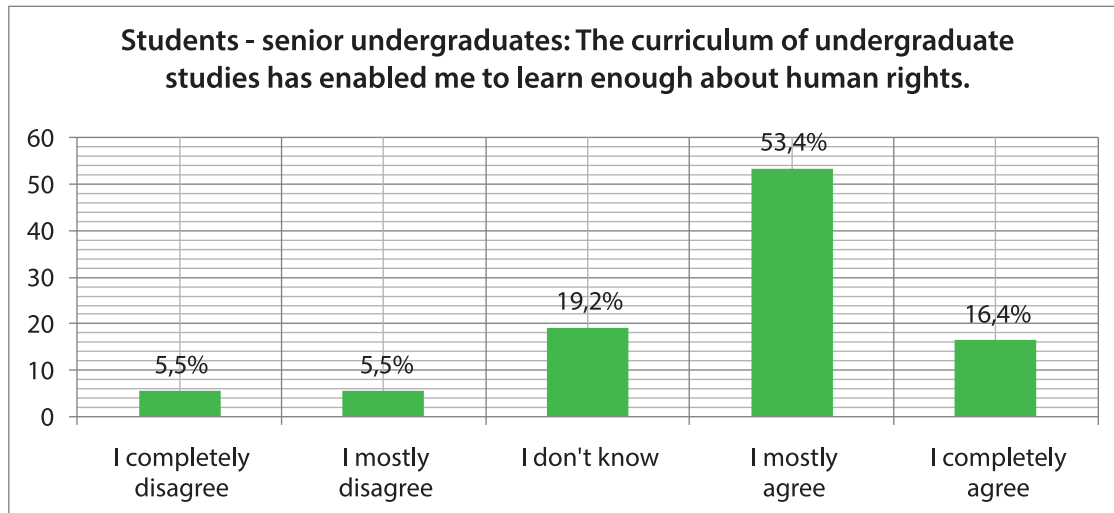


Figure No. 1

However, if we compare these answers with those provided by lecturers and representatives of institutions and organisations in charge of follow-up training<sup>1</sup>, their responses to a (similar) question “Do you think that after the completion of undergraduate studies, students have a complete picture of the legal and institutional framework concerning human rights at the national and international levels?” clearly show a problem in this respect. Namely, while the answers of professors/lecturers (both those who exclusively deal with human rights and those who do not) regarding the knowledge of fresh law graduates are slightly more optimistic compared to those of senior undergraduates themselves, the opinions of representatives of institutions and organisations that deal with postgraduate, out-of-faculty education and practice of these lawyers are diametrically opposed.

1 For the purpose of this research, institutions in charge of follow-up education are the institutions which have this as their main activity, such as the Judicial Academy and the National Academy of Public Administration, as well as other institutions and organisations that, acting within their professional activity, have organised or participated in the implementation of some form of human rights education for law students or legal professionals.

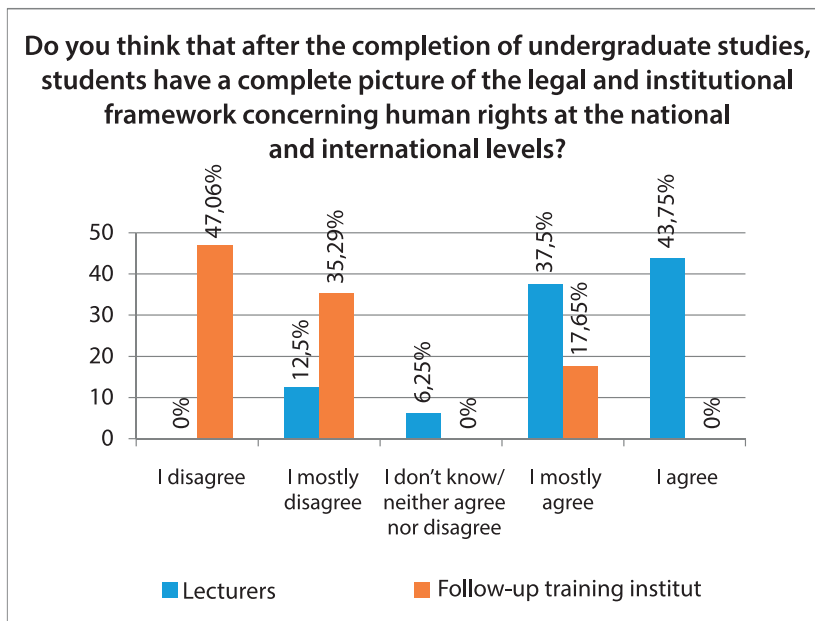


Figure No. 2

Their answers almost contrast the lecturers' answers. None of these organisations' representatives described the quality of knowledge as "functional", 88.24% representatives described it as "partial – fragmented", while two interlocutors (11.76%) believed that there was no mention of any regularities in that respect.

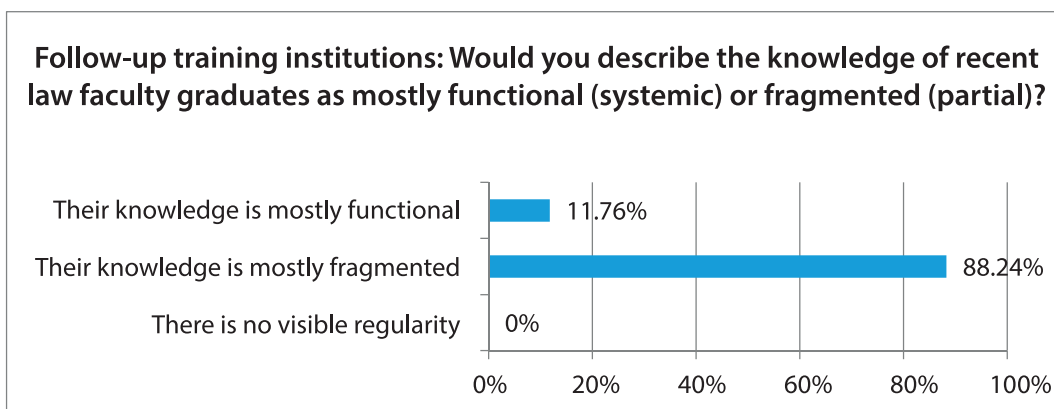


Figure No. 3

One has to emphasize, though, that all these data do not necessarily mean that the problem lies in the poor quality of education received by law students from their professors, or even low average level of knowledge of recent law faculty graduates. As it will turn out, exceptional importance lies in the organisation of human rights education, i.e., in the setup of the study programme and determination of the syllabus (course textbook),<sup>2</sup> use of different teaching methods, the ratio between theoretical knowledge and its practical implementation skills, etc. For example, we will see that legal and statutory frameworks impose certain restrictions on professors, impeding them from improving and modernising their teach-

2 The study programme is a set of compulsory and elective fields of study, i.e., courses, with a framework content. The curriculum of a study programme contains a list and structure of compulsory and elective courses and modules and their description. The syllabus (course textbook) contains information about the content and method of work at the course, literature, and on evaluation within the course

ing practices and from giving their students an opportunity to acquire more applicable and structured knowledge.

This document, which analyses the situation within courses where human rights are studied at selected Serbian law faculties founded by the Republic (the Faculties of Law of the Universities of Novi Sad, Belgrade, Kragujevac and Niš) and provides an overview of the relevant issues abroad, has been made for the purpose of detecting some omissions that result in the above-mentioned discrepancies and possibly eliminating them as much as possible, as well as for the purpose of improving young lawyers' general level of functional and applicable knowledge about human rights in future. Within the subject matter of the research, it is clear that the way in which human rights are studied at these faculties contains a number of common features as well as some differences, which have been taken into account during the research and presentation of the obtained results in this paper. Therefore, the primary *goal of this research* was to detect potential weaknesses in the system of study of human rights at the above-mentioned Serbian law faculties and to suggest certain relevant improvements. All methods used in this context produced a reasonable number of exceptions as well as some evident regularities, i.e., indications for future reforms and improvement of the study of human rights, as one of the fundamental values of all democratic constitutional orders.



## 2. Research Methodology

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**F**or the purpose of achieving the goal of the research, it was necessary to combine several different research methods, primarily exegetical and sociological, as well as comparative.

The analysis encompassed the existing programmes of undergraduate studies, curricula, syllabi and individual research. The focus was on the law faculties in the Republic of Serbia, which have been more thoroughly analysed with regard to all courses, while the analysis of foreign faculties was somewhat limited and its aim was to provide a comparative overview and possibly respond to some of the issues faced in our practice. Studies at all four above-mentioned Serbian faculties last for four years, after which, and upon successful completion of exams and other obligations, the candidate (student) is granted the title of law graduate.<sup>3</sup>

Thus, curricula and syllabi of some courses at the above-mentioned four Serbian state faculties were analysed; the method of semi-structured interviews with lecturers at these faculties was applied, followed by a survey of final-year students who have finished with all lectures (senior undergraduates), semi-structured interviews with representatives of institutions and organisations involved in the post-graduate (out-of-faculty) training of lawyers in the field of human rights; the comparative method was also applied to provide an overview of the regional and European practices.

*The method of semi-structured interviews with lecturers* was conducted with 16 interlocutors – lecturers at law faculties in Belgrade (6), Novi Sad (3), Niš (4) and Kragujevac (3). With the exception of two interlocutors, who work as teaching assistants at the faculty, all others have professorial titles – assistant professors, associate professors or full professors, and the courses where they teach are: Human Rights (4), Constitutional Law (2), Administrative Law (1), Public International Law (3), Private International Law (1), Introduction to Law of European Integration (EU Law) (2), Substantive and Procedural Civil Law (4), Labour Law (1), Substantive and Procedural Criminal Law (2) and Introduction to Law (2).<sup>4</sup> In addition to information on the course(s) at which the interlocutors teach, their research has been reviewed through semi-structured interviews, assuming that research in the field of human rights “spills over” into teaching,

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3 A student who has passed all exams in an accredited study programme at a law school is awarded the title of law graduate. A law graduate has a minimum of 240 ECTS credits. The range of professional activities that a law graduate can perform is quite wide and is usually related to professional norms governing special fields. According to the Law on Legal Profession, only a law graduate entered in the directory of trainees can be registered as a trainee lawyer, who becomes capable of working in the legal profession upon being trained for a lawyer. A person who has graduated from the Faculty of Law and fulfils the requirements for employment in state authorities is admitted as a judicial intern. The situation is the same with prosecutorial interns who can only be law graduates fulfilling requirements for employment at state authorities. A law graduate can be admitted to the public prosecutor’s office for training without being employed for the purpose of gaining work experience and conditions for taking a bar exam (volunteer). A person who has graduated from the Faculty of Law and who fulfils the general requirements for employment at state authorities is admitted as a trainee state attorney. Law graduates can work in the office of a notary public as notary trainees if they are entered in the directory of notary trainees kept by the Chamber.

4 A number of interviewed professors teach at more than one course.

thus contributing to the inclusion of the teaching material on human rights in education. Assessing what the share of human rights in their overall research is, the majority of respondents (N = 9,56%) said that they focused on individual issues or groups of issues belonging to the field of human rights in one part of their research, the group of respondents who described human rights as the primary focus of their research was lower nearly by half compared with the first group (N = 4,25%), while the last group, who said that they dealt with human rights issues contextually in their research, i.e. when human rights are relevant for a broader topic, had just one respondent less than the previous group (N = 3,19%). This means that 81% of interlocutors deal with human rights topics in their research, which shows how important this issue is.

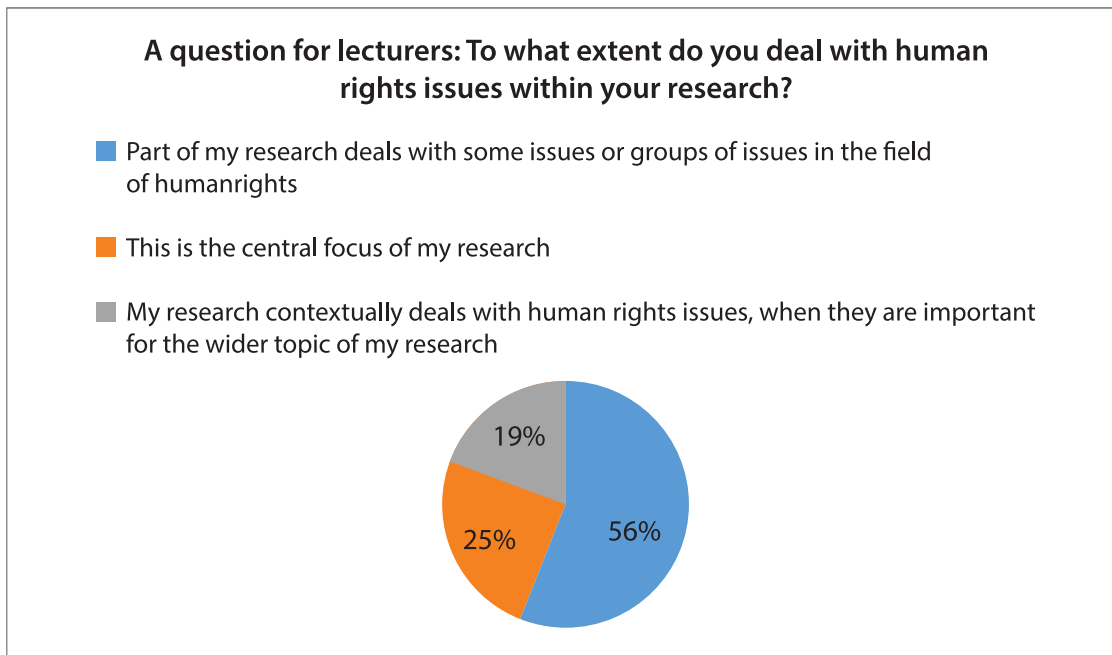


Figure No. 4

This diversity of research profiles of our interlocutors – lecturers at law faculties – has made it possible to obtain a broader and more complete picture in the subject matter of the research. After the interviews, the results were anonymised (the interlocutors had been previously informed that this would be done), for the purpose of getting completely honest answers to a number of relevant questions.<sup>5</sup>

In order to observe the other side of problems that occur in the process of education on human rights, i.e., in order to take into account the perception of beneficiaries of teaching activities themselves, a **survey** was conducted **with students – senior undergraduates**, who, having attended all lectures in all courses, certainly represent the most suitable category for analysing students' perception of education in the field of human rights, which is very heterogeneous and dispersed throughout the curriculum. The survey, which was completely anonymous, was conducted online. A total of 73 respondents from all four above-mentioned faculties responded to the survey and their answers provided clear indications regarding the subject matter of this research.<sup>6</sup> As regards the respondents' gender, the sample encompassed 27 (37%) male and 46 (63%) female respondents.

5 The text of the questionnaire used for the semi-structured interviews with lecturers from the four state law faculties is attached to this analysis in Annex 2.

6 The text of the questionnaire used for conducting the survey on senior undergraduates is attached to this analysis in Annex 1.

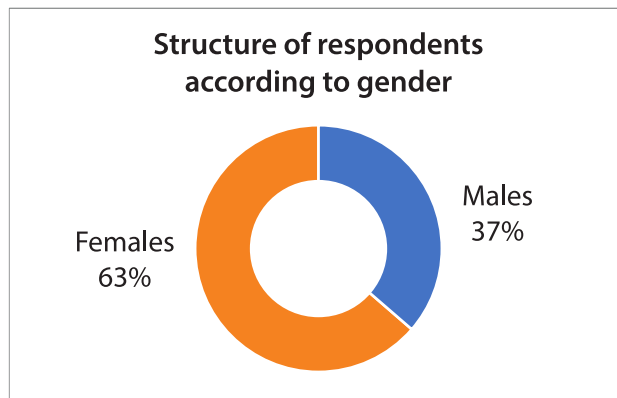


Figure No. 5

Another prominent figure of the respondents' structure was that there were twice as many respondents whose average grade during the studies was above eight compared to those whose average grade was below eight.

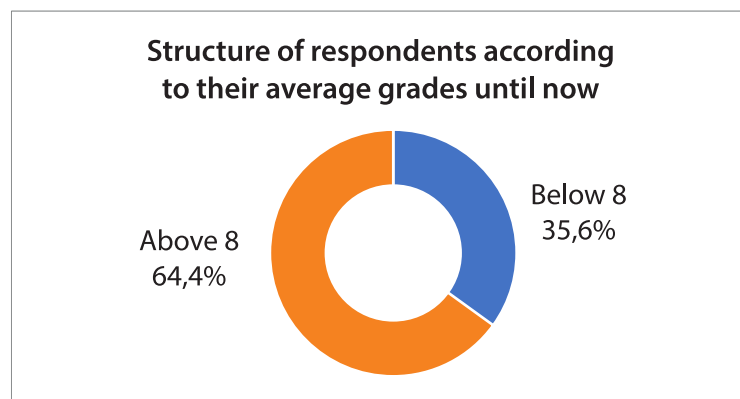


Figure No. 6

For the purpose of getting a more complete overview of the subject matter of the research, the *semi-structured interview method* was used both with representatives of institutions and organisations involved in follow-up education of lawyers in the field of human rights, as well as in certain teaching formats and methods for law faculty students.<sup>7</sup> Like in the case of interviews with faculty lecturers, the results of these interviews were also anonymised, for the purpose of obtaining objective results. The aim of this method was also to gain an insight into the perception of possible gaps and to see if there was any room for improving university education on human rights, observed from the aspect of representatives of organisations which deal with (some exclusively and others *inter alia*) follow-up education in the field of human rights of recent law graduates. Interviews were conducted with representatives of the following 17 governmental, civil society and international organisations.

<sup>7</sup> The text of the questionnaire used for semi-structured interviews with representatives of institutions and organisations involved in additional education of lawyers in the field of human rights is attached to this analysis as Annex 3.

State authorities and organisations	Civil society organisations	International organisations and projects
Judicial Academy	Law Academy	UNHCR
National Academy of Public Administration	Group 484	OSCE Mission to Serbia
Commissioner for the Protection of Equality	IDEAS Centre for Research and Social Development	Council of Europe Office in Belgrade
	Mental Disability Rights Initiative (MDRI-S)	International Organisation for Migrations – Mission in Serbia (IOM)
	Anti trafficking action (ASTRA)	IPA Project “EU for Justice – Support to Chapter 23”
	Citizens Association for Combating Trafficking in Human Beings and All Forms of Gender-Based Violence (ATINA)	
	Lawyers’ Committee for Human Rights (YUCOM)	
	Helsinki Committee for Human Rights in Serbia	
	Belgrade Centre for Human Rights	

Finally, a comparative approach was used with the intention of reviewing foreign practice and determining quality, i.e., comparing the existing models of human rights education at Serbian law faculties with several European and regional examples. This has also made it possible to find possible answers to some of the problems that appear in practice in this field in Serbia.

