



European Union practices of protecting human rights in criminal proceedings

PENZA STATE UNIVERSITY



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Overview of the professional training course

The professional training course “European Union practices of protecting human rights in criminal proceedings” is intended for legal professionals, public administrators and civil society representatives. The course focuses on familiarising trainees with the main human rights trends in criminal proceedings in the EU and advocating them to protect human rights in criminal proceedings.

Contacts of the professional training course teachers

Teacher			
Full name	Email	Phone number	Office number
Gleb Sintsov	int_affairs@pnzgu.ru	+79273733073	11-119
<p>Educational background: 1992 - 1997, V.G. Belinsky Penza State Pedagogical University (Russia), Faculty of Foreign Languages, study field “Teacher Training: English and German Languages”, Specialist’s degree programme. 1998 - 2000, Penza State University (Russia), Faculty of Continuing Education, study field “Law”, Lifelong learning programme. 2000 - 2003, V.G. Belinsky Penza State Pedagogical University, Faculty of Law, study field “Constitutional Law. Community Law”, Post-graduate programme. 2003, Moscow State Law Academy (Russia), defence of the Candidate of Legal Sciences thesis “Constitution and legal doctrine of referendum in the Russian Federation and constituent entities of the Russian Federation”. 2009, Russian State Trade and Economy University, defence of the Doctor of Legal Sciences thesis “Modern constitutional and legal models of referendum doctrine around the world”. 2014, N.P. Pastukhov State Academy of Industrial Management (Russia), “Project management at the university”, Professional development programme. 2020, Peoples’ Friendship University of Russia (Russia), “Modern trends in the development of university international activity”, Professional development programme.</p> <p>Work experience: 2019 - present, Penza State University (Russia), Rector’s office, Vice-Rector for International Affairs. 2009 - 2019, Penza State University (Russia), Faculty of Law, Department of Private and Public Law, Head of the Department. 2005 - 2010, Chamber of Attorneys in the Penza Region (Russia), Sintsov’s Legal Office, Attorney. 2003 - 2009, V.G. Belinsky Penza State Pedagogical University (Russia), Faculty of Law, Department of Civil Law and Civil Procedure, Senior Lecturer, Associate Professor, Professor.</p> <p>Recent publications: 1. Sintsov G.V., Stepanova D.N. Exercise of the voting right of persons with disabilities in foreign countries: Comparative legal analysis. Right to Vote for Persons with Disabilities. Conference proceedings. Penza: PSU Publ., 2020, pp. 28-39. 2. Sintsov G.V., Prokhorov A.A. Invalidation of elections in the Russian state system. Moscow: Yurlitinform Publ., 2020, 168 p. 3. Sintsov G.V., Bitiutskii E.V. Features of applying the principle of constitutional identity between the federation and its constituent entities: Case study of the Russian Federation and the Federal Republic of Germany. Multi-Component States: Practices and Development Perspectives. Conference proceedings. Penza: PSU Publ., 2019, pp. 131-136. 4. Sintsov G.V., Goshulyak V.V., Komarova V.V., Feoktistov D.E. Constitutional economics and stability of development of economic relations. Education Excellence and Innovation Management through Vision 2020. Conference proceedings. Seville: International Business Information Management Association Publ., 2018, pp. 1552-1556.</p>			

