

## Mateusz Wiktor Golak: Teach European Law in Our Schools

There are four important and binding grounds of European law: Roman law, the Code Napoléon, the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights) and European Union law.



We can divide some areas of teaching European law. One is for Roman law which could be taught during Latin lessons. Code Napoléon and the European Convention on Human Rights could be integrated into history lessons, and European Union law into social studies.

The legal system of continental Europe took Roman law as its main framework. To this day, we use terms like *ius publicum* and *ius privatum*. As another example, we use *ius cogens* in international relations for the basic rule that cannot be broken. In contrast to current criminal law, Roman law concentrates on the private domain.

Code Napoléon's rules are still binding for current European law. Napoléon said there should be no secret law. He also prohibited ex post facto law (applying the law to events before that particular law was passed).

Any person who feels his rights have been violated under the European Convention on Human Rights by a state party can sue that state before the ECHR in Strasbourg. ECHR judgments are binding on the States concerned, meaning that they are obliged to implement them.

In recent months we have heard that United Kingdom is considering leaving the European Convention on Human Rights due to fact that the ECHR court interprets the Convention differently from the 50's or 60's (starting from the case *Tyrell v. UK*). Instead, the UK would set up its own Supreme Court on Human Rights. The problem is that there is no equivalent catalogue of human rights in Britain.

The EU founding treaties are the primary source of Union law. The legal base for the enactment of EU law is Article 288 of the Treaty on the Functioning of the European Union which defines legal instruments as regulations, directives, decisions and recommendation. They are addressed to all or some member states, or to all or some individuals. Except for recommendations, all the above-mentioned legal instruments are binding and very important to every citizen of the European Union.

You should remember the Treaty on the Functioning of the European Union when you apply for state aid or struggle against unfair competition. If you are consumer who buys things on the internet from all over the Europe, you ought to think about Rome and Brussels regulations which regulate conflicts of law and jurisdiction. If you want to protect your personal possessions from people you do not like, you will need Regulation (EU) No 650/2012 in matters of succession.

These are all good reasons why we need to teach children about the history of law and European law. We should also explain to them how difficult it was to reach these European agreements. If the UK quits the European Convention on Human Rights, this will constitute an unacceptable precedent for countries like Russia, Hungary or Azerbaijan which have far more difficulties respecting human rights.

In the invitation to Young Professional Seminar in Helsinki, *United Europe* wrote: *We cannot lose a single person*. I would like to rephrase this statement: *We cannot lose a single country*.