### 3. The Issue of Human Rights and Studies of Law at Serbian State Faculties

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**H**uman rights do not have the status of a compulsory course in the study programme of any of the four analysed Serbian state faculties. At the Faculty of Law of the University of Belgrade, the course entitled 'Human Rights' focuses on the international aspect of this matter and, as such, represents a part of the international teaching module in the third year of studies. At the Faculty of Law of the University of Kragujevac, a course named 'Protection of Human Rights' is also in the third year, but as an elective course within the Internal Affairs and Security stream of study at the undergraduate level. What this means is that even those students who opt for this stream of study do not necessarily have to select and pass the human rights course (unlike their colleagues in Belgrade). There is also a difference in the focus of the teaching material, and so in Kragujevac, the syllabus of this course pays attention to both national and international aspects of human rights. The faculties of law in Novi Sad and Niš, however, do not have a course – even an elective one – that focuses on human rights.

However, as we have already pointed out, a myriad of values, from the right to life to the principles of equality and equal treatment, are protected by various branches and fields of law from different angles and aspects. Simply speaking, human rights permeate nearly all aspects of law in one way or another and their study is, therefore, segmented, frequently making it difficult to set boundaries and to provide a complete response to the question: "At which courses can we find human rights at faculties of law?" Truth be told, human rights have evolved into a very broad field, which is becoming even broader as a result of continuous development, which means that today, one can hardly say that human rights are completely absent from any field of law or even from a field that is loosely related to law.<sup>8</sup> The trend of development of so-called 'third generation human rights' (particularly in the socioeconomic field) as well as political rights has especially helped them to become "invisibly" incorporated into various branches and disciplines of law to such an extent that their human rights character is frequently overlooked.<sup>9</sup>

Although it is really difficult to talk about a complete absence of the study of human rights from any of the law school courses, human rights are, nevertheless, more widely present in some courses than in others. In this respect, the following courses stand out as common denominators for all of the above-mentioned Serbian faculties, since they are compulsory at all of them: Constitutional Law, Pub-

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8 Today, there are (argued) debates about the right to internet access as a human right. See: Dejan Đukić, *Pravo na pristup internetu kao ljudsko pravo*, *Strani pravni život*, 3/2016, 205–217.

9 On the concept and dimensions of human rights: Boris Krivokapić, *Pojam ljudskih prava*, *Strani pravni život*, 1/2017, 9–20.

lic International Law, Labour Law, (both substantive and procedural) Criminal Law, Administrative Law, (both substantive and procedural) Civil Law and Introduction to Law of European Integration (EU Law).

The course which primarily stands out among those that largely encompass the study of human rights is **Constitutional Law**, and the etymology of its name partly shows this. Namely, human rights are most frequently defined today as “the rights which a human being has by virtue of being a human – i.e., independently from the will of the state, i.e., they fence in something that the state must not encroach on – human rights.<sup>10</sup> and the English word ‘constitution’ (and, therefore, also constitutional law) originates from Roman ‘constitution’ and Old French “*constitucion*” or “*constituere*”<sup>11</sup>, i.e., “to cause to stand”, “set up”, “establish”, “set in order”: human rights. During undergraduate studies, students are trained to understand the formal and substantive concepts of constitutional law, as well as to learn about the most important political institutions that are among the highest authorities of a state (about the state structure, organisation, functioning, and restriction of its competences as a result of human freedoms and rights). One of the teaching units within the Constitutional Law course is freedoms, rights and duties of person and citizen: History of constitutional treatment of freedoms, rights and duties of citizens in the Constitutions of Serbia, Constitutional concept of human rights, Differentiation between human and civil rights, Human and minority rights and freedoms according to the Constitution of the Republic of Serbia’.

In addition to constitutional law, **criminal law** provides (the strongest) protection of all the most important social values, including human rights. If the rights and freedoms of person and the citizen are understood most broadly, then criminal law also protects the rights and freedoms such as the right to life, health, physical and moral integrity, healthy environment, property, honour and reputation, personal dignity and sexual morality, electoral rights and freedom of expression, i.e., personal freedoms and rights, etc. Criminal law is said to be focused in its entirety towards the protection of human rights, and therefore a large number of teaching units within its curriculum are closely related to this issue.

**Procedural criminal law** is also closely related to human rights, as a branch of law that deals with legal norms which govern criminal procedure as a legally regulated procedure within which a sanction is imposed on the perpetrator of a criminal offense under certain conditions. Since criminal sanctions represent a major restriction of the rights and freedoms of person, it is only logical that procedural criminal law, as a branch of law, piece of legislation and research area focuses all of its attention to the observation of human rights, which particularly refers to the observation of the defendant’s rights (both in the pre-investigative procedure – where police play the most important role in the treatment of suspects – and during criminal proceedings), since the defendant rights are those that can be threatened the most.

**Public international law** is a branch of law that primarily focuses on relations among states, international organisations, individuals and other entities that participate in international relations. Public international law norms are set up in such a way as to ensure equality of states in their mutual relations for the purpose of preventing subordination. In addition to this, public international law regulates relations among states and international relations with individuals (citizens). In this context, international human rights guaranteed by international conventions and protected by international courts have great importance. Due to its broadness, Public International Law represents one of the main human rights-related courses at the regional and international levels, since students deal with the methods and mechanisms of international human rights protection, relationship between the international and national human rights protection systems, etc. Public international law includes a number of issues that pertain to the aspects of institutional protection of human rights, as well as the laws of armed conflicts (humanitarian law).

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10 Milan Paunović, Boris Krivokapić, Ivana Krstić, *Osnovi Međunarodnih ljudskih prava*, Beograd 2007, 15.

11 Kosta Čavoški, *Ustavnost i pravo veta*, *Anali Pravnog fakulteta u Beogradu*, 3/1971, 222.

The study of **administrative law** includes, *inter alia*, lectures on the understanding of public administration as citizens' public service, which, by providing an example and by acting, must ensure the observation and implementation of human and minority rights, guaranteed by international documents and our Constitution. In this context, it is particularly important to find and study instruments for the implementation and guaranteeing of the right to equality of genders and ethnicities and right to equality on other grounds, as well as the issue of accountability of the public administration.

**Labour law.** In addition to numerous labour-related topics, within the Labour Law course students also study the rights of employees in case of a change of employer, exercise and protection of individual employee rights (procedure at the employer, peaceful settlement of labour disputes, court proceedings) and collective rights and obligations. The focus within the exercise of employees' rights is on internal protection, court protection and protection by other authorities. As for the issues of health care and protection, the exercise of relevant rights of citizens is also studied.

**Substantive civil law** is studied at all law faculties in Serbia in accordance with the traditional, pandectistic division of this area into its general part, property law, law of obligations, law of succession and family law. In Serbia, the general part of civil law is regulated by the Law on Contracts and Torts, but at the university level, this field of law is studied (for the most part) within a single course entitled 'Introduction to Civil and Property Law', which deals, *inter alia*, with subjective civil rights, their exercise and protection. The Law on Succession and the Law of Obligations represent separate courses, while the Family Law course has special importance when it comes to the study of human rights. Within family law, the study material includes the methods of family formation, family members' rights and obligations, cutting off from family members and consequences thereof. In that respect, lectures refer to marriage, requirements for marriage, rights and obligations of spouses, termination of marriage, consequences of termination, divorce proceedings and extramarital union. One of the goals of this course is to teach students about the impact of human rights and the rights of the child on family relations.

Within the **Procedural Civil Law** course, students learn about the right to a fair trial, the right to equal protection of rights and to legal remedy, as well as the right to legal aid, as some of the fundamental rights of citizens in connection with civil proceedings. In addition to this, in connection with special civil procedures, the protection of collective rights and interests of citizens is studied.

**Introduction to Law of European Integration, or Basics of European Union Law, or Introduction to European Union Law** is a recent field of research and a recently added course, which mainly focuses on the issue of normative framework of the European Union and operation of organisations and individuals within this framework. Therefore, important teaching units relate to the concept, nature and sources of *acquis communautaire* which is characteristic of the EU, EU institutions and bodies, relations which the EU has with its Member States and with individuals, foreign relations between the EU and its Member States, and third countries, etc. One of the particularly important fields refers to the issue of protection of human rights and freedoms at the EU level. Many EU institutions, regulations and mechanisms focus on the protection of the rights of citizens who are allowed to move freely and to reside in the EU territory. Therefore, students in this course also deal with the issue of human rights, particularly when they study the principle of free movement of persons and capital, the right to reside in the EU territory, as well as the EU Charter of Fundamental Rights with its accompanying protocols which represents one of the most important EU regulations on human rights.

In the survey of senior undergraduates within this research, we asked them to list courses which they recognised as those where they had learned about human rights, based on their experience and applicable curricula. Their responses, shown in the table below, largely met the expectations:



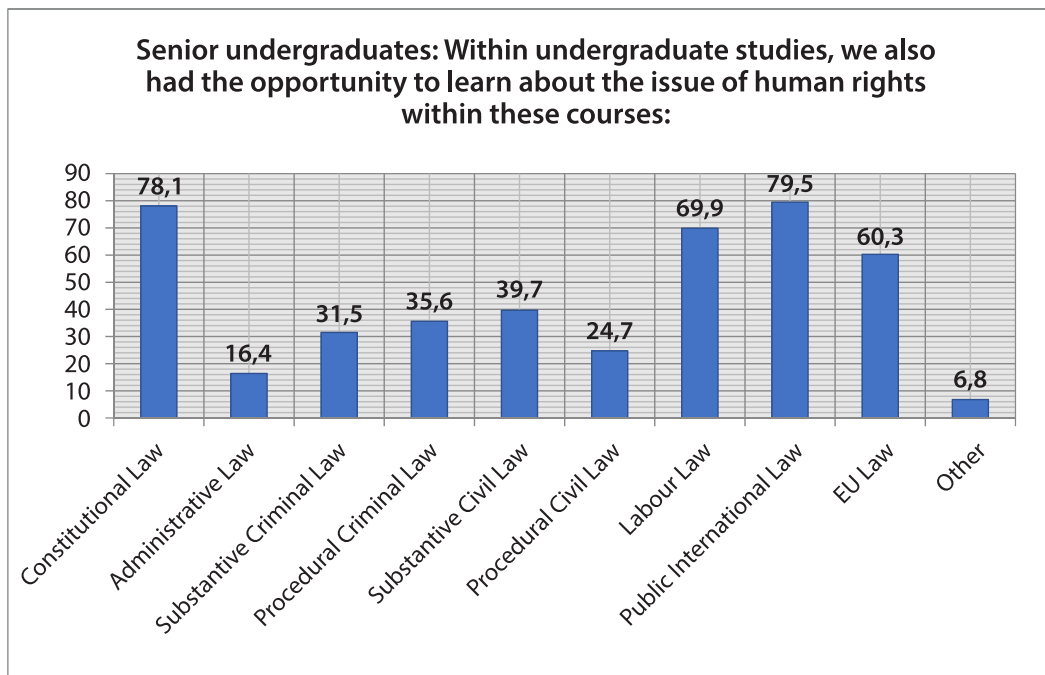


Figure No. 7

It should be noted, however, that representatives of institutions and organisations dealing with follow-up, postgraduate education of lawyers in the field of human rights are very restrained when it comes to the level of perception of omnipresence of human rights in different fields of law and courses. One could conclude, however, that this is an assessment of an 'in-depth' perception of the need to cherish human rights within some branches of law, rather than just of the recognition that issues pertaining to human rights exist within specific courses.

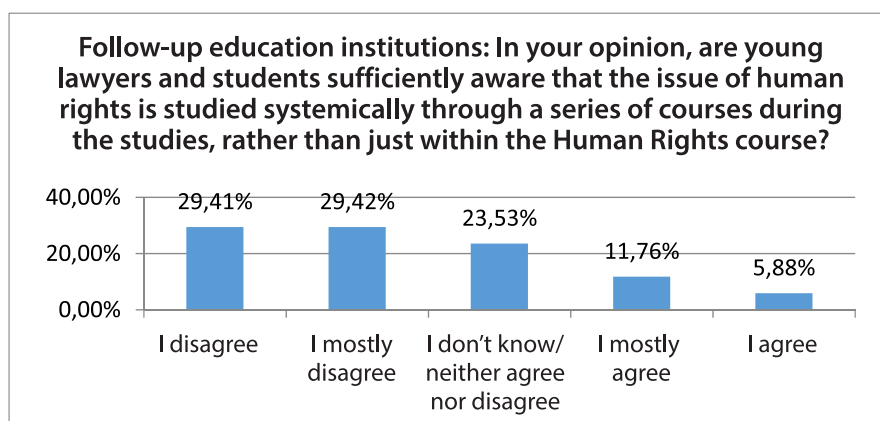


Figure No. 8

As regards the Human Rights course, one should also mention certain issues resulting from the imprecise terminology used in the curricula of some faculties. The term 'Human Rights' can be used for naming courses with significantly different content, i.e., courses which approach human rights from different perspectives and which lay stress on different aspects. A good example of this could be the Faculty of Law of the University of Belgrade, where, within the undergraduate studies, the 'Human Rights' course actually refers to international human rights, while the course of the same name at the doctoral studies of constitutional law focuses mainly on the national level in this field, similarly to the 'Human Rights Protection' course within undergraduate studies at the Faculty of Law of the University of Kragujevac (at the Internal Affairs and Security stream of study).



## 4. Situation and Special Challenges in the Teaching of Human Rights

All four analysed Serbian law faculties in their current curricula envisage the implementation of the Bologna Process, and have many similarities and differences starting from the number of courses that a student must pass during education, the presence or absence of specific streams of study (modules), different total number of courses, differences between elective and some generally compulsory courses, etc. Depending on the specific faculty and the lecturer, there are also differences in the implementation of interactive teaching methods, which enable students to acquire applicable, hands-on knowledge more easily.

On the basis of responses provided by our interlocutors, the use of certain teaching methods at the four faculties, observed *grosso modo*, looks like this:

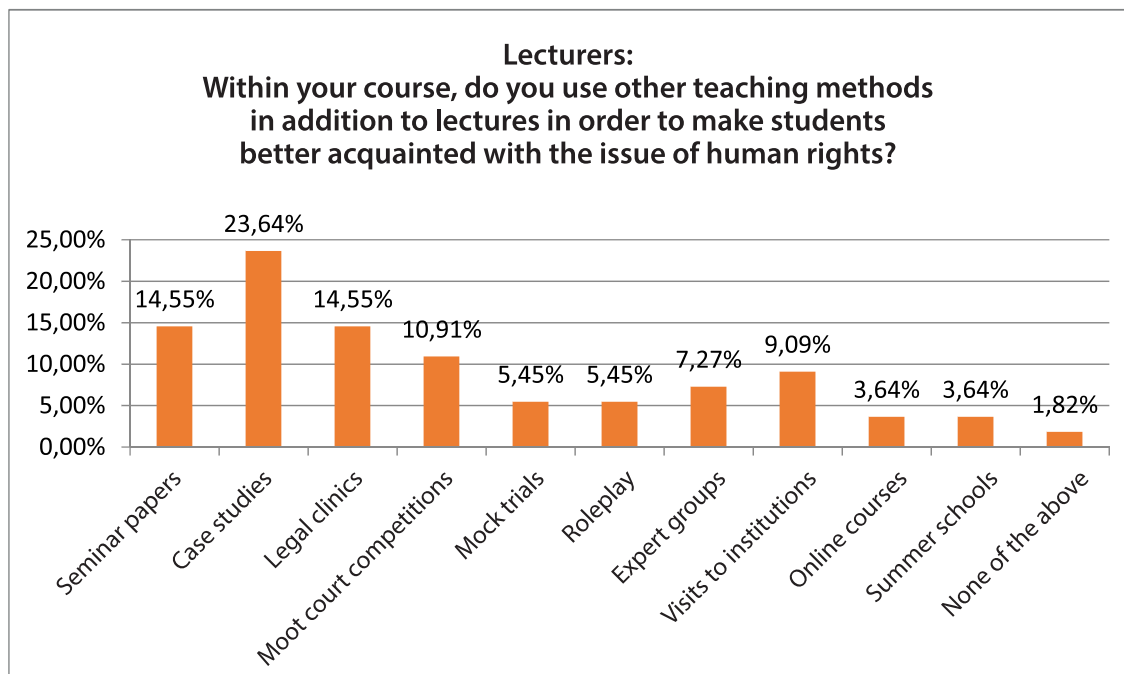


Figure No. 9<sup>12</sup>

12 "Visits to institutions" refers to institutions dealing with the protection of human rights at the national and supranational levels.

While teaching, as many as 87.5% of lecturers in all courses (*ergo*, not only in those dealing with human rights) use some form of additional teaching material such as judgments of the European Court of Human Rights, thus familiarising students with the issue of human rights. As for the lecturers whose courses do not encompass only human rights, as many as 92.3% of them “agree” or “mostly agree” (the two responses received 46.15%, respectively) with the statement that human rights are well integrated in the compulsory literature on their course.<sup>13</sup> As regards the integration of the study of human rights (legal theory, human rights protection instruments and appropriate human rights protection mechanisms) in the curriculum, lecturers (those who teach at courses that do not include human rights in the names) differentiate between the international and national levels:

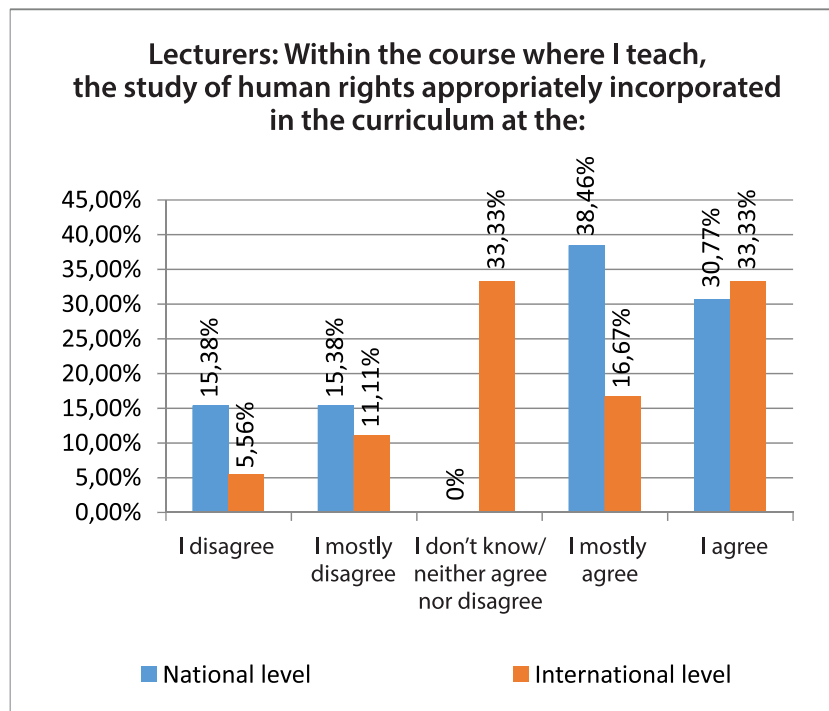


Figure No. 10

Some of the problems concerning practical education and the application of “*learning by doing*” methods are common for all faculties, since they result from the legal framework in the Republic of Serbia. For example, the current Law on Free Legal Aid,<sup>14</sup> which has been in force since October 2019, alters the regulatory rules in comparison with the previous solution, thus significantly changing the way legal clinics operate and shrinking their space for action. While students previously had the opportunity to work directly with clients and even go out in the field, acquiring practical knowledge and a number of useful skills, the innovations contained in the Law on Free Legal Aid prevent such practice and reduce the teaching only to lectures by visiting lecturers (frequently practitioners), case studies and workshops. Although all these methods are very important, if we compare them to previous solutions and possibilities, we can conclude that this is a step back when it comes to efforts to provide students with as much hands-on knowledge as possible, enabling them to transition smoothly into their profession after graduation.