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Teacher			
Full name Danil Feoktistov	Email d_e_f@bk.ru	Phone number +79374411123	Office number 5-409
Educational background:			
2004 - 2009, V.G. Belinsky Penza State Pedagogical University (Russia), Faculty of Law, study field "Law", Specialist's degree programme.			
2009 - 2012, Penza State University (Russia), Faculty of Law, study field "Constitutional Law. Municipal Law", Post-graduate programme.			
2012, Penza State University (Russia), defence of the Candidate of Legal Sciences thesis "Constitutional and legal status of the Human Rights Ombudsperson in the Russian Federation (comparative legal study)".			
Work experience:			
2017 - present, Penza State University (Russia), Department of Private and Public Law, Associate Professor.			
2010 - present, LLC Volga Legal Alliance, Lawyer.			
Recent publications:			
1. Feoktistov D.Ye. Issues of confidentiality in the activity of ombudspersons. Science. Society. State. Penza: PSU Publ., 2020, pp. 64-73.			
2. Feoktistov D.Ye., Sintsov G.V. Civil liability for obstructing the activity of the Human Rights Ombudsperson. Bulletin of O.E. Kutafin Moscow State Law University. Moscow: MSAL Publ., 2019, no. 9 (61), pp. 162-168.			
3. Feoktistov D.Ye., Sintsov G.V. Activity of the Human Rights Ombudsperson in the Russian Federation: theoretical and practical aspects. Human Rights Ombudsperson in the System of Constitutional Guarantees. Forum proceedings. Moscow: RG-Press Publ., 2019, pp. 43-49.			
4. Feoktistov D.Ye. Constitutional and legal development of the Human Rights Ombudsperson in the Russian Federation and the European Union. Constitution and Constitutional Reforms. Conference proceedings. Penza: PSU Publ., 2019, pp. 157-161.			
5. Feoktistov D.Ye. Legal institution of the Ombudsperson: theoretical aspects. Regional Features of Market Social and Economic Systems (Structures) and Their Legal Support. Conference proceedings. Penza: MUIV Publ., 2014, pp. 43-47.			
6. Feoktistov D.Ye. Subsidiarity in the activity of the Human Rights Ombudsperson in the Russian Federation. Legal, Social and Economic Problems in Modern Russia: theory and practice. Conference proceedings. Penza: PGAU Publ., 2013, pp.63-66.			
7. Feoktistov D.Ye. Ombudsperson as a means of dialogue between the state and civil society (Section 3 in the monograph). Constitutional and legal frameworks of interaction between public authorities and civil society institutions in the Russian Federation. Penza: Privolzhsky Dom Znany Publ., 2013, pp. 38-50.			
8. Feoktistov D.Ye. Constitutional and legal status of the Civil Rights Ombudsperson in the Republic of Poland. Legal Bulletin. Penza: Penza State Pedagogical University Publ., 2012, no. 33, pp. 111-117.			
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10. Feoktistov D.Ye. Restrictions related to the replaced position of the Human Rights Ombudsperson in the Russian Federation and the European Union. Education and Law. Moscow: Yurcompany, 2011, no. 10 (26), pp. 132-140.			
11. Feoktistov D.Ye., Sintsov G.V. Requirements for the Human Rights Ombudsperson in the Russian Federation. Business in Law. Moscow: Yur-VAK Publ., 2011, no. 3, pp. 15-19.			
12. Feoktistov D.Ye. Legal guarantees of personal independence of the Human Rights Ombudsperson in the Russian Federation and the European Union. Business in Law. Moscow: Yur-VAK Publ., 2010, no. 5, pp. 14-17.			

Teacher			
Full name Evgenii Bitiutskii	Email b-2m@mail.ru	Phone number +79374139879	Office number 5-308
Educational background:			
2003 - 2008, Penza State University (Russia), Faculty of Law, study field “Law”, Specialist’s degree programme.			
2007, Ludwig-Maximilians-Universität München (Germany), training within the DAAD programme (Deutscher Akademischer Austauschdienst).			
2008 - 2012, Penza State University (Russia), Faculty of Law, study field “Constitutional Law”, Post-graduate programme.			
2017, Penza State University (Russia), defence of the Candidate of Legal Sciences thesis “Constitutional model of modern Russian federalism”.			
Work experience:			
2016 - present, Penza State University (Russia), Department of Law Enforcement, Associate Professor.			
2016 - present, Penza Region Bar Chamber (Russia), Branch of the Inter-Republican Bar Council (Moscow), Legal Office No. 11, Lawyer.			
Recent publications:			
1. Bitiutskii E.V., Sintsov G.V. Features of applying the principle of constitutional identity between the federation and its constituent entities: Case study of the Russian Federation and the Federal Republic of Germany. Multi-Component States: Practices and Development Perspectives. Conference proceedings. Penza: PSU Publ., 2019, pp. 131-136.			
2. Bitiutskii E.V., Sintsov G.V. Role and consequences of the “parade of sovereignties” in 1990 – 1991 in forming and developing the Russian state. Proceedings of Higher Educational Institutions. Volga Region. Social Sciences. Penza: PSU Publ., 2019, no. 1 (49), pp. 59-66.			
3. Bitiutskii E.V., Sintsov G.V. Constitutional model of modern Russian federalism. Ser. Constitutional Law of the Russian Federation. Moscow: Yurlitinform Publ., 2018, 336 p.			
4. Bitiutskii E.V., Sintsov G.V. Attempts at building a federal state during the formation of the USSR in 1922-1924. Topical Issues of Russian Law at the Present Stage. Conference proceedings. Penza: Privolzhsky Dom Znany Publ., 2017, pp. 3-8.			
5. Bitiutskii E.V. Constitutional model of modern Russian federalism. Candidate of Legal Sciences thesis. Penza: 2017, 286 p.			
6. Bitiutskii E.V., Sintsov G.V. Issues of centralisation and decentralisation of state power in the Russian Federation and the Federal Republic of Germany. Representative Power – 21st Century. Moscow, 2017, no. 2-3 (153-154), pp. 1-5.			
7. Bitiutskii E.V. Organising and operating principles of power in a federal state (case study of the Russian Federation and the Republic of Austria). Proceedings of Higher Educational Institutions. Volga Region. Social Sciences. Penza: PSU Publ., 2016, no. 2 (38), pp. 44-52.			
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9. Bitiutskii E.V. Improving the territorial structure of the state by combining the entities of the Russian Federation. Black Holes in Russian Law. Moscow: Media-VAK Publ., 2012, no. 1, pp. 26-30.			
10. Bitiutskii E.V., Sintsov G.V. Interrelation of concepts: equality, equal rights and equal legal status of the constituent entities of the Russian Federation. Black Holes in Russian Law. Moscow: Media-VAK Publ., 2011, no. 3, pp. 14-17.			
11. Bitiutskii E.V. Bundesrat: Substitution of concepts. Business within the Law. Moscow: Yur-VAK Publ., 2010, no. 5, pp. 18-21.			

