

## Summer School on Human Rights Law, European University Institute, 16 – 27 June 2014 Report

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The Academy of European Law of the European University Institute hosts each year two Summer Schools, one solely dedicated to Human Rights Law, the other devoted to the Law of the European Union. Course subjects vary annually and tend to be a reflection on prevailing current legal issues. This year's thematic focus of the Summer School on Human Rights Law was freedom of religion. Particularly, the relationship between freedom of religion and secularism. One of the many privileges of these courses is that they are lectured by leading international scholars. The courses were divided in two parts, General and Specialized Courses. After getting to Villa La Fonte, the premises where the Summer School takes place, the initial registration to the courses could not be simpler. Arriving to the registration one encounters a friendly staff, who were very helpful in many regards.

The General Course was lectured by Professor Harold Koh, former Legal Advisor of the US Department of State, and Sterling Professor of International Law, Yale Law School. His course entitled "21<sup>st</sup> Century Human Rights" took place on regular basis. This course was intended to serve as an introduction to the law, policy, theory, history, and institutions of International Human Rights Law. Like other lecturers too, Koh had previously uploaded reading materials thus ensuring a proactive participation of the participants. His rather informal and collegial style was regarded as welcoming and sympathetic. Taking into consideration his extensive experience as a leading government official, the cross-section between policymaking and academia reflected in his opinions was interesting and a change for many listeners. However, an overwhelming majority of the class did not agree with his view on the legality of the use of drones, which seemingly he introduced as uncontroversial.

Some of the Specialized Courses were: Freedom of Religion, Political Secularism, and Human Rights in South Asia by Rajeev Bhargava; Rights and Religion in the Legal and Constitutional Order of Islamic States by Nathan J. Brown; and Godless Europe: Between Secularism and Religion by Lorenzo Zucca, to name but a few. Regularly, these courses were held after lunchtime. Unfortunately, the classes of Professor Samuel Moyn Histories of Religious Freedom of Human Rights were cancelled on short notice. Yet the management of the Summer School reacted promptly. This class was complemented by Professor Nehal Bhuta, Director of the Academy of European Law. Bhuta, who also was moderating previous rounds of discussion after lectures, turned this class into a vibrant discussion based on the reading materials of Moyn. Dr. Zucca's courses were one of the highlights. Zucca, Reader in Jurisprudence at King's College London and author of *Secular Europe* (Oxford University Press, 2012), discussed two main questions: (i) What is the place of religion within the public spheres, and (ii) what is the relational place of secularism between religion, law, and politics? In answering these questions, Zucca allocated the status of freedom of religion into three periods (medieval, modern, and future Europe). One of the central sources of debate during this course was the landmark case *Lautsi v. Italy*. In this case the European Court of Human Rights (ECtHR) initially ruled that Italy had violated the European Convention on Human Rights (ECHR). Italy appealed this decision before the Grand Chamber of the ECtHR. Following the appeal, the ECtHR ruled that the requirement in Italian law that crucifixes be displayed in classrooms does not violate the ECHR.

Another fruitful class was that of Professor Nathan Brown, Professor of Political Science and International Affairs, George Washington University and Senior Associate at the Carnegie Endowment for International Peace. Brown analysed concepts of secularism in the Middle East and North Africa. His courses started with a general introduction to Islamic Law, and ended with the Arab constitutional reforms launched after the political turmoil of the past few years.

Additionally to these courses, there were also the so-called Distinguished Lectures. This year's guests were two very prominent scholars in International Law. Namely, Bruno Simma, Judge of the Iran United States Claims Tribunal and former Judge of the International Court of Justice (ICJ). Having read Judge Simma's numerous publications in International Law and citing him on many occasions, enjoying his speech live was a very special opportunity. Listening to his rhetorical eloquence on the impact of Human Rights Law in traditional institutes of International Law such as state immunity was very inspiring. Other themes he scrutinised included the impact of Human Rights on the law of treaties, the law of reservations within Human Rights treaties, and the importance of Human Rights Law in the case law of the ICJ. His concluding remark on the impact of Human Rights was coined with the term "codification of progressive development" on state responsibility. The second distinguished guest was Joseph Weiler, President of the European University Institute. Weiler represented the eight intervening states that appealed before the Grand Chamber of the ECtHR in the *Lautsi v. Italy* case. His wholehearted lecture on the philosophy of law on freedom of religion reminded one of his famous defence given before the ECtHR. To the entertainment of all participants, he concluded with the joke he had used in his arguing before the ECtHR (accessible online).

Summarizing the experience of this Summer School, it most certainly was an intellectual and personal enrichment. Attendance to the Human Rights Law Summer School for students and scholars interested in International Law is strongly recommended without reservations. I wish to end by expressing my most sincere gratitude to *Alumni und Freunde des Fachbereichs Rechtswissenschaft Johann Wolfgang Goethe-Universität e.V.* for their generous scholarship, as well as Dr. Susanne Pelster from the dean's office of the Goethe Law School for her general support.