As we will see, the prevalence of theory over practice, fragmented study of human rights and insufficient presence of certain topics which have proved to be particularly important in practice (such as

<sup>13</sup> It is noticeable (and therefore also understandable and expected) that 75% of respondents – lecturers said that human rights appeared in the curriculum of their courses in fragments.

<sup>14</sup> <https://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2018/87/15/reg>

the rights of asylum seekers and migrants, prohibition of discrimination, rights of especially vulnerable groups, etc.) are also some of the shortcomings shared by all analysed faculties.

However, all of the analysed faculties, respectively, face specific challenges within their efforts to secure the best possible human rights education, and they are, therefore, systematised below within an overview of situations in this field at individual faculties.

#### 4.1. FACULTY OF LAW OF THE UNIVERSITY OF BELGRADE

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At the Faculty of Law of the University of Belgrade a student must pass a total of 31 exams (compulsory courses, as well as courses within individual streams of study and elective courses), pass a separate practical course named 'Skills' in the last, 8<sup>th</sup> semester and complete practical training in justice and administration or economy (also in the 8<sup>th</sup> semester) in order to acquire the title of a law graduate. There are a total of 23 compulsory courses, a total of 20 courses (out of which a student takes 5) within modules or streams of study, a total of 35 elective courses (of which students must choose 2), and a specialised professional language exam which must be passed (either English, German, Russian, or French). In the academic year 2020/2021, the faculty enrolled about 600 government-funded students, and another 700 who are self-financed.

The first-year curriculum is the same for all students, while in the second year they can already opt for one of the four streams of study (modules): judicial-administrative, business law, international law or law theory. In the third and fourth year, students have to choose one course from a list of elective courses, and they no longer have the possibility to choose a course from another stream of study instead of one of the offered elective courses by changing the syllabus. In order to be allowed to graduate, students also have to pass the above-mentioned Skills course, i.e., practical training, in the fourth year.

A course named **Human Rights** is in the third year of the International Law study group, as a compulsory course for this stream of study. Hence, it is not compulsory for all and, as we have already mentioned, students who have chosen a different stream of study can no longer substitute a course from the selected module for this course (like they could before the reform of the education process). Even at the first glance, this solution is problematic because it is completely clear that the study of human rights has exceptional importance, at either the national or supranational levels, including for students from study groups other than that on international law. It will be seen that representatives of organisations that deal with postgraduate, out-of-faculty education and practical training for young lawyers frequently say that there is not enough knowledge of human rights among, *inter alia*, those law graduates who deal with criminal proceedings (and that there are significant violations of fundamental human rights in criminal proceedings, such as the fundamental right to liberty). As a result of this solution, a student who is mainly interested in, e.g., criminal law courses, and therefore naturally gravitates towards the Judicial-Administrative stream of study, is deprived of the possibility of learning more about human rights within the formal process of education. All that such a student can do is to study this topic on his/her own outside formal education process, which is not a desirable solution at all.

Slight confusion is also caused by the fact that the name 'Human Rights', which is used for an elective course in the third year of the Faculty of Law in Belgrade, actually refers to international human rights course, in which the curriculum and textbook do not cover national protection and mechanisms in general. A course of the same name, Human Rights, however, can be found within postgraduate, doctoral studies in the Constitutional Law stream of study at the Faculty of Law of the University of Belgrade, and, by contrast, it focuses on the national level, while the international aspect remains in the background. Although this solution could be defended by the fact that the Human Rights course

within the undergraduate studies is in the International Law study group, the nature of human rights is such that each law graduate would appreciate to study them in the applicable national context, which is absent, and is not fully covered by presentations in other courses either. As a result of the concept of the course, human rights at the national level are studied only through discussions at lectures, rather than systematically.

Overall, it can be said that the current status of the undergraduate Human Rights course is unsatisfactory for several reasons. Under the revised curriculum it has been transferred from the fourth to the third year. The previous solution was better because students had to pass Public International Law before being allowed to attend Human Rights lectures, which is no longer the case, so today they sometimes do not have the necessary minimum of basic knowledge needed for approaching the current concept of the Human Rights studies. This course, like all others within this stream of study, carries just three credits, which is less than the number of credits carried by the professional language course (6 credits). Also, according to our interlocutors, there is not enough time for studying this very serious topic: this is a one-semester course and just two hours of instruction per week are envisaged (while the study material is broad). Moreover, since this is a course which belongs to a stream of study, there are only lectures and no exercises, which is a significant limitation for lecturers and which is particularly important because this specific issue is not a purely or mostly theoretical discipline, but a field of study which, by its very nature, calls for practice in order to ensure the applicability of the acquired knowledge.

Lecturers at the Faculty of Law of the University of Belgrade are trying to do away with the inadequacies and shortcomings of the status of the Human Rights course by using the methods permitted by the Statute. They use case studies, workshops and lectures as teaching methods. Our interlocutors at the Faculty also pointed out that there was an idea to organize an English-language expert group in this course, where interested students would be able to use original materials and read original judgments, as well as to use foreign textbooks (such an expert group already exists at this faculty within the Public International Law course). Students are also advised to attend HELP online courses,<sup>15</sup> to participate in one of the legal clinics in the fourth year<sup>16</sup> (whose work, however, is significantly restricted by the Law on Free Legal Aid, which has been already mentioned), and to participate in a number of summer and winter schools on human rights, organised by the Council of Europe, as well as by SEELS (South East European Law School Network). Obviously, there is a need for changing the status of this course at the Faculty of Law of the University of Belgrade, and for revising the current textbook (Paunović/Krivokapić/Krstić), which, although comprehensive and good, has been used for eleven years, and the nature of this issue and its rapid development require updating. Belgrade Law School interlocutors also stress that a practicum with excerpts from judgments should be introduced, facilitating practical learning.

Among the courses in which students encounter the topic of human rights and which are compulsory for all, the first-year **Constitutional Law** course is particularly prominent, since a significant part of its syllabus covers the issue and mechanisms of human rights protection at the national level, in accordance with the previously presented common characteristics of this course at all four faculties analysed in this study. A significant part of the applicable textbook by Professor Ratko Marković is dedicated to this issue. In addition to this, a textbook entitled Human Rights, written by Professors Vladan Petrov, Darko Simović and Marko Stanković, exists at the faculty, covering this issue more thoroughly and presenting it systematically both from the national and supranational perspectives. As far as we know, this book

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15 The Human Rights Education for Legal Professionals (HELP) is a Council of Europe online platform. More information is available at [https://www.coe.int/sr\\_RS/web/help-country/about-help](https://www.coe.int/sr_RS/web/help-country/about-help) and <http://help.elearning.ext.coe.int/>

16 Legal clinics exist within the fourth-year Legal Skills course. They will be discussed in more detail later in the text.

is used as the main textbook in postgraduate PhD studies at the Constitutional Law stream of study, whereas in the undergraduate studies it is not used even as additional reading material.<sup>17</sup>

First-year students at the Faculty of Law in Belgrade acquire basic knowledge of the institutional protection of human rights at the international and regional levels at the **Introduction to the EU Integration Law** course. This course focuses mainly on the public law aspect and less on the legal and institutional frameworks for human rights protection at the supranational and international levels. Judgments of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ) are generally used in teaching. For example, this is the way in which discrimination is covered. Original ECtHR and ECJ judgments are used in classes, while the Serbian translations thereof are used with first-year students. These documents are also used for explaining the process of drafting of memorials and submissions to ECtHR and ECJ. Decisions of the Constitutional Court of the Republic of Serbia are also used for this purpose.

In the second year of studies, similarly to other Serbian faculties, students learn about the issue of human rights partially, through a number of civil law courses, as well as in **Criminal Law**, while in the third year, the courses which are compulsory for all students and which stand out in this regard are **Procedural Criminal Law**, **Administrative Law** and **Public International Law**. According to our interlocutors, human rights are studied within the framework of administrative law through the analysis of case law, albeit only the case law of the national courts.

Since international human rights represent an integral part of **Public International Law**, all students in this course have the opportunity to learn about the mechanisms and bases for the protection of human rights at the international level. This has particular importance, because students who do not belong to the international law study group (and have not chosen this course as an elective) will not have it at all. They are not required to pass Public International Law prior to taking the Human Rights exam, but since the teaching materials of the two courses partly overlap, faculty professors themselves say that students who have already mastered and passed Public International Law have noticeably better results at the Human Rights exam. One could say, therefore, that rather than representing excessive repetition, the overlapping of teaching materials creates a basis for building systemic, functional understanding of the relevant matter, which is approached from somewhat different angles in these two courses. When it comes to the previously acquired knowledge necessary for the comprehension and passing of the Public International Law exam (in the context of human rights), there are noticeable gaps in the understanding of regional protection mechanisms, which, according to our interlocutors, may in part be due to certain gaps in the syllabus of the first-year Introduction to Law of European Integration course. Within the Public International Law course, there is the already mentioned expert group which has classes in English, and within which a teaching unit is dedicated to human rights. Students in this expert group use foreign textbooks. At each class, they are given hypothetical cases, which they discuss and apply norms on, which is how they learn international legal argument. Hypotheticals also mean that students have to do homework: they have to write legal analyses of the observed legal issues. According to our interlocutors at the faculty, during the COVID-19 pandemic, e.g. students had the task to act like the Asylum Office and determine whether a person qualifies for protection or not.

A particularly important fourth-year course is **Procedural Civil Law**, which deals with the protection of subjective rights, and, *inter alia*, the protection of rights that belong to the body of human rights. According to our interlocutors, human rights are encompassed by the textbook and permeate almost all teaching units. However, it is upon the examiners to decide whether they will include this material in the

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17 This is evident from the publicly available list of courses for basic studies at the Faculty of Law of the University of Belgrade, /<http://www.ius.bg.ac.rs/Studije/SilabusIPF2013.pdf>

exam or not. Examiners who want students to show greater knowledge, also want them to have knowledge of human rights. Within this course, students learn about individual ECtHR decisions contextually.

As for elective courses, those with principal importance when it comes to the subject matter of this research are **Minority Rights, Environmental Law, Gender Studies and International Humanitarian Law**. The **Minority Rights** course includes visits to institutions in charge of human rights protection.

The Faculty of Law of the University of Belgrade also has the above-mentioned **legal clinics** which operate within the fourth-year Legal Skills course. Within this course, students can choose legal clinics, mock trials, nomotechnics or interpretation of the law. According to our interlocutors, the Faculty is reviewing alternatives for these clinics in the form of simulations and lectures by visiting lecturers/legal practitioners for the purpose of preventing the closure of these legal clinics as a result of the new situation (in connection with the Law on Free Legal Aid). There are legal clinics for the law of obligations, family law and criminal law (within module A). Module B clinics do not work with real clients, but are designed in such a way that the majority of trainings are conducted by practitioners, and governmental and civil society organisations, as well as professors from other faculties, while students then get practical training in partner organisations. This is the case with the anti-discrimination, asylum, refugee law, human trafficking, anti-corruption and environmental law clinics. They all deal with human rights protection.

For a number of years, students also prepared for moot court competitions in the field of human rights, although this is not a regular, but an occasional teaching method. As we have already mentioned, summer schools are organised in cooperation with the Council of Europe every year, and online courses are also available.

## 4.2. FACULTY OF LAW OF THE UNIVERSITY OF NOVI SAD

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At the Faculty of Law in Novi Sad, the main study programme is the general stream of study which represents the first level of undergraduate studies. The current study programme was established in 2014, and studies last for 4 years (8 semesters), with a total of 36 courses within the study programme, carrying 240 ECTS. Upon completing the study programme, students acquire the title of law graduates. The list of courses of the **Faculty of Law in Novi Sad** contains 49 courses.<sup>18</sup> In addition to the general, the Faculty also offers the internal affairs stream of study. In the academic year 2020/2021, about 400 students were enrolled at the Faculty of Law of the University of Novi Sad.

The study programme encompasses 30 compulsory courses and several elective courses in every year. As for the subject matter of this study, the **Constitutional Law** course, which is taught in the second semester of the first year and which carries 8 ECTS is especially important. A particularly important course related to human rights is the second-year **Public International Law 2** course, which is studied in the fourth semester and which carries 5 ECTS. Also, general issues related to international human rights are studied within the Public International Law 1 course, which is in the same year, but in the third semester.

A course that refers only to the issue of human rights is **not contained** in the syllabus of the undergraduate studies at the Faculty of Law in Novi Sad. Nevertheless, this does not mean that human rights as such are not studied within other, general and elective courses. Namely, human rights are contained within the syllabi of several separate courses. The study of human rights receives the greatest attention at the **Constitutional Law and Public International Law 2** courses, where human rights are studied within a separate teaching unit.

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18 [http://www.pf.uns.ac.rs/attachments/article/1129/Knjiga%20predmeta%20-%20Prava%20-%20Op%C5%A1ti%20smer%20\(OAS\)%20-%202013.pdf](http://www.pf.uns.ac.rs/attachments/article/1129/Knjiga%20predmeta%20-%20Prava%20-%20Op%C5%A1ti%20smer%20(OAS)%20-%202013.pdf).



The **Constitutional Law** course contains a separate teaching unit entitled 'Citizens' Freedoms and Rights'. This teaching unit covers international human rights declarations and standards, the issue of citizenship, as well as systematics, typology, cataloguing and restrictions in connection with human rights, particularly in relation to constitutional law. The textbook on this course is *Ustavno pravo* (Constitutional Law) by Marijana Pajvančić, issued in 2014, and *Komentar Ustava Republike Srbije* (Commentary on the Constitution of the Republic of Serbia) issued in 2009, as well as the text of the Constitution of the Republic of Serbia.

The **Public International Law 2** course contains a separate thematic unit named Human Rights and Freedoms. As the name of the course indicates, the issue of international human rights is studied. The literature used in this course consists of the following research units: *Međunarodno javno pravo* (Public International Law) by Rodoljub Etinski, Sanja Đajić published in 2012, *Zbirka tekstova iz Međunarodnog javnog prava* (Collection of Public International Law Texts) by Rodoljub Etinski, Sanja Đajić, Bojan Tubić, published in 2010, *Praktikum za međunarodno javno pravo – opšti deo* (Public International Law Practicum – General Part) by Sanja Đajić, published in 2007, *Međunarodno javno pravo* (Public International Law) by Smilja Avramov, Milenko Kreća, published in 2009. Within this course, the emphasis of the human rights study is understandably on the supranational aspect, but, according to our interlocutors from the faculty, attention is also paid to the national level up to a point, and for example, lectures refer to the instrument of constitutional appeal. The use of case law represents the central teaching method in lectures and exercises, particularly within the Public International Law 2 course. Our interlocutors say that, for example, an individual provision is read out and then discussed using practical examples, or that the relevant issue is brought in connection with other decisions, because one frequently cannot conclude on the basis of the provision itself which human rights it can affect. They say that it would be impossible to teach at this course without referring to case law. The so-called special rapporteur method is used in classes, where selected students have to find, prepare and present at the following class the latest case in the case law of an international body, which is then discussed, and which represents the central part of the class.

Other courses treat the issue of human rights in fragments, referring to individual human rights in connection with their subject matters. This is the case with: **Criminal Law** (special criminal offences against life and limb, as well as criminal offences against freedoms and rights of person and citizen), **Private International Law** (private rights of foreigners in connection with marriage, succession, acquisition of property), **Family Law** (rights of parents and child), **Law of Succession** (citizens' inheritance rights), **Procedural Civil Law** (rights related to litigation and non-contentious proceedings, particularly the right to a trial within reasonable time and right to access to court). The teaching method used in civil law courses includes case studies.

In addition to compulsory and elective courses, some students may also encounter human rights within non-compulsory, out-of-faculty activities. In that regard, students of this faculty participate in the regional competition 'Futura Moot Court –Simulation of Trials before the European Court of Human Rights', and mock trial competitions in the field of equality protection. There are environmental law and human trafficking legal clinics. However, the faculty does not organise visits to institutions in charge of human rights protection, because they are not located in the same city.

### 4.3. FACULTY OF LAW OF THE UNIVERSITY OF NIŠ

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At the undergraduate studies of the **Faculty of Law of the University of Niš**,<sup>19</sup> there are **22 compulsory courses**, a compulsory foreign language course (either English, German, Russian, or French), and students must also select and pass **8 of the available 44 elective courses**. In addition to the listed

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<sup>19</sup> The study programme of undergraduate studies at the Faculty of Law in Niš is available at: <http://www.prafak.ni.ac.rs/files/studije/Studijski-programme-osnovnih-akademskih-studija-prava-iz-2013.pdf>

courses, students have **compulsory professional practice** in the second and third year, with the aim of establishing a connection between students' knowledge of theory and the needs of practice in the implementation of applicable legal regulations, as well as more complete mastery of study materials contained in courses which focus on applicable law.<sup>20</sup> In the fourth year, students have to successfully master the **Skills** course, which includes training at the legal clinic of the Faculty, mock trials, teaching using the legal regulation databases, etc. and where interactive teaching methods are applied.<sup>21</sup> The Faculty of Law in Niš has a single programme of undergraduate studies, i.e., there are no individual streams to be chosen among, and students can "individualise" their programme based on their interests only, by choosing the elective courses in which they are more interested. Every year, this faculty enrolls between 300 and 350 students.