Aims and objectives of the professional training course

The aim of professional training course “European Union practices of protecting human rights in criminal proceedings” is to provide legal professionals (including law teachers), public administrators and civil society representatives with the main human rights trends in criminal proceedings in the European Union, to broaden their knowledge and skills and to encourage them to protect human rights in criminal proceedings.

To achieve the above-mentioned aim, the following objectives are set:

- broadening the trainees’ theoretical knowledge and practical skills in the best European human rights practices;
- promoting the trainees’ recognition of the main European Union trends in protecting human rights of persons subjected to criminal prosecution;
- initiating the trainees’ understanding of the need to draft and promote regulations on protecting human rights in criminal proceedings.

Learning outcomes of the professional training course

Code	Learning outcome
LO1	Ability to generalise the provisions of criminal law in the European Union with the view to upholding and protecting human rights
LO2	Ability to discover the criminal justice system in the European Union and compare it with the system in the Russian Federation
LO3	Ability to analyse the relevant data on criminal procedure in the European Union in terms of human rights
LO4	Ability to test the strengths and weaknesses of the European practices for human rights protection in criminal proceedings
LO5	Ability to select the reliable guidelines for protecting human rights and adapt them to criminal law in the Russian context
LO6	Ability to review the challenges in protecting human rights of persons subjected to criminal prosecution
LO7	Ability to integrate the best European practices and mechanisms for the management and administration of justice with the view to human rights

Learning outcomes within the course topics

Code	Name of the topic	Aim of the topic
		Learning outcomes of the topic
1	Criminal law in the EU. Criminal justice system in the EU (4 hours)	The aim is to explore the general principles and distinctive traits of criminal law in the European Union and to study the contours of the criminal justice system in the European Union.
		<p>On successful completion of the topic 1, the trainees should be able to:</p> <ul style="list-style-type: none"> – examine criminal law of the European Union and its relation to national law, international law, transnational law and criminal justice; – evaluate the framework decisions, directives and regulations in the area of criminal law in the European Union; – assess the interaction between the existing European legal instruments and national legal orders with regard to the protection of human rights; – interpret the fundamental aspects of the criminal justice system in the European Union; – review the case law in the European Union and its influence on the criminal justice system; – analyse the activity of the European Union Agency for Criminal Justice Cooperation, European Public Prosecutors Office and other bodies.
2	Human rights and criminal procedure in the EU. European practices of protecting human rights in criminal proceedings (4 hours)	The aim is to study the requirements of the European Convention on Human Rights and the case law of the European Court of Human Rights when interpreting and applying criminal procedure codes and comparable or related legislation.
		<p>On successful completion of the topic 2, the trainees should be able to:</p> <ul style="list-style-type: none"> – illustrate the different requirements of the European Convention on Human Rights concerning the various issues relevant to the criminal procedure; – discuss the protection measures for victims, suspects and accused persons in criminal proceedings in the European Union; – understand the policy and legal instruments in the European Union to combat cross-border crime on the one hand, and safeguard human rights on the other hand; – explore human rights in practice under criminal proceedings in the European Union.