A course named **Human Rights** does not exist either among the compulsory or among numerous elective courses at this faculty, but there is an array of courses that (partly) deal with the topic of human rights protection. Until the latest educational reform, the Human Rights course was a compulsory course within the international law module (similarly to the Belgrade Faculty of Law), but was then removed from the undergraduate studies and today exists only in the curricula of postgraduate master's and PhD studies.

Out of the compulsory courses that all students must master in order to graduate from this faculty, (with regard to the courses we described as particularly important for the subject matter of this analysis in the introduction) only **Constitutional Law** is present in the first year of studies. An analysis of the curriculum of this course,<sup>22</sup> as well as the compulsory textbook (D.M. Stojanović, *Ustavno pravo* (Constitutional Law), Niš 2013) shows that an emphasis has been laid on state law and state organisation topics (in accordance with the nearly generally accepted, almost traditional understanding of this subject matter in Serbia), many of which (in)directly involve human and minority rights, such as the protection and exercise of political rights and freedoms, electoral rights, etc. The topic of human rights *per se* is represented to a significant extent: the objectives of the course include human rights (constitutions and rights of person, theory of fundamental rights, legal effect of fundamental rights, division and systematisation), as well as human rights in domestic constitutional law (sources of fundamental rights, rights of man and citizen in the constitutional system of the Republic of Serbia, protection of constitutional rights). Although the topic of human rights is covered in the theoretical part of the study programme, it is also present in practical training, in the form of exercises and students' research. Our interlocutors stress that the case laws of the ECtHR and the Constitutional Court of Serbia are used in classwork, which is of exceptional importance for the study of human rights within the framework of constitutional law. Students are recommended additional, optional reading material that pertains to human rights issues, while the textbook, which must be studied for this compulsory exam, shows that students who pass this exam must have at least basic knowledge of personal, political, economic, social and cultural rights and freedoms, rights of national minorities and foreigners, duties of citizens, as well as the protection and restrictions of constitutional rights and freedoms.

Out of the particularly relevant courses identified in the introduction, the compulsory courses in the second year include Administrative Law, Criminal Law, Public International Law and Family Law.

The **Criminal Law**<sup>23</sup> syllabus should enable students to understand and comprehend the mechanisms of effective protection of the most important social values, including numerous human rights, through the

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20 Description of the practice is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/strucna-praksa-III.pdf>

21 The syllabus of the fourth-year Skill course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/vestina.pdf>

22 The syllabus of the Constitutional Law course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/ustavno-pravo.pdf>

23 The syllabus of the Criminal Law course is available at <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/krivicno-pravo.pdf>



implementation of criminal legislation. The theoretical part of the course includes, *inter alia*, issues related to the system of criminal sanctions, security measures and sanctions against juveniles, rehabilitation issues, and a set of separate groups of crimes against life and limb, freedoms and rights of person and citizen, honour and reputation following release, marriage and family, property, human health, the environment, etc., which include an array of human rights. The **Public International Law**<sup>24</sup> course includes a number of issues related to the aspects of institutional protection of human rights, and, like at other faculties, its programme represents one of the pillars of study of human rights protection mechanisms at the supranational level.

In the third year, the compulsory courses include, *inter alia*, Procedural Criminal Law<sup>25</sup>, Labour and Social Law<sup>26</sup>, as well as Criminology<sup>27</sup>. Within the Procedural Criminal Law course, original judgments of the European Court of Human Rights are used in lectures and exercises in order to familiarise students with certain instruments of criminal procedure law. In addition to this, national court judgments, especially those of the Supreme Court of Cassation, but also of lower courts, are used. Also, Constitutional Court decisions are studied as well if they refer to criminal law matters. Two textbooks are used within the course: *Opšti i Posebni deo* (General Part and Special Part) by Prof. Saša Knežević, published in 2017 and 2019, which, according to our interlocutors, cover all international standards in the context of human rights protection.

Within the **Procedural Civil Law**<sup>28</sup> course, which is studied in the fourth year, students learn how to protect subjective rights in civil and non-contentious proceedings, including those that are covered by the definition of human rights, either the narrower, or broader. The practical training of this course includes hypotheticals, roleplay, mock trials, court visits and trial monitoring. However, the substantive, institutional and procedural aspects of human rights protection within the Procedural Civil Law are studied only roughly, during a single week according to the curriculum (one of our interlocutors points out that there is room for improvement when it comes to the integration of human rights in the compulsory reading material). Moreover, human rights partly overlap with the material studied at the courses on Public International Law, Constitutional Law and International Institutions. When they embark on the Procedural Civil Law course, students are already acquainted with some of the human rights protection mechanisms, e.g., they know what an application is and which courts exist, and this knowledge only becomes deeper in the fourth year. The ECtHR case law is used during the course – mainly examples of proceedings against the Republic of Serbia – in order to better familiarise the students with the topic. The case law most frequently pertains to violations of Article 6 of the European Convention on Human Rights, violation of the right to a trial within reasonable time, deprivation of legal capacity, discrimination. Mock trials are also part of regular classes. This course ends by a public mock trial in a procedural civil law case. According to our interlocutors, students find all types of practice very interesting, because it gives them a unique opportunity to learn to apply a legal provision.

In addition to the above-mentioned compulsory courses, the Faculty of Law of the University of Niš has a **number of elective courses** that deal with human rights to a considerable degree, despite the fact

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24 The syllabus of the Public International Law course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/medj-javno-pravo.pdf>

25 The syllabus of the Procedural Criminal Law course is available at <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/krivicno-procesno-pravo.pdf>

26 The syllabi of the Labour and Social Law courses are available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/radno-soc-pravo.pdf>

27 The syllabus of the Criminology course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/kriminologija.pdf>

28 The syllabus of the Procedural Civil Law course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/gradjansko-procesno-pravo.pdf>

that not a single one of them bears that name. Nevertheless, it must be noted that although students can opt for one or these courses in order to deepen their knowledge about certain segments of this matter, they can also bypass them by opting for others, and learn about human rights only to the extent provided by the syllabi of the already mentioned compulsory courses.

The relevant elective courses are in the third (Alternative Care of Children<sup>29</sup>, International Humanitarian Law<sup>30</sup>, Legal Gender Studies<sup>31</sup>, International Criminal Law<sup>32</sup> and Electoral Law<sup>33</sup>), and the fourth year (Personal Rights<sup>34</sup>, International Family Law<sup>35</sup>, Penology<sup>36</sup>, Misdemeanour Law<sup>37</sup>).

In addition to this, the Faculty of Law of the University of Niš has an **Anti-Discrimination Legal Clinic**, as well as moot court competitions.

#### 4.4. FACULTY OF LAW OF THE UNIVERSITY OF KRAGUJEVAC

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At the Faculty of Law of the University of Kragujevac, there are two streams of study at the undergraduate level – the General stream and the Internal Affairs and Security stream. Regardless of the selected stream of study, all candidates obtain the title of law graduates after graduation, and the differences between curricula, though they exist even when it comes to compulsory courses, become most prominent when electives are observed. The *General stream of study at the Faculty of Law in Kragujevac* consists of 24 compulsory courses. None of the courses – either compulsory or elective – within the curriculum of this stream of study deals exclusively with the study of human rights. Among 23 available elective courses, human rights are partly studied within the of Local Government Law and Contemporary Legal Theories (in the second year), Tax Law and Consumer Rights (third year) and Medical Law (fourth year).

The *Internal Affairs and Security* stream of study at the Faculty of Law in Kragujevac also has 24 compulsory courses, in addition to which there are 21 elective courses. One of the elective third-year courses is Human Rights Protection, which encompasses the international, regional and national levels in this field. The study material, *inter alia*, focuses on the concept, types and forms of human rights protection (normative and institutional), role of police and security authorities in human rights protection, constitutional courts and the instrument of constitutional appeal, institutions and procedure before the Commissioner for the Protection of Equality and the Ombudsman, as well as presentations on the European Convention on Human Rights, the European Court of Human Rights and human rights protection in the EU. The practical training within this course includes a selection of case law, practical examples and tasks.

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29 The syllabus of the Alternative Care of Children course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/alter-zbrinjavanje-dece.pdf>

30 The syllabus of the International Humanitarian Law course is available at <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/medj-hum-pravo.pdf>

31 The syllabus of the Legal Gender Studies course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/pravne-studije-roda.pdf>

32 The syllabus of the International Criminal Law course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/medj-kriv-pravo.pdf>

33 The syllabus of the Electoral law course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/izbornopravo.pdf>

34 The syllabus of the Personal Rights course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/pravalicnosti.pdf>

35 The syllabus of the International Family Law course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/medj-por-pravo.pdf>

36 The syllabus of the Penology course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/Penology.pdf>

37 The syllabus of the Misdemeanour Law course is available at: <http://www.prafak.ni.ac.rs/files/silabusi/osnovne/prekr-sajno-pravo.pdf>

Of course, like in the case of all other above-mentioned faculties, human rights are studied partially and contextually through a number of courses that are compulsory for all students, such as Constitutional Law, Criminal Law, Public International Law, etc. Our interlocutors who teach on a number of courses point to the contextual use of the case law of ECtHR and domestic courts for the purpose of informing students about case law as much as possible. Within the Human Rights Protection course, which, therefore, is elective at just one of the two streams, the case law presentation is one of the basic methods of study. According to our interlocutors, in order to understand theoretical principles, students must analyse practical cases. However, it is evident that the status of this course is unsatisfactory, because although it exists (unlike at the Novi Sad and Niš Faculties of Law), only a small circle of students really has access to it.

In addition to compulsory and elective courses, some students can learn about human rights within **out-of-faculty (formally non-compulsory) activities**. In this regard, students of this faculty take part in the regional Futura Moot Court Competition – Mock Trials at the European Court of Human Rights, as well as an equality protection moot court competition. Moreover, students have the opportunity to participate in the labour law legal clinic, where they encounter real cases, which often include the need to protect the human rights of persons who apply to the clinic.



## 5. Senior Undergraduates' Perception of the Curriculum and the Acquired Knowledge

The senior undergraduates' general perception of knowledge acquired in the field of human rights was discussed extensively in the introduction. Charts below are a graphical representation of the senior undergraduates' perception of individual, more specific aspects related to knowledge of human rights and the ability to apply it. The responses of the surveyed senior undergraduates are consistent in different aspects, and there are only a few discrepancies. When it comes to questions that refer to the general perception of knowledge of a particular subject matter (Figure No.1), students demonstrate more confidence than when it comes to questions about more practical issues – finding appropriate legal sources and especially the ability to apply acquired knowledge in practice.

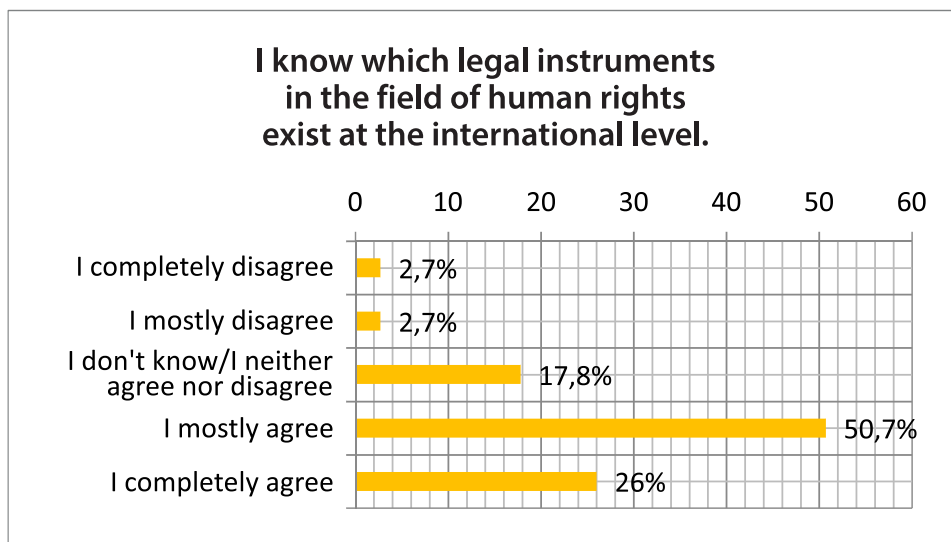


Figure No. 11

Slightly more than three quarters of students (76.7%) say that they are familiar with the legal instruments that exist in the field of human rights protection at the international level, where slightly more than one half of students (50.7%) mostly agree with this statement. Respondents made similar assessments of their knowledge about judicial and other mechanisms of human rights protection at the international level, where a larger percentage of students agree with the statement that they are familiar with judicial and other mechanisms of human rights protection at the international level.

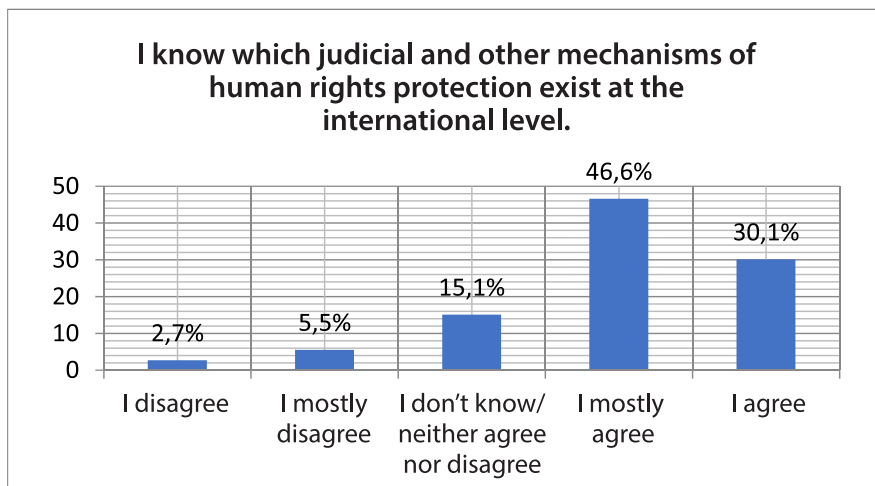


Figure No. 12

Only a slightly smaller percentage of students (67.1%) believe that they know where and how to find the case law of the European Court of Human Rights, as one of the key mechanisms of supranational protection of human rights in Europe. At the same time, nearly one third of respondents disagreed with the statement that they knew where and how to find this case law.

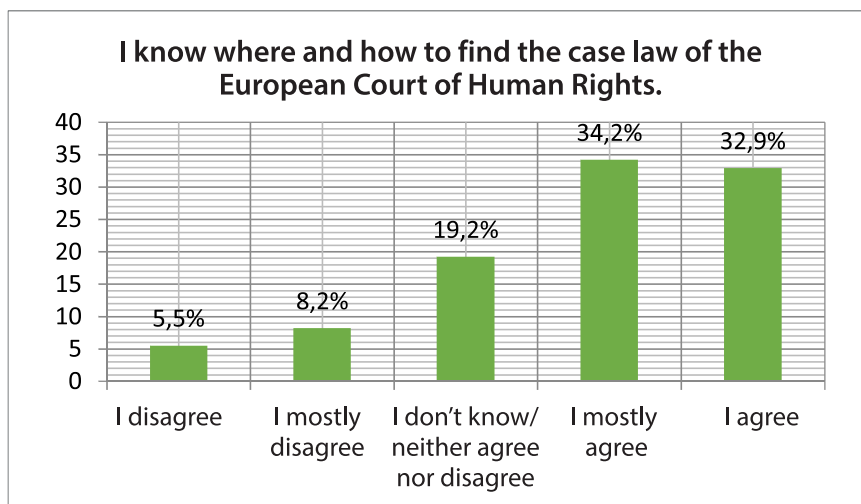


Figure No. 13

Senior undergraduates also tend to assess their functional knowledge of the international legal framework as slightly lower and this is evident from their responses when asked about the admissibility requirements for applications to the ECtHR and competent treaty bodies. A total of 54% of respondents said they agreed (28.8%) or mostly agreed (26%) with the statement that they knew the requirements for the admissibility of applications. At the same time, 17.8% respondents (N = 13) mostly disagreed with the statement that they knew the requirements for the admissibility of applications to the European Court of Human Rights and rules for addressing competent UN treaty bodies, while another 21.9% of respondents (N = 16) neither agreed nor disagreed.

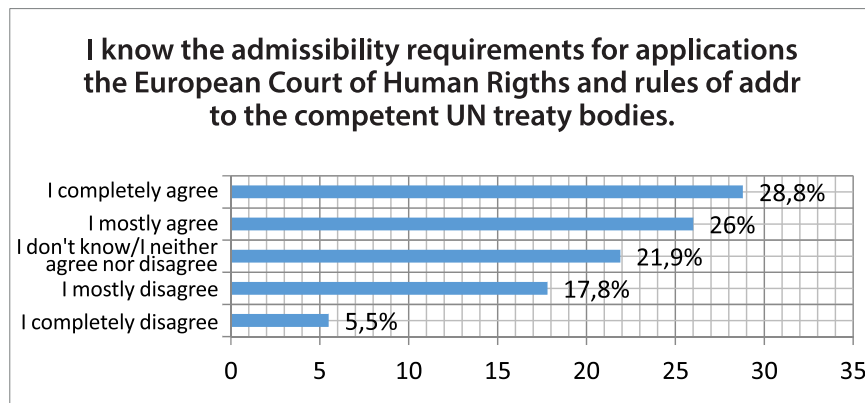


Figure No. 14

Similarly, half of the respondents (50.7%) believe that they are mostly (39.7%; N = 29) or completely (11%; N = 8) familiar with the case law of the European Court of Human Rights and other Council of Europe and UN bodies, which enables them to assess whether a particular act or action has allegedly violated a particular internationally guaranteed human right. On the other hand, 23.3% of respondents (N = 17) do not know whether they are familiar with the case law, while 17.8% of respondents (N = 13) believe that they are mostly not familiar, and 8.2% (N = 6) of others believe that they are not familiar at all with the case law of the European Court of Human Rights and other Council of Europe and United Nations bodies.

Responses do not differ greatly even where the respondents' assessment of knowledge of the national legal framework on human rights is concerned. A total of 83.6% of respondents agree (50.7% of respondents mostly, and 32.9% completely) that they are familiar with the available legal instruments in the field of human rights at the national level.

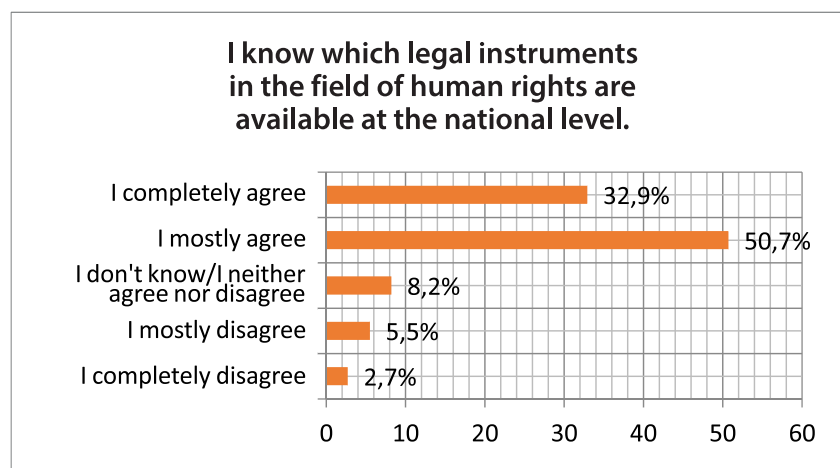


Figure No. 15

Nevertheless, a slightly smaller percentage of respondents (almost 10% less) said that they were familiar with the mechanisms of human rights protection in Serbia – 73.9% of respondents said they completely or mostly agreed with the statement that they were familiar with these mechanisms.

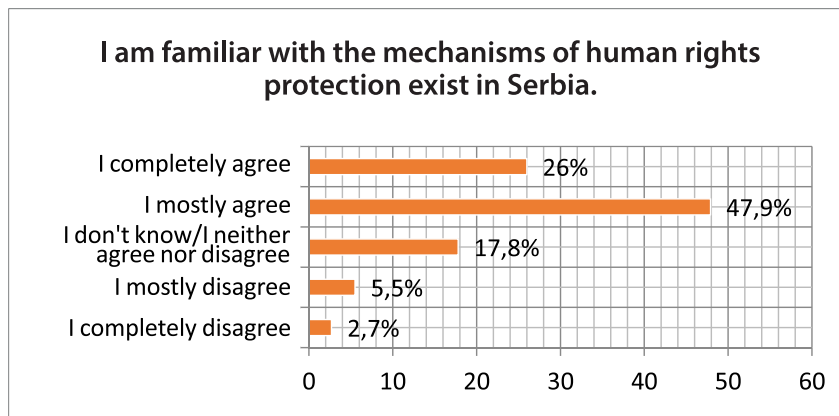


Figure No. 16

The percentage of respondents who said that they knew where they could find the human rights protection case law and documents in Serbia was lower – a total of 60.3% of respondents agreed or mostly agreed with this statement.



Figure No. 17

As for the practical application of their knowledge, a total of 48% of respondents agreed with the statement that they would be able to apply their knowledge on human rights once they started working. Simultaneously, about one third of respondents (34.2%) said they did not know, while 17.8% said they completely disagreed or mostly disagreed with this statement.

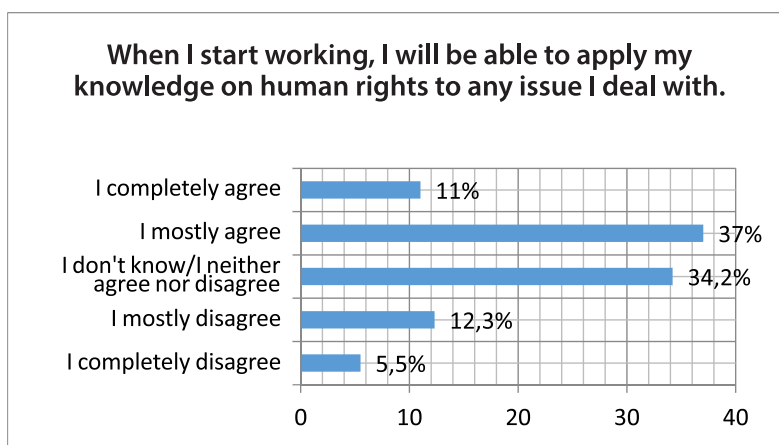


Figure No. 18



However, slightly more than two thirds of respondents (77.2%) agreed with the statement that in case of a specific legal problem they knew which national or international court or other body they could refer to in order to initiate the appropriate procedure.

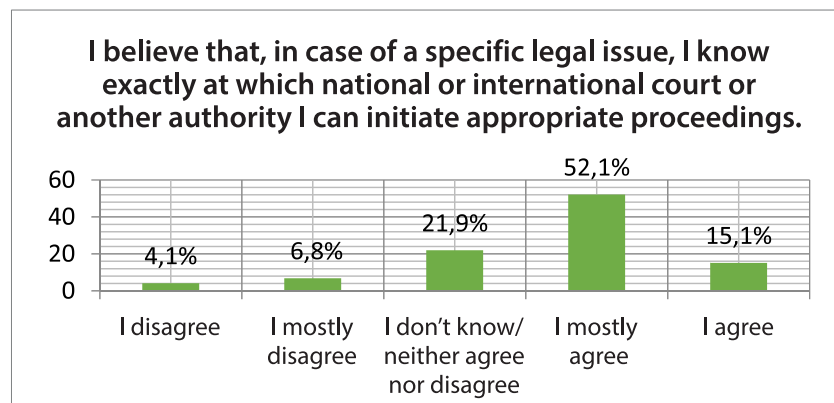


Figure No. 19

A specific feature that became prominent after cross-referencing the data from the above-mentioned charts, and comparing them with the academic success of respondents who provided the relevant answers referred to the attitude towards the knowledge of the human rights theory and practice. Thus, respondents with higher average grades had a more accurate perception of their knowledge about the requirements of admissibility for applications before the European Court of Human Rights and rules for addressing competent UN treaty bodies, but at the same time had a poorer perception of their knowledge of case law of the ECtHR and other Council of Europe and UN bodies, in comparison with the respondents with lower average grades. Generally speaking, certain reservations can be observed even in the charts above when it comes to the aspects of specific implementation of knowledge. In general, there was no significant correlation between senior undergraduates' grades and their perception of practical applicability of their knowledge. Respondents thus had similar perceptions of the applicability of their knowledge on human rights, regardless of their grades.

As for the study of this issue within specific courses, respondents with higher average grades more frequently reported that they had dealt with the issue of human rights within the Constitutional Law course. The cross-checking of data showed another significant connection between the respondents' academic success reflected in their average grades and the study of human rights within the Substantive Criminal Law course; this correlation is also noticeable in the case of the Procedural Criminal Law and Procedural Civil Law courses.

No major correlations were found between the respondents' academic success reflected in their average grades, and their motivation to participate in specific formats of education, i.e., to use specific methods of work within the study of human rights. The only thing that can be noticed in this context is that, in comparison with the respondents with lower academic success, those with higher average grades mostly preferred mock trials as an effective and appropriate format for learning about human rights. On the other hand, a moderate positive correlation was established, revealing that those who had a higher perception of knowledge on human rights acquired during undergraduate studies also had a higher perception of the frequency with which the issue of human rights overlapped with other issues within various courses, where this overlap was an important factor for better mastery of study material, according to the respondents.

The answers regarding teaching methods show that a significant percentage of students participated in some forms of classwork or work methods that did not include only *ex cathedra* lectures. Responses show that the highest percentage of respondents had experience with legal clinics (38.4%) and seminar papers (35.6%), as well as mock trials (31.5%). These responses are encouraging, because they indicate that improvements in education at Serbian law faculties, which include the development of legal skills through legal clinics and mock trials, have been used for improving knowledge on human rights.

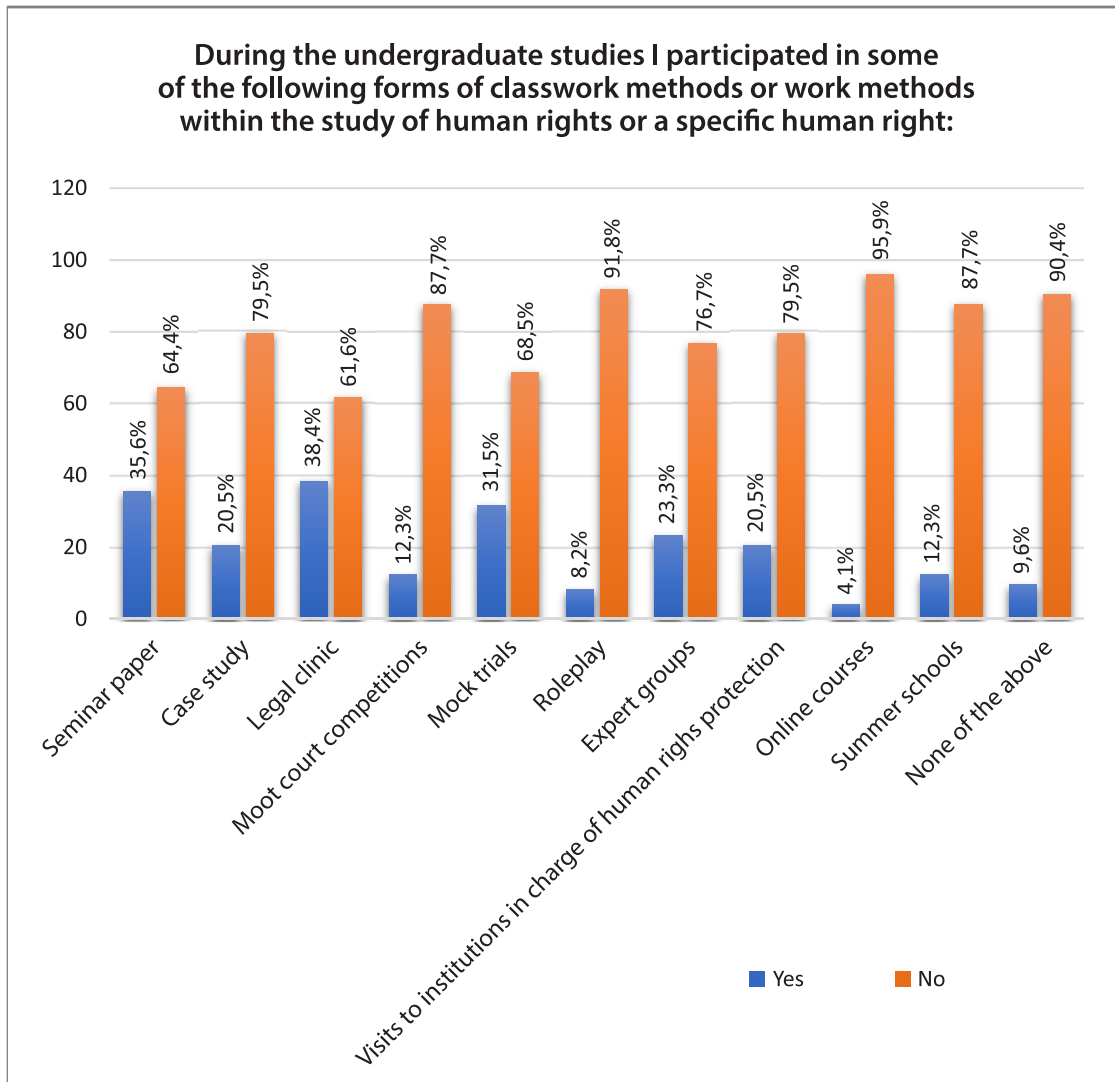


Figure No. 20

Another thing of importance is that a large percentage of students have recognised the usefulness of these teaching methods when it comes to better understanding of and greater interest in human rights. About four out of five respondents (82.2%) believe that these teaching methods have helped them better understand and be more interested in human rights.

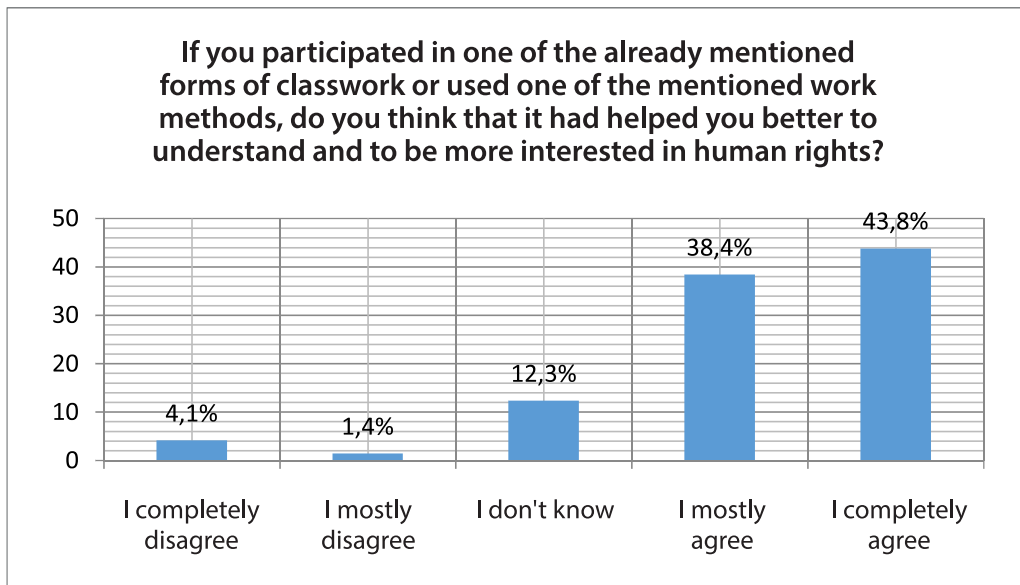


Figure No. 21

The responses also show that a large percentage of respondents were motivated to take part in more interactive forms of classwork and work methods as a result of their wish to improve their existing knowledge and skills and acquire experience in the field of human rights (80.8%).

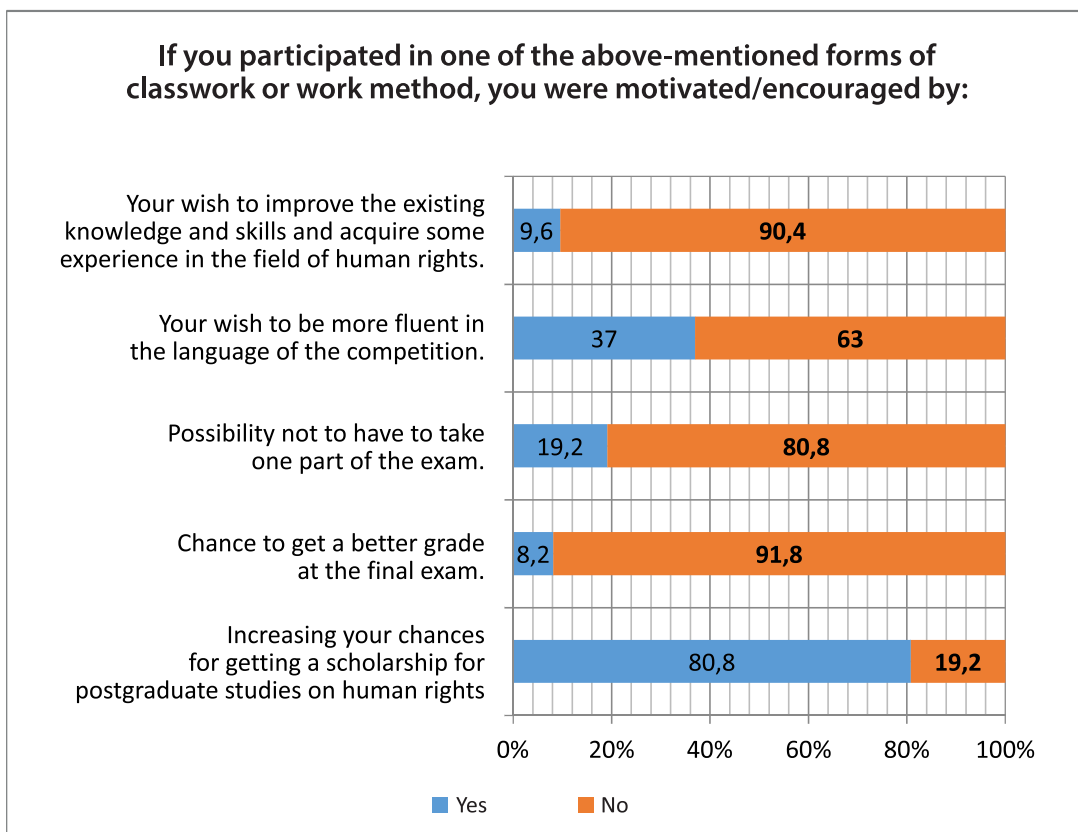


Figure No. 22

Moreover, the responses showed that slightly more than one half of senior undergraduates (53.4%) believed that the fact that human rights or parts thereof were studied to a similar extent or in similar ways at different courses had helped them to master this material better.

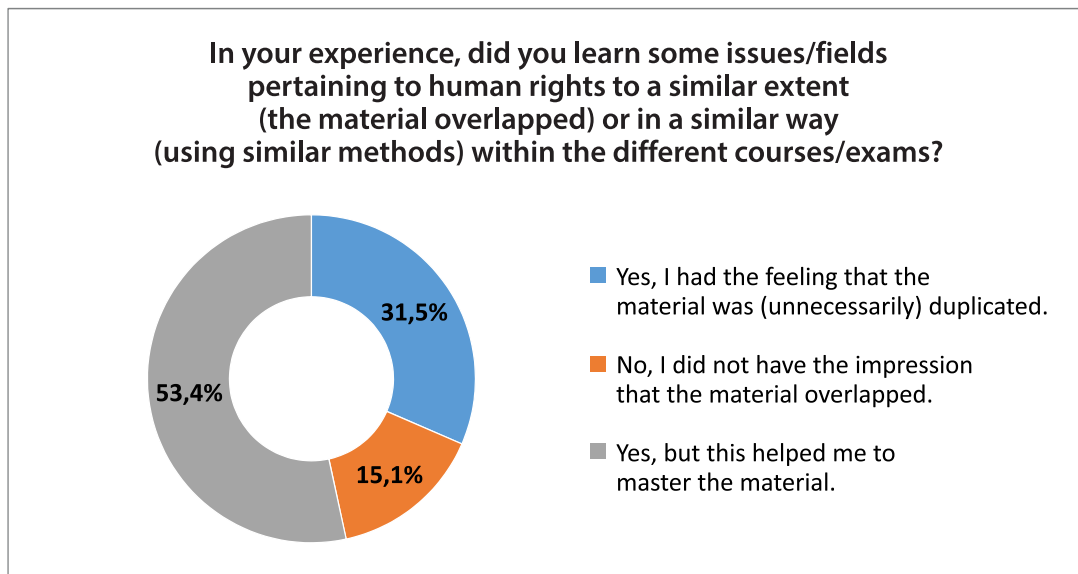


Figure No. 23

## 6. Assessment of Curricula and Knowledge of Young Graduate Lawyers by Institutions and Organisations Dealing With Follow-up Education in the Field of Human Rights

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**A**s we have already mentioned in the introduction to this paper, representatives of a number of governmental, international and civil society organisations with which semi-structured interviews were conducted for the purpose of this research expressed considerable reservations regarding the systematic character and especially regarding the applicability of knowledge on human rights of fresh law graduates. It goes without saying that one can understandably and naturally expect some discrepancies between the perception of knowledge of students and their professors, on the one hand, and lawyers who later work with them in practice, on the other, and that that it would certainly also appear in connection with other legal issues. However, like Figure 24 shows, this discrepancy is extremely pronounced, nearly contrasting, in this case. In interviews with representatives of these institutions and organisations, certain observations have constantly been repeated, helping to detect and narrow down several relevant key issues and gaps that appear in the teaching process at faculties. As a rule, they describe students' knowledge as fragmented and purely theoretical, and describe their ability to apply it in practice as insufficiently developed. They also speak about the absence of a systemic approach to the study of human rights, and a number of individual issues that will be presented in this part of the paper. Also, this frequently represents an obstacle in the case of educational programmes organised by these institutions and organisations, because a vast majority of these programmes require prior knowledge of the issue and instruments of human rights protection:<sup>38</sup>

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38 In this context, we received a diametrically opposed comment from one of the interlocutors: that prior knowledge is sometimes undesirable because different types of "prior knowledge" are actually laden with prejudice that should then be removed first.

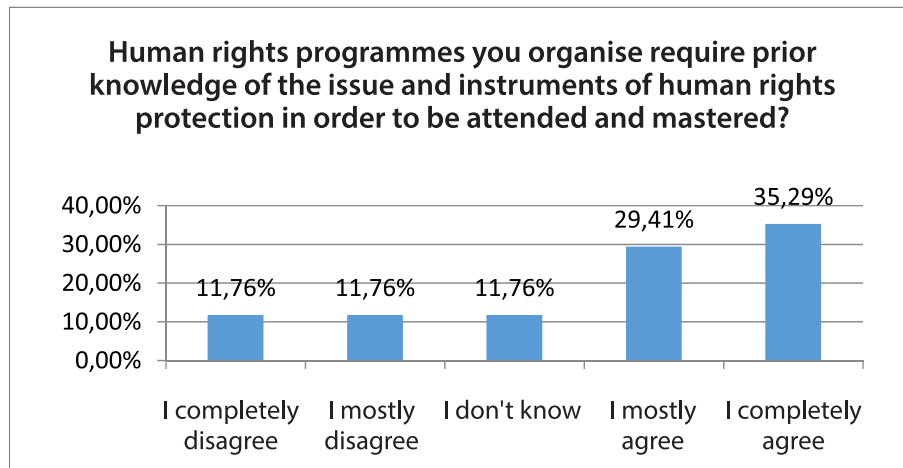


Figure No. 24

Some of the institutions and organisations accept the fact that fresh law graduates often do not have enough prior knowledge in the field of human rights, and choose to let them start from scratch, but, by default, this approach is not always possible. They most frequently say that although candidates have a general picture, they do not have sufficiently deep knowledge, and that this is primarily manifested in the lack of understanding of human rights protection standards. Our interlocutors say that they cannot observe clear improvements in the initial knowledge in comparison with previous generations and much of it remains a matter of personal interest. A number of students and lawyers can “excel,” as they describe it, but according to the prevailing assessment, this is the case only with a small number of them, i.e., with particularly motivated individuals.

According to some interlocutors, some gaps can be observed in work with students, which frequently means that they approach the human rights issue quite “rigidly” during trainings, i.e., they view everything from a formal legal perspective, without taking into account the effects of a legal norm on a person’s life once it is actually applied. There are also some critiques of the implementation of the Bologna Process, which has, on the one hand, “fragmented” the students’ examination material (i.e., in some cases enabled them to pass exams in parts), and, on the other, did nothing to enable them to consolidate their knowledge. They cannot successfully apply the knowledge they have acquired, and maybe only those who have completed master’s studies stand out as positive examples in this context, which, in turn, creates a false picture of human rights knowledge possessed by an average law student. It is also stressed that students and even law graduates, observe the issue of human rights only as a part of either national or international law, while, in reality, one must try to avoid such fragmented approach, because international norms also represent a part of the national legal order. Finally, some of the interlocutors who represent civil society organisations which work with particularly vulnerable groups say that it is necessary to work harder on breaking stereotypes and encouraging a sensitive system of values which graduates will need in their future work with clients. It is also emphasised that human rights are actually composed of an array of human rights on which the “all or nothing at all” principle applies, and that they cannot be only partially accepted (in ideology or in practice).

Based on the above, the assessment of the applicability of newly graduated lawyers’ knowledge in the field of human rights is not surprising:

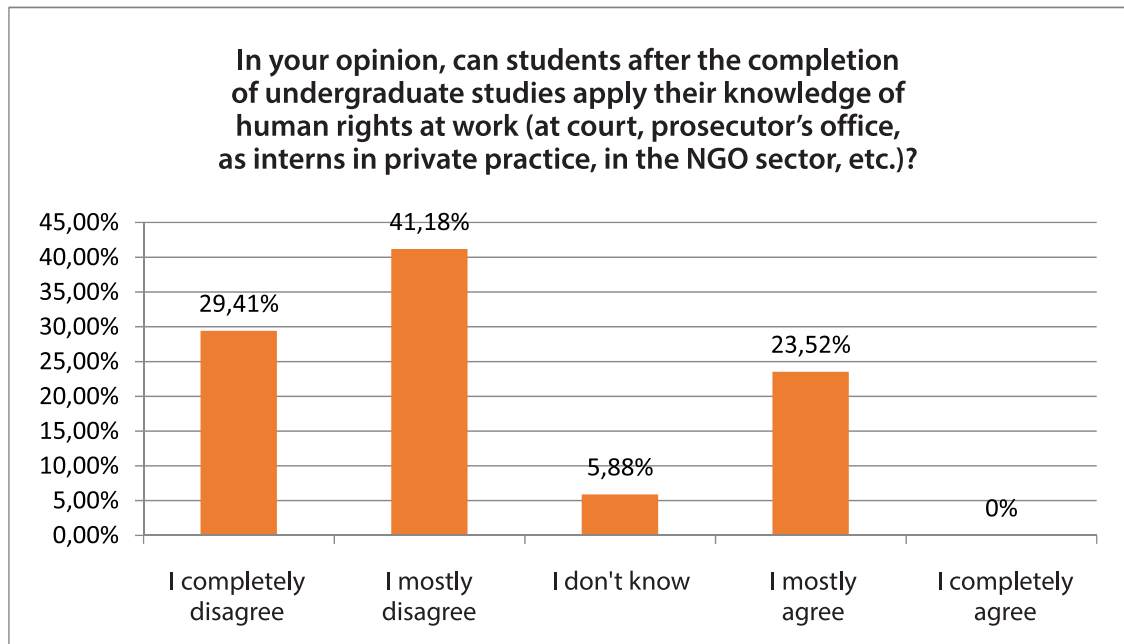


Figure No. 25

Speaking about *special challenges in application, or gaps in the general knowledge* of human rights, representatives of the interviewed institutions and organisations quoted a wide range of topics. Gaps in the knowledge regarding national human rights protection institutions and procedures before them are said to be a shortcoming. The interlocutors add, however, that even Serbian judges sometimes do not know enough about the position of ratified international treaties in our legal order. Undergraduates do not know the competences of international bodies – interlocutors stress that during practical training they had been really surprised to learn about Serbia's daily correspondence with a large number of international bodies. Moreover, topics such as protection from abuse, and refugee or migrant law, which had been covered within some teaching methods (legal clinics, practical training at institutions and organisations dealing with human rights protection) at certain faculties, and which are currently particularly important in practice, are almost completely absent from studies, they are perceived as "exotic" and young lawyers find them strange.

Speaking about special challenges, a number of interlocutors quote issues related to the most fundamental constitutional rights, such as the right to personal freedom, etc. The issue of lawfulness of detention is sometimes a problem and there is not enough awareness of the point of human rights protection in that respect – legal provisions are viewed rigidly, without broader awareness of the fact that norms exist in order to protect defendants' human rights.

Other issues include the shifting of the burden of proof in certain proceedings, i.e., the fact that, for example, the burden of proof is on the person suspected of having discriminated against somebody; another challenge is the issue of legal capacity of persons with reduced intellectual capacity because, according to our interlocutors, students generally believe that these persons should not have unlimited legal capacity, and this may be attributed to certain prevailing stereotypes. Human rights of women, the position of women, equal treatment and gender equality, the position of minority groups, violation of minority groups' human rights, etc. are also mentioned in this context.

When it comes to certain, *desirable teaching methods*, which contribute to better understanding of the issue of human rights, our interlocutors say the following:

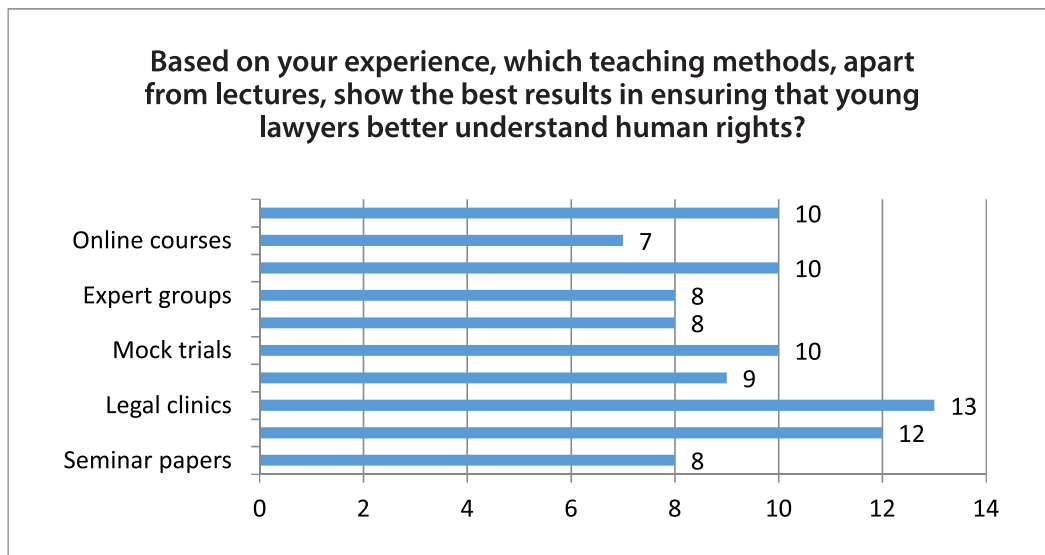


Figure No. 26<sup>39</sup>

Responses particularly point to the importance and good results of legal clinics. The existence of legal clinics on human trafficking issues, *inter alia*, is said to be a big advantage. According to our interlocutors, though, students do not have direct contact with human trafficking victims at these clinics, but an opportunity to be near case law, to attend trials. Moreover, during lectures, students learn more about the rights of victims and the rights of the defendants in the proceedings. Judges and representatives of civil society organisations working in this sector alternate as lecturers.

The general assessment of our respondents is that faculties of law offer a lot of theory and little practice, that it would be better if students learned more through moot courts and similar teaching methods, because it could give them deeper knowledge than the *ex-cathedra* approach, and that human rights might be particularly suitable for such a practical approach. Some interlocutors, however, also show a certain degree of restraint towards the moot court method of teaching, because, in their opinion, as a result of their growing popularity and the possibility of earning “points” for subsequent career advancement, some characteristics of show business have started to seep into this teaching method, and that although a number of students develop good presentation skills, they also have serious gaps in their knowledge (“lots of confidence but poor knowledge”). It is also stated that interactive case studies bring out the best results from students who have just fragments of knowledge.

Our interlocutors voiced almost unanimous approval of the attendance of HELP course. Some also describe summer schools as especially important, for two reasons: because they are intensive and because students have an opportunity to learn about examples from practice. Another thing that proved to be very important for students’ feelings and for reducing the incidence of prejudice was acquaintanceship, i.e., contacts with people affected by certain restrictions.

Finally, our interlocutors point to the importance of internships, i.e., practical training in organisations focused on very specific topics in this field, which might create an inspiring environment in which young lawyers would meet experienced practitioners. In this context, greater cooperation between faculties and the civil sector, service providers and user groups is recommended in order to ensure that students see how marginalised persons survive through wider cooperation with different associations.

<sup>39</sup> The term “visits to institutions” refers to institutions that deal with human rights protection at the national and supra-national levels



One should also stress that a significant number of respondents point to another systemic problem in practice. Namely, the system of education, broadly speaking, does not always respond to certain social needs, and what this means in this context is that there is a need for an interdisciplinary approach, in order to deal with challenges in the daily application of human rights standards more appropriately. Respondents stressed that it would be very important to give additional support to the multidisciplinary approach to lectures, i.e., to ensure that experts in other fields, or even persons in certain situations and members of marginalised groups participate in education on human rights. As future lawyers, students would thus become more sensitive to certain issues and would acquire knowledge and skills they would need in practice for communication and for acting in specific life situations. It would also be important if the faculty curricula in e.g., psychology, special education and social work, included education on human rights. The need to include psychologists, sociologists and social workers as early as during the studies, rather than just after graduation, as well as stakeholders represents a reflection of a systemic problem pertaining to the insufficient level of knowledge for satisfying daily needs. This is particularly important when it comes to the above-mentioned professionals who within their line of work, as a rule, frequently come into contact with particularly vulnerable categories of persons, or with persons whose human rights protection must be looked after. In this context, comparative solutions provide indications and examples of best practice in securing an appropriate approach to this issue through specialised postgraduate programmes or even through specialised faculties or undergraduate programmes.



## 7. Examples of Practice in the Region and Several Other European Countries

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European countries attach visibly different levels of importance to the study of human rights at different universities, or faculties of law. As a result of major differences among study regimes and the organisation of the bar exam,<sup>40</sup> the acceptance of the Bologna declaration or not, etc., one cannot make any unconditional, direct comparisons when it comes to education in any specific subject matter, including human rights. It is sometimes impossible even to find a common denominator in the approach to the definition of Human Rights course curriculum within a single country.

This does not mean, however, that international experiences do not provide clear indications of good practice, particularly when it comes to systemic solutions and teaching methods. The comparative research has focused on the syllabi of the law faculties in two countries with which the Republic of Serbia shares common past, and which are EU members today (the Republic of Slovenia and the Republic of Croatia), as well as the curricula of law faculties in three EU member states which have different systems of education of future lawyers (Federal Republic of Germany, Republic of France, Kingdom of Sweden). All these countries are also Council of Europe member states.

What will prove to be characteristic for the study of human rights at the selected faculties is that there are no solid regularities. All countries have their own academic traditions and different realistic needs of the labour market, with which the organisation of education, including the education in human rights, is closely connected. The important thing to take into account when it comes to Western European countries and their faculties, however, is the fact that those countries have had and cherished democratic culture and observation of human rights for a long time, i.e., for at least seven and a half decades (in Germany), or even much longer. Therefore, one should be aware that a society which has observed human rights in nearly all areas of life and nearly all of its activities (and it already has a very developed general awareness of the need for human rights observation) does not have the same needs as Serbia, which has been cherishing its democratic, multiparty system for about thirty years. Comparative experiences should thus be observed carefully within the context of the relevant country and society, without having any illusions regarding their ability to provide ready-made answers. As we will see, however, within one aspect at least – and this refers to the need for a multidisciplinary approach to human rights – some of the above-mentioned countries and faculties offer interesting solutions, which should certainly be taken into account.

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<sup>40</sup> Thus, for example, the entire curriculum in Germany is focused on the preparation of the First State Exam (*Erste Juristische Prüfung*), which is followed by a two-year internship at courts, law firms and notary offices in the country or abroad. After internship, law graduates can take the Second State Exam (*Zweite Juristische Prüfung*).

In the context of differences among comparative solutions, the following trends were observed during the research in the approach to the study of human rights:

- The international aspect of human rights has priority (Faculties of Law in Leipzig and in Ljubljana);
- The national aspect of human rights has priority (Berlin Free University Department of Law);
- The focus of the study of human rights is on relations between human rights and private law (Faculty of Law of the University in Zagreb) and relations between human rights and public law requirement of security and safety (Panthéon Assas University School of Law in France);
- Human rights are studied using an interdisciplinary approach (Faculty of Culture and Society in Malmo and Faculty of Law of the Josip Juraj Strossmayer University in Osijek);
- Fragmentary approach to this issue has been observed at all faculties, which means that human rights are partly studied at other courses, mostly the Constitutional and Criminal Law courses, but also at courses dedicated to theoretical bases in different subject matters.

## 7.1 FEDERAL REPUBLIC OF GERMANY

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The curricula at German faculties of law are divided into the majors and minors (*Schwerpunktbereich*). Majors include Civil Law (together with Commercial Law, Company Law and Labour Law), Public Law (together with Constitutional Law and Administrative Law) and Criminal Law. In addition, students must master skills, e.g., foreign languages, rhetoric, mediation, communication skills, negotiation skills, etc.

The so-called minors have the aim of deepening knowledge in certain narrowly defined areas of law. Students will choose the faculty of law depending on the field in which they want to specialise, since faculties differ as result of minors offered within their curricula.

As regards human rights, they are studied within a separate course within undergraduate studies starting from the fourth semester, i.e., the second year. As such, this course exists at several state faculties of law, including the Faculty of Law of the Free University of Berlin (*Freie Universität*) and the Faculty of Law of the University of Leipzig (*Leipzig Universität*).

At the Faculty of Law of the University of Leipzig, human rights are studied within the European Law – Public International Law – Human Rights minor. When it comes to minors, students have obligations for 16 weeks in a semester, divided into six weeks of compulsory courses on their minor field of study, eight weeks of elective courses and two weeks of obligations in connection with the exercises during which they have to compose and defend a research paper. As for elective courses within the minor field of study, students can choose either several electives which only partly relate to the relevant area, or two complete electives. Without a doubt, a major advantage of the curriculum at this faculty is that students may choose both elective and compulsory courses that belong to another minor field of study.

According to its curriculum, the European Law – Public International Law – Human Rights minor focuses on international and European aspects of law. In the fore are the institutions and sources of law of the European Union and public international law, international and supranational organisations and human rights. The central part of the curriculum is made up of, *inter alia*, various state and other crises that increasingly determine the legal discourse in the European and international contexts. The main idea is to prepare students for future employment in diplomatic services, international organisations and EU bodies.

Compulsory courses within this minor field of study are Public International Law, EU Acquis II and Law of International Organisations.<sup>41</sup> International and European human rights protection, European Procedural Civil Law, International Procedural Criminal Law (European Criminal Law, Mutual Legal Assistance in Criminal Matters), International and European Migrant Law stand out from the list of elective courses as those relating to human rights.<sup>42</sup>

At the Faculty of Law of the Free University of Berlin, the system of education in law also includes exams in compulsory courses and those belonging to the minor field of study.<sup>43</sup> In addition to compulsory courses (Civil Law, Public Law, Criminal Law and Procedural Law), students also choose a minor field of study that helps to supplement compulsory courses, deepen knowledge, research interdisciplinary and international law aspects, as well as study the fundamentals of philosophy and history of law and research methods.<sup>44</sup> As for the final obligations pertaining to exams in the minor field of study, students have to write the graduation paper, and thus obtained grade accounts for 30% of the total grade at the First State Exam. Students of this faculty can complete their obligations in the minor field of study at one of the forty foreign faculties with which this university has developed cooperation.

As for human rights, they are studied at the Faculty of Law of the Free University within a separate module, Basic and Human Rights, which is part of the compulsory Public Law course. In this module, which lasts one semester, 6 ECTS can be accumulated. Its aim is to ensure that students learn more about individuals' fundamental and human rights, their development and importance, as well as to learn about the procedural aspects of exercise and protection of these rights. Students are presented case law examples in order to learn more about decision making. Examples of fundamental rights are used for explaining the relevant German legal dogma and national mechanisms for the protection of fundamental and human rights, especially through examples from the case law of the Federal Constitutional Court of Germany. Students also learn about European human rights, procedure of their protection at the European Court of Human Rights, as well as their relationship with fundamental and human rights referred to in the German Constitution. Constitutional procedural law is also studied in the context of protection of fundamental and human rights.<sup>45</sup>

Between the 4<sup>th</sup> and the 6<sup>th</sup> semester, within the compulsory Public Law course, there is a module Public Law Exercises. This module, *inter alia*, requires basic knowledge from the Fundamental and Human Rights module, because it focuses on learning more about practical examples and on developing the skills of implementation of abstract knowledge on a specific example. The exam within this module encompasses the resolution of a public law case, which may also refer to human rights.

Some other modules within other compulsory courses apply a fragmentary approach to the study of human rights. Thus, human rights are studied within the Fundamentals of Legal Theory module, where philosophical and legal aspects of human rights are reviewed. There is also some overlap with the General Administrative Law and Procedural Administrative Law module, which requires some knowledge from the Constitutional Law course, as well as that from the Fundamental and Human Rights module. The same applies to the Procedural Criminal Law and Judicial Constitutional Law course, which, *inter*

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41 § 26 Abs 2 Studienordnung für den Studiengang Rechtswissenschaft an der Universität Leipzig vom 16. Oktober 2012.

42 § 26 Abs 4 Studienordnung für den Studiengang Rechtswissenschaft an der Universität Leipzig vom 16. Oktober 2012.

43 § 7, 8, 13 Studien- und Prüfungsordnung des Fachbereichs Rechtswissenschaft der Freien Universität Berlin für den modularisierten Studiengang Rechtswissenschaft mit dem Abschlussziel der ersten juristischen Prüfung vom 25.03.2015.

44 § 3 Studien- und Prüfungsordnung des Fachbereichs Rechtswissenschaft der Freien Universität Berlin für den modularisierten Studiengang Rechtswissenschaft mit dem Abschlussziel der ersten juristischen Prüfung vom 25.03.2015.

45 FU – Mitteilungen 18/2015 vom 29.05.2015, 653.

*alia*, study proceedings before the European Court of Human Rights. This course is part of the Criminal Law and Criminology minor field of study.<sup>46</sup>

Finally, the Legal Theory course observes different topics from the theoretical and legal aspects, and these topics, in addition to the concept of law and relationship between morality and law, also include the issue of human rights.

## 7.2 REPUBLIC OF FRANCE

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During the undergraduate studies at the Faculty of Law of the University of Panthéon Assas-Paris II, students learn about general legal culture and get acquainted with a special methodology for future lawyers. After acquiring basic knowledge in different legal disciplines and getting a diploma (*licence de droit*) at the Faculty of Law, students can proceed to master's or specialist studies.

Undergraduate studies last for three years and 60 ECTS credits can be accumulated each year. Each semester is divided into three teaching units: the fundamental teaching unit (*Une unité d'enseignements fondamentaux* – UEF), the complementary teaching unit (*Une unité d'enseignements complémentaire* – UEC) and the methodological teaching unit in the second semester. The fundamental teaching unit includes the most important courses pertinent to the selected stream of study, while the complementary teaching unit includes all other courses.<sup>47</sup>

Human rights are studied in the third year of undergraduate studies within the *Droit des libertés fondamentales* course. The status of this course is elective, and students can select it in the second semester of the third year. The curriculum shows that not all freedoms are studied. At the very beginning, students learn about the methods for protecting of freedoms at national courts, the European Court of Human Rights and the Court of Justice of the European Union. A smaller number of classes are dedicated to this issue, because students have already learned about these instruments of protection at courses in the previous years. After that, classes are dedicated to the issue of reconciliation between the protection of freedoms (personal freedom, the right to respect for private life) and the requirement of safety, and the way in which this was achieved in applicable law. For this reason, students also learn about the restrictions of freedoms during states of emergency and emergency situations, the issue of operation of intelligence services and personal data protection.

The following part of the curriculum refers to freedom of religion, which gives students an opportunity to research the principles of secularism, while the last part of the curriculum is dedicated to freedom of expression and restrictions imposed on it by criminal and administrative law.

In addition to the course that focuses only on human rights, this issue is studied in fragments within the Constitutional Law course, which students embark on as soon as in the first year of studies. At this course, students learn about constitutional guarantees of human rights, human rights themselves and their implementation in general, access to human rights and their importance in a democratic society.<sup>48</sup>

During the second year, students have the compulsory course on Basic Principles of the European Union Law, which, *inter alia*, deals with the issue of human rights within the Council of Europe context and the

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46 FU – Mitteilungen 68/2007 vom 25.10.2007, 1859.

47 For more details, see: <https://www.u-paris2.fr/fr/formations/offre-de-formation/licences-en-droit/licence-en-droit>, 30.07.2020.

48 Detailed contents of the Constitutional Law curriculum is available at [https://www.u-paris2.fr/sites/default/files/document/programme\\_de\\_cours/plan\\_du\\_cours\\_18-19\\_dc\\_i\\_-\\_2062.pdf](https://www.u-paris2.fr/sites/default/files/document/programme_de_cours/plan_du_cours_18-19_dc_i_-_2062.pdf), 30.07.2020.

importance of the European Convention on Human Rights. Students learn about human rights protection mechanisms at the EU level in the third year within the course the European Union Law I.<sup>49</sup>

### 7.3 KINGDOM OF SWEDEN

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The University of Malmö applies a multidisciplinary approach at all five faculties, which means that multiple disciplines intertwine and draw on each other under the same roof, as a result of which students get a broader perspective while preparing for their future profession.

At the Faculty of Culture and Society, one can become a Bachelor of Arts with Major in Human Rights after three years of study. During the studies, students will learn about the historical development of human rights, what they really represent, about their content and their implementation. Upon completing multidisciplinary studies, graduates can deal with legal, political and ethical issues in the field of human rights, from the issue of migrations and children's rights to criminal law issues. The curriculum provides an insight into the local and international role of human rights, as well as their importance in public institutions, organisations and business operation. During the studies, students can have practice and spend a semester abroad. One can also get a job in the private sector, local and international organisations (UN, Amnesty International, EU) and agencies, as well as in government institutions and agencies.

At the very beginning of studies, during the first semester, students learn about the multidisciplinary approach to this issue, and then gradually turn to the historical and philosophical roots of modern human rights. Other multidisciplinary fields of law, politics, philosophy and religion are studied in the second and third year. Topics include Children's Best Interests in Theory and Practice, Forced Migration from a Human Rights Perspective, Global Justice and International Crime, the Right to Life and Modern Conceptions of Life.

After graduation, students should demonstrate their knowledge and understanding of how human rights are regulated in national legislation and international law, and comprehend the relationship between these two systems; demonstrate understanding of the political dimensions of the development and application of human rights in the national and international political context, as well as human rights theories on the basis of which human rights can be analysed.

### 7.4 REPUBLIC OF SLOVENIA

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Within the curriculum of the Faculty of Law in Ljubljana, the European Human Rights Law course is studied. It is an elective course studied in the second academic year, which accumulates 4 ECTS. The protection of human rights at the international level is in the focus of the studies.<sup>50</sup> Students first learn about international communities at the EU and global levels, which focus on human rights protection, as well as the institution of the ombudsman at the national and international levels. After that, the curriculum focuses on important international documents, human rights in the Lisbon Treaty and European Convention for the Protection of Human Rights and Fundamental Freedoms. A separate teaching unit refers to the European Court of Human Rights, its jurisdiction, rules of procedure and ECtHR cases involving the Republic of Slovenia (the Rehbock, Matko, Lukenda, Kurić and Ališić cases).

Once they fulfil all the obligations in this course, students are able to interpret the provisions of the Constitution, laws and international legal documents that refer to human rights and to analyse ECtHR

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49 Detailed contents of the curriculum of the Constitutional Law course is available at [https://www.u-paris2.fr/sites/default/files/document/programme\\_de\\_cours/fpicod-plan\\_cours\\_dci.pdf](https://www.u-paris2.fr/sites/default/files/document/programme_de_cours/fpicod-plan_cours_dci.pdf), 30.07.2020.

50 <http://www.pf.uni-lj.si/media/ucni.nacrt.evropsko.pravo.clovekovih.pravic.2019.pdf>

cases. They will also have the capacity for oral and written expression regarding key legal issues in the protection of human rights. Moreover, students will acquire basic knowledge enabling them to draft motions for initiating court proceedings and to represent parties at court.

At the Faculty of Law of the University of Maribor, Slovenia, there is a course on Fundamental Rights and Private Law (*Temeljne pravice in zasebno pravo*).<sup>51</sup> It is an elective course studied in the second year. The main goal of this course is to ensure that students understand the relationship between fundamental rights and private law. Reviewed issues are solved by interconnecting them and taking into account case law. The student becomes capable of analysing private law issues, examining different theoretical positions, using the comparative law method and critically analysing different theoretical approaches and case law.

According to its structure, the course is divided into two parts. The first part thoroughly examines reasons resulting in traditional public and private divisions and the impact of fundamental rights on these divisions. Hence, the first part refers to the basic aspects of private law and its use as a means of protecting fundamental rights. Special attention is paid to corporate obligation to respect the citizens' fundamental rights. In the second part, students explore the impact of fundamental rights on selected areas of private law. This mainly refers to the relationship with branches of civil law.

Upon completing the course, students will be able to demonstrate their understanding of issues pertaining to the relationship between fundamental rights and private law, to understand the growing interconnectedness among different areas of law and critically examine further developments and to communicate about dilemmas and developments concerning these issues.

## 7.5 REPUBLIC OF CROATIA

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At the undergraduate studies at the Faculty of Law of the University of Zagreb,<sup>52</sup> there are no separate courses with the central focus on the issue of human rights. However, a Human Rights course does exist at the Faculty, within the Specialist Professional Graduate Studies of Public Administration at the Department of Constitutional Law. At this course, students learn about the basic aspects of human rights and the philosophical development of awareness of them. In addition to this, supranational systems of human rights protection are reviewed. A special emphasis is laid on the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as on the European Court of Human Rights. The studied fundamental rights include: the right to a fair trial, the right to asylum, the right to respect private and family life, freedom of thought, conscience and religion, freedom of expression and access to information, right to public assembly and peaceful protests, prohibition of discrimination. Some lectures are dedicated to the role of the state and civil society in the protection and realisation of human rights.<sup>53</sup>

A model similar to the already presented Swedish multidisciplinary approach can be found at the Faculty of Law of the Josip Juraj Strossmayer University in Osijek, but at postgraduate specialist studies.<sup>54</sup> This is a Human Rights programme that trains students to be highly specialised in the field of human rights.

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51 [https://www.pf.um.si/site/assets/files/4529/temeljne\\_pravice\\_in\\_zasebno\\_pravo.pdf](https://www.pf.um.si/site/assets/files/4529/temeljne_pravice_in_zasebno_pravo.pdf)

52 During semi-structured interviews, lectures at Serbian faculties of law described this faculty as a good practice example in successful and good implementation of the study of human rights curricula of different courses.

53 [https://www.pravo.unizg.hr/USTP/predmet/ljupra\\_b/opce\\_informacije\\_o\\_predmetu](https://www.pravo.unizg.hr/USTP/predmet/ljupra_b/opce_informacije_o_predmetu)

54 According to the interviews with professors at the Faculty of Law of the University of Belgrade, there is a similar initiative at this faculty to establish specialist studies on practice and writing applications to the European Court of Human Rights.



Studies particularly focus on making links among different branches of law, as well as with sociology, political science, culture studies, history and economics. The programme is made for experts in the fields of law, economics, political science, sociology, psychology, culture studies, pedagogy, theology, social work, medicine, and communication studies. A large number of courses enable students to create their own study programme by choosing from amongst the offered elective courses different human rights topics that best suit their interests and demands, which they will develop in detail in cooperation with the assigned mentor. While the compulsory courses are those on General Human Rights Protection, Human Rights Protection in the Republic of Croatia and Economic, Social and Cultural Rights, elective courses include Women, Gender and Human Rights, Protection of the Rights of Persons with Disabilities, Poverty and Human Rights, Media and Human Rights and the Ombudsman and Human Rights.



## 8. Conclusions and Recommendations

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**O**n the basis of the research and applied methods, we can draw certain conclusions and propose certain changes with the aim of improving the situation in the human rights education for Serbian law students. Namely, although the reforms of teaching processes at faculties have clearly resulted in some improvements, especially through the introduction of different teaching methods that should help students to acquire not only theoretical, but also practical knowledge, it is also obvious that there is still room for improvement in this field, and that, unfortunately, there has even been a decline in some areas.

The general impression of representatives of institutions and organisations dealing with the follow-up, out-of-faculty training of young lawyers is that their theoretical knowledge does not go hand-in-hand with the necessary practical skills, that young lawyers have fragmented knowledge and that their knowledge of human rights is insufficiently coherent, since not a single course unifies this knowledge. In this regard, the Faculty of Law of the University of Belgrade and the Faculty of Law of the University of Kragujevac have certain advantage, because it is at least in some form that they have a separate course on human rights at the undergraduate level, although it is not intended for all students according to the curriculum. It is disadvantageous that even where it does exist, the Human Rights course is not compulsory for all students, but is either contained in a single module (Belgrade) or is an elective course within a particular stream of study (Kragujevac). This status represents an impediment to one of the most appropriate fundamental teaching methods for a course of this type: practical exercises. Another setback was registered in Belgrade, after the possibility of opting for the Human Rights course was revoked for students who had not enrolled in the international law stream of study. Another problem lies in the fact that there are considerable differences in how the course is set up at the two above-mentioned faculties – while at the Human Rights Protection course in Kragujevac the attention is paid to both the national and supranational levels, Belgrade’s Human Rights course actually “conceals” a course on International Human Rights.

Human rights, both national and supranational, are extremely important for students, future law graduates with the widest array of interests and future professional orientations. It is nearly impossible to find an activity within legal profession in which human rights observation and protection do not have a role to play. For this reason, and in accordance with the almost unanimous opinion of representatives of institutions and organisations dealing with follow-up education, as well as the lecturers at faculties of law, relevant recommendations have been formulated, with the aim of overcoming observed shortcomings in the curricula and improving teaching practices on human rights on the basis of identified best domestic and comparative practices. Each of these measures would be an improvement in the way described in this paper, and we believe that their thoroughly reviewed and prepared cumulative implementation would result in significant improvements in the overall functional knowledge of human rights of young lawyers.

### 1. A COMPULSORY COURSE NAMED 'HUMAN RIGHTS' SHOULD BE INTRODUCED WITHIN UNDERGRADUATE STUDIES AT THE SERBIAN FACULTIES OF LAW, STRIVING TO IMPROVE THE ALREADY ACQUIRED KNOWLEDGE OF THE INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS AND ACQUIRE PRACTICAL SKILLS

Based on the analysis, one can conclude that Serbia has a general need for introducing a compulsory course within undergraduate studies of law under the name 'Human Rights'. If we take into account that human rights are studied partially in a large number of courses in all four years, the prevailing, justified position is that such a course should be in the **fourth year** and that it should be designed to **improve and ensure cohesion of the already acquired knowledge**, laying a special stress on practical skills and concrete implementation. It would be especially important to ensure that the syllabus of such a course encompass both national and supranational levels of its subject matter, and link these levels in order to ensure functional, systemic knowledge and view on human rights by young lawyers. *Ergo*, it would be effective if **professors of Constitutional Law were engaged** as lecturers, in addition to International Human Rights and Public International Law professors, **because it is in this very course that the national level of protection, which students later miss in practice, is mostly studied**. The inclusion of such a generally compulsory course would partly reduce the burden borne by the curricula of the Public International Law and Constitutional Law courses and improve the systematisation of education in this field, ensuring that only the most important points might be repeated for the purpose of remembering and understanding them better. The inclusion of such a course in all the above-mentioned faculties during the next accreditation cycle would significantly help to unify the acquired knowledge in this field after graduation.

Having said this, it is important to note that the curricula of the analysed faculties of law have either been recently accredited or are currently in the accreditation process. This means that this is a medium-term recommendation. At the same time, this time frame would enable the faculties to prepare the syllabi of this course thoroughly, and to secure the appropriate teaching staff.

### 2. A SYSTEMIC AND FUNCTIONAL APPROACH TO HUMAN RIGHTS EDUCATION SHOULD BE FOSTERED IN OTHER COURSES WITHIN THE UNDERGRADUATE PROGRAMME

Like it has already been said, human rights are deeply rooted in all areas of law. The first recommendation already indicates that the course whose introduction is proposed should primarily be aimed at improving the previously acquired knowledge. As the analysis has shown, human rights are systematically studied within courses such as Constitutional Law and Public International Law, as well as through various instruments of criminal, civil and labour law. Nevertheless, there is a prevailing impression that thus acquired knowledge is fragmented and that it is only vaguely perceived that issues relevant to the exercise of human rights are inherently integrated into the study material of other courses. The faculties of law, therefore, have to include human rights in their study programmes and teaching materials and methods systematically, pointing out its importance to students in the context of specific legal disciplines. A synergy of efforts with the aim of improving education in all other courses, together with the introduction of a generally compulsory course called 'Human Rights', will produce desired results and improve the knowledge and skills of young lawyers in this field. Within this recommendation, we must also take into account limitations imposed by the already accredited study programmes, primarily in terms of compulsory reading material and the realisation of classes (number of exercises and lectures). It appears, however, that the existing good practices can be improved and applied to other courses.

### 3. DIFFERENT TECHNIQUES OF INSTRUCTION ON HUMAN RIGHTS SHOULD BE FOSTERED, DEVELOPED AND INTEGRATED IN SYLLABI

The analysis has undeniably shown that all stakeholders: lecturers, students and representatives of other institutions and organisations describe as extremely useful teaching methods that focus on the acqui-

sition of practical knowledge and skills. Those that stand out are legal clinics, case studies, moot court competitions and visits to institutions in charge of human rights protection. The importance of seminar papers and summer schools was also recognised. Comparative practice also shows significant presence of practically oriented methods and techniques of teaching. The faculties of law themselves have recognised this need; this is evident particularly from the introduction of special courses such as skills (legal clinics, mock trials, etc.). It is, therefore, of vital importance and in the service of the previous two recommendations, to continue implementing different teaching methods in the field of human rights. Also, although the analysis has shown that students mostly participate in different, more demanding types of education or teaching methods because they want to improve their knowledge, institutional recognition of their participation in education formats such as moot court competitions, student practice and legal clinics would doubtless help to involve students even more. In addition to this, efforts should be made not to restrict the access to these teaching models only to students with high average grades, because a larger number of students would then benefit from them.

#### **4. THE LAW ON FREE LEGAL AID NEEDS TO BE IMPROVED TO ENABLE STUDENTS TO ACQUIRE DIRECT, HANDS-ON KNOWLEDGE THROUGH ENGAGEMENT AT LEGAL CLINICS**

In order to ensure the widest possible implementation of the most effective complementary teaching methods that belong to the “learning by doing” set, the **Law on Free Legal Aid needs to be improved**. Namely, the applicable provisions of the Law on Free Legal Aid, and a distinction it has made between pro bono legal assistance reserved for lawyers and legal aid offices at local government units, on the one hand, and free legal support that may be provided by faculties of law involving only the provision of general legal information, filling out forms, drafting notarial deeds and mediating in disputes, on the other, represent an impediment to good practice which used to exist before, and restrict professors’ capabilities when it comes to teaching through legal clinics. This has unjustifiably put a stop to an extremely efficient method of acquiring practical, hands-on knowledge and experience, *inter alia*, in the field of human rights protection, which practitioners describe as extremely useful for students, and which used to produce excellent results.

#### **5. MODELS OF INSTITUTIONAL COOPERATION BETWEEN FACULTIES AND ORGANISATIONS AND INSTITUTIONS IN CHARGE OF FOLLOW-UP EDUCATION SHOULD BE ESTABLISHED AND STRENGTHENED, WHILE DEVELOPING SPECIAL STRATEGIES OF SUPPORT TO FACULTIES OUTSIDE BELGRADE**

Moreover, it is necessary to continue **strengthening models of institutional cooperation** between faculties and the widest circle of institutions and organisations which are in charge of postgraduate, out-of-faculty education or which can provide valuable experience to students in the form of practice, internships, etc. Support to hands-on training and gaining of experience in cooperation with relevant governmental, international and civil society organisations, lawyers, etc. has major importance when it comes to efforts to bridge the gap between theoretical knowledge and the absence of practical skills needed for applying that knowledge. Looking at curricula, one often gains the impression that they are mostly aimed at improving academic and scientific views, and that they really provide an excellent basis for subsequent improvement in scientific research. However, a vast majority of law graduates will not be researchers, but will engage in practice, and it is therefore important to insist on the applicability of acquired knowledge, which can be encouraged through better institutional cooperation. In this context, we should stress that faculties situated outside Serbia’s capital face practical problems as a result of difficulties in accessing a large number of institutions due to practical and logistical issues. In order to overcome this issue, i.e., to make steps towards improving the situation in this regard, a **strategy of support to faculties outside Belgrade** should be developed with the aim of ensuring that their students keep up with their Belgrade colleagues when it comes to access to these institutions.

## 6. THE TEACHING SKILLS OF PROFESSORS AND ASSISTANT PROFESSORS SHOULD BE IMPROVED SYSTEMICALLY

The approach proposed in these recommendations will be very difficult to implement in practice if lecturers – professors and assistants – do not have the teaching skills needed for instructions that rely on the practical application of knowledge, or unless they improve these skills. Therefore, teaching skills and the skills of implementation of different teaching methods need to be systematically improved both in the case of lecturers on the Human Rights course and those working on other courses.

## 7. A MULTIDISCIPLINARY APPROACH TO TEACHING HUMAN RIGHTS SHOULD BE IMPLEMENTED

On the model of some of the above-mentioned comparative examples from abroad and in accordance with a clearly expressed need, **a multidisciplinary approach needs to be implemented more frequently** within undergraduate studies at law faculties (especially within the Human Rights course, if it becomes compulsory). This refers to the engagement of other professionals in the teaching of some human rights-related topics. This recommendation is based on the principles of the European Judicial Training Network (EJTN), according to which the training of judges and prosecutors should cover both legal and non-legal knowledge and skills. Targeted and balanced strengthening of non-legal skills of future lawyers as early as during studies would undoubtedly help them to understand better the practical implications of human rights violations and to prepare better for the implementation of law in practice. At the same time, we believe that there is room for introducing human rights education within certain study programmes of other faculties, where we regard the faculties of law as leaders and focal points for such initiatives.

## 8. POSTGRADUATE STUDIES IN THE FIELD OF HUMAN RIGHTS SHOULD BE DEVELOPED

On the model of some of the above-mentioned comparative examples from abroad, and in accordance with the clearly stated need, **special, postgraduate master's studies** should be organised, and their programme should take into account the pluralism of needs that appear in practice.

## 9. DIFFERENT TYPES OF INTERNATIONAL COOPERATION SHOULD BE PROMOTED BETWEEN FACULTIES OF LAW AND FOREIGN FACULTIES AND THE MOBILITY OF STUDENTS SHOULD BE ADDITIONALLY ENCOURAGED

All faculties of law encompassed by this research already have different established modalities for cooperation with faculties of law from other countries, including participation in international law school networks. The field of human rights protection is particularly suitable for additional concretisation of possible forms of cooperation, while different approaches to the teaching of human rights, which depend on individual legal traditions, can contribute to the development of knowledge and skills of both students and lecturers. Since, for example, joint trainings involving members of the judiciary from different countries are recognised as the best comparative practice, it can reasonably be assumed that the organisation of joint teaching modules, summer schools and other teaching formats would represent good practice in the education on human rights at the undergraduate level (some law schools that have not been included in this research can provide useful information from relevant practice). Hence, we are recommending an additional improvement of the teaching practice on human rights through cooperation with faculties from other countries. At the same time, it would be advisable additionally to encourage the mobility of students within the existing limits offered by faculties and universities, for the purpose of continuing with the exchange of knowledge and for the purpose of ensuring exposure to different modalities of transfer of knowledge in this important field.

## 9. Appendices

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### Appendix 1: Questionnaire for senior undergraduates of Belgrade, Novi Sad, Kragujevac and Niš law faculties

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Dear Sir/Madam,

This questionnaire is a part of a research on human rights education at Serbian law faculties, conducted by the Comparative Law Institute for the needs of the Council of Europe. The research is part of the activity entitled Strengthening the effective legal remedies to human rights violations in Serbia, implemented within the EU and the Council of Europe cooperation programme “Horizontal Facility for Western Balkans and Turkey II.”

The aim of the questionnaire is to obtain information and understand the way in which the topic of human rights is included in the study programmes of undergraduate studies of law at four faculties of law in the Republic of Serbia.

The questionnaire is anonymous and we kindly ask you to answer the questions honestly and to the best of your knowledge. If your answers to some questions do not match the offered choices, please use the allocated space within those questions.

Thank you very much for your effort and willingness to cooperate.

1. Your age:

- a. 22–25
- b. More than 25

2. Sex:

- a. Male
- b. Female

3. How strongly do you agree with the following statements? (on a scale from 1 to 5 – I completely agree, I mostly agree, I don't know/ I neither agree nor disagree, I mostly disagree, I completely disagree):

- a. The curriculum of the undergraduate studies has enabled me to learn enough about human rights:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree

- b. I know which legal instruments in the field of human rights are available at the international level:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- c. I know which legal instruments in the field of human rights are available at the national level:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- d. I know which judicial and other mechanisms of human rights protection exist at the international level (UN, Council of Europe, European Union, etc.):
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- e. I know which mechanisms of human rights protection exist in Serbia:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- f. I know where and how to find the case law of the European Court of Human Rights:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- g. I know where I can find the case law and documents in the field of human rights protection in Serbia:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- h. When I start working, I will be able to apply my knowledge on human rights to any issue I deal with:
  - a. I completely agree



- b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- i. I believe that, in case of a specific legal issue, I know exactly at which national or international court or another authority I can initiate appropriate proceedings:
- a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- j. I know the admissibility requirements for applications to the European Court of Human Rights and rules of address to the competent UN treaty bodies:
- a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- k. I know enough about the case law of the European Court of Human Rights and other Council of Europe and United Nations bodies, which enables me to assess whether an act or action has violated a particular internationally guaranteed human right:
- a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree

4. At undergraduate studies we also learned about human rights within the following course(s): (You may choose multiple answers):

- a. Constitutional Law
- b. Administrative Law
- c. Substantive Criminal Law
- d. Procedural Criminal Law
- e. Civil Law, except Procedural Civil Law (Succession Law, Family Law, Law of Obligations, etc.)
- f. Procedural Civil Law
- g. Labour Law
- h. Public International Law
- i. EU Law

Other (please explain) \_\_\_\_\_

5. During the undergraduate studies I participated in some of the following forms of classwork methods or work methods within the study of human rights or a specific human right. You may choose multiple answers:

- a. Seminar paper
- b. Case study
- c. Legal clinics
- d. *Moot court* competitions
- e. Mock trials
- f. Roleplay
- g. Expert groups
- h. Visit to institutions in charge of human rights (at the national, supranational and international level)
- i. Online courses
- j. Summer schools

6. If you have participated in one of the already mentioned forms of classwork or used one of the mentioned work methods, do you think that it has helped you better understand and be more interested in human rights?

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

7. If you have participated in one of the above-mentioned forms of classwork or work methods, you were motivated/encouraged to participate because this would (you may choose multiple answers):

- a. improve your knowledge and skills in this field, and acquire considerable experience
- b. improve your fluency in the language of the competition
- c. ensure that you are exempted from one part of an exam
- d. help you to get a better grade at the final exam
- e. increase your chances for getting a scholarship for postgraduate studies in the field of human rights

8. Within a course that refers to the topic of human rights, did you use only textbooks or did the compulsory literature include other materials, such as manuals, readers, original judgments and case studies?

Please explain:

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9. If you used literature on human rights, please state in which courses (you may choose multiple answers):

- a. Human rights
- b. Constitutional Law

- c. Administrative Law
- d. Substantive Criminal Law
- e. Procedural Criminal Law
- f. Civil Law, except Procedural Civil Law (Succession Law, Family Law, Law of Obligations, etc.)
- g. Procedural Civil Law
- h. Labour Law
- i. Public International Law
- j. EU Law

Other (please explain) \_\_\_\_\_

10. Do you think that textbooks and other compulsory reading material for courses in which human rights are not the main topic contained enough information about the legal and institutional framework for human rights protection?

- a. Yes, they contained as much information as I needed.
- b. They contained some information, but we received more information about human rights from professors at lectures and teaching assistants at exercises.
- c. They did not contain enough information.
- d. They did not contain any information at all.

11. During the studies, did you learn some issues/areas pertaining to human rights to a similar extent (the material overlapped) or in a similar way (using similar methods) within different courses/exams?

- a. Yes, I had the feeling that the material was (unnecessarily) duplicated.
- b. Yes, but this helped me to master the material.
- c. No, I did not have the impression that the material overlapped.

12. In your opinion, would it be useful if you studied human rights during undergraduate studies using some of the listed methods? You may choose multiple answers:

- a. Seminar paper
- b. Case study
- c. Legal clinic
- d. *Moot court* competitions
- e. Mock trial
- f. Roleplay
- g. Expert groups
- h. Visits to institutions in charge of human rights protection (at the national and international levels)

13. Is there something within the area of human rights that you did not study during the studies and you think you should have?

Please explain.

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## Appendix 2: Questions for semi-structured interviews with lecturers

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1. This question is for all lecturers:

The area of law which you teach (you may choose multiple answers):

- a. Human Rights
- b. Constitutional Law
- c. Civil Law
- d. Criminal Law
- e. Administrative Law
- f. Public International Law
- g. European Union Law

2. This question is for all lecturers:

To what extent do you deal with the topic of human rights within your research?

- a. This is the central focus of my research
- b. Part of my research deals with some issues or groups of issues in the field of human rights
- c. My research contextually deals with human rights issues, when they are important for the wider topic of my research

3a. This question is for lecturers who do not teach at the course which exclusively deals with the topic of human rights:

How strongly do you agree with the following statements? (on a scale from 1 to 5 – I completely agree, I mostly agree, I don't know/ I neither agree nor disagree, I mostly disagree, I completely disagree):

- a. Within the course at which I teach, the topic of human rights (basic legal and theoretical aspects, human rights protection instruments and appropriate human rights protection mechanisms) at the international level is appropriately incorporated in the curriculum:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- b. Within the course at which I teach, the topic of human rights (basic legal and theoretical aspects, human rights protection instruments and appropriate human rights protection mechanisms) at the national level is appropriately incorporated in the curriculum:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree

- c. Within the course at which I teach, human rights appear only in fragments in the curriculum:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- d. Within the curriculum of the course at which I teach students are expected to have basic knowledge regarding the legal and institutional human rights protection framework at the supranational and international levels:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree

3b. This question is for lecturers who teach at courses which deal exclusively with human rights:

- a. The status of this course is satisfactory:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree

Please explain:

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- b. The curriculum gives students sufficiently wide knowledge about the legal and institutional framework of human rights protection at the international level (primarily the United Nations and the Council of Europe):
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree
- c. The curriculum gives students sufficiently wide knowledge about the legal and institutional framework of human rights protection at the national level:
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree

- d. The curriculum of the course ensures that students have basic knowledge regarding the legal and institutional framework for human rights protection at the national, supranational and international levels (since they have acquired them within courses such as Constitutional Law i Public International Law):
  - a. I completely agree
  - b. I mostly agree
  - c. I don't know/ I neither agree nor disagree
  - d. I mostly disagree
  - e. I completely disagree

4. This question is for lecturers who do not teach at a course which exclusively encompasses human rights issues:

Do you think that human rights issues are well integrated in the compulsory reading material which supports the education at the course where you teach?

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

4a. If you mostly disagree or if you completely disagree with the above-mentioned statement, do you think that there is a need and space for improving this?

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

5. This question is for all lecturers:

Within your lectures at the course, do you use case law, including, e.g., original judgments of the European Court of Human Rights, in order to familiarise students more with the topic of human rights?

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

Please explain:

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6. This question is for all lecturers:

Within your course, do you use other teaching methods in addition to lectures in order to make students better acquainted with the topic of human rights? Please choose the relevant methods (you may choose multiple answers)

- k. Seminar papers
- l. Case studies
- m. Legal clinics
- n. *Moot court* competitions
- o. Mock trial
- p. Roleplay
- q. Expert groups
- r. Visits to institutions in charge of human rights protection (at the national and supranational levels)
- s. Online courses
- t. Summer schools
- u. None of the above

7. This question is for all lecturers:

Do you think that students in the year in which your course is have enough knowledge of law to understand the importance of human rights in the context of your course?

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

8. This question is for all lecturers:

Do you think that it would be efficient if human rights were studied within a separate course that would be compulsory for all undergraduate students of law?

Please explain:

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9. This question is for all lecturer:

Have there been initiatives at the faculty to establish a separate course on human rights that would be compulsory for all students within undergraduate studies and what is your experience regarding these initiatives?

Please explain:

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10. This question is for all lecturers:

Do you think that after completing undergraduate studies, students have a complete picture of the legal and institutional framework concerning human rights at the national and international levels?

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

11. This question is for lecturers who lecture at a course that deals exclusively with human rights:

In your opinion, can students functionally apply their knowledge of human rights in their work (at court, prosecutor's office, as interns in private law practice, and the NGO sector, etc.) after the completion of undergraduate studies?

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

12. This question is for all lecturers:

Do your students participate in international competitions on human rights? What is your experience with these competitions? Do students who participate in competitions have some benefits or incentives to get scholarships for the continuation of their studies?

Please explain:

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## Appendix 3: Questions for semi-structured interviews with representatives of institutions and organisations involved in the education of lawyers in the field of human rights

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Name and family name:

Institution:

Date of the interview:

**1. Human rights programmes you organise on your own or with other partners require prior knowledge of the issue and instruments of human rights protection in order to be attended and mastered?**

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

**2. What is your general assessment of young lawyers' knowledge of human rights – trainings which you organise on your own or in cooperation with other partners?**

- a. Excellent
- b. Satisfactory
- c. I don't know
- d. Poor
- e. Unsatisfactory

**Please explain**

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**3. Do you think that after the completion of undergraduate studies, students have a complete picture about the legal and institutional framework concerning human rights at the national and international levels?**

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree

- d. I mostly disagree
- e. I completely disagree

**Comment:**

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**4. Would you describe their knowledge as mostly functional (systemic) or fragmented (partial)?**

- a) They mostly have functional knowledge
- b) Their knowledge is mostly fragmented
- c) There is no visible regularity (trend) in this respect

**Comment:**

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**5. In your opinion, can students after the completion of undergraduate studies apply their knowledge of human rights at work (at court, prosecutor's office, as interns in private practice, in the NGO sector, etc.)?**

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

**Please explain.**

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**6. In your opinion, are young lawyers and law students sufficiently aware that the issue of human rights is studied systemically through a series of courses during the studies, rather than just within the Human Rights course?**

- a. I completely agree
- b. I mostly agree
- c. I don't know/ I neither agree nor disagree
- d. I mostly disagree
- e. I completely disagree

**7. Which topics and fields, in your experience, represent a special challenge for young lawyers as regards future practical implementation when it comes to human rights?**

Answer:

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**8. Based on your experience, which teaching methods, apart from lectures, show the best results in ensuring that young lawyers better understand human rights? (you may choose multiple answers)**

- v. Seminar papers
- w. Case studies
- x. Legal clinics
- y. *Moot court* competitions
- z. Mock trial
  - aa. Roleplay
  - bb. Expert groups
  - cc. Visits to institutions in charge of human rights protection (at the national and supranational levels)
  - dd. Online courses
  - ee. Summer schools
  - ff. None of the above

Comment:

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**9. Where do you see room for improvement when it comes to the study of human rights at the faculties of law and what are, in your opinion, the qualities of the existing teaching programmes and approaches?**

Answer:

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