3	Mechanism for introducing the best practices in the RF. Draft regulations on protecting human rights of persons subjected to criminal prosecution (4 hours)	The aim is to explore the best practices of protecting human rights in criminal proceedings in the European Union.
		<p>On successful completion of the topic 3, the trainees should be able to:</p> <ul style="list-style-type: none"> – compare the frameworks of criminal law with the view to human rights; – evaluate the challenges in the case law in terms of protecting human rights; – formulate the new perspectives for the protection of victims, suspects and accused persons in criminal proceedings.
4	Presenting and discussing results (4 hours)	The aim is to summarise the best practices of administering justice and protecting human rights under criminal law.
		<p>On successful completion of the topic 4, the trainees should be able to:</p> <ul style="list-style-type: none"> – adapt the protocols of the European Convention on Human Rights and the case law of the European Court of Human Rights; – recommend the protection measures for victims, suspects and accused persons in criminal proceedings; – propose the potentially effective legal and policy frameworks to protect human rights in criminal proceedings.

Mapping of the training course learning outcomes

Code of the topic	Code of the professional training course learning outcome						
	LO1	LO2	LO3	LO4	LO5	LO6	LO7
1	X	X					
2			X	X			
3					X	X	
4							X

Assessment and feedback strategy

The professional training course involves the following interactive assignments:

- Within the topic 1, the trainees should undertake the Think Aloud activity “**Relevant framework decisions, directives and regulations in the European Union**” and the Respond, React, Reply activity “**Assessment of the performance of the bodies in the European Union within the criminal justice system**”.
- Within the topic 2, the trainees should undertake the Think Aloud activity “**Key rulings of the European Court of Human Rights with the view to the criminal process**”.
- Within the topic 3, the trainees should undertake the Think-Pair-Share activity “**What are the favourable guidelines for protecting human rights in criminal proceedings?**”.
- Within the topic 4, the trainees should undertake the Respond, React, Reply activity “**Analysis of legislation related to the rights of victims, suspects and accused persons in criminal proceedings**” and the Project activity “**Effective measures to protect human rights in criminal proceedings**”.

Assessment matrix

No .	Think Aloud activity	Respond, React, Reply activity	Think-Pair-Share activity	Project activity	Code of LO
1	Relevant framework decisions, directives and regulations in the European Union	Assessment of the performance of the bodies in the European Union within the criminal justice system			LO1, LO2
2	Key rulings of the European Court of Human Rights with the view to the criminal process				LO3, LO4
3			What are the reliable guidelines for protecting human rights in criminal proceedings?		LO5, LO6
4		Analysis of legislation related to the rights of victims, suspects and accused persons in criminal proceedings		Effective measures to protect human rights in criminal proceedings	LO7

Delivery of the professional training course

Code of the topic	Name of the topic	Number of hours	Contact hours	
			Lectures	Seminars
1	Criminal law in the EU. Criminal justice system in the EU	4		4
2	Human rights and criminal procedure in the EU. European practices of protecting human rights in criminal proceedings	4		4
3	Mechanism for introducing the best practices in the RF. Draft regulations on protecting human rights of persons subjected to criminal prosecution	4		4
4	Presenting and discussing results	4		4
TOTAL		16		16

Opportunities for the trainees

Building 3, ground floor, Monday – Friday: 9am – 6pm; Saturday: 9am – 1:30pm; Sunday: closed, tel. +7 (8412) 64-36-49

Building 9, room 104, Monday – Friday: 9am – 6pm, Saturday: 9am – 1:30pm; Sunday: closed, tel. +7 (8412) 66-64-01

Building 11, ground floor, Monday – Friday: 9am – 6pm, Saturday: 9am – 1:30pm; Sunday: closed, tel. +7 (8412) 64-39-29

Electronic Resources Hall – building 1, office 308, Monday – Friday: 9am – 5pm, Saturday: 9am – 1:30pm; Sunday: closed, tel. +7 (8412) 66-62-55

Electronic Reading Room – building 9, office 110, Monday – Friday: 9am – 5pm, Saturday: 9am – 1:30pm; Sunday: closed, tel. +7 (8412) 66-64-01

The professional training course is delivered for legal professionals (including law teachers), public administrators and civil society representatives. It is funded within the Erasmus+ Programme (Jean Monnet Actions in the field of Higher Education: Modules) and supported by the International Centre for Teaching and Learning Erasmus+.

The materials of the professional training course are available in the digital learning environment of the university <http://moodle.pnzgu.ru/>. The trainees have access to all reading rooms and libraries at the university.

The trainees have the right to an individual learning trajectory.

Responsibilities of the trainees

Within the professional training course, the trainees are to:

- Respect the rights of others;
- Respect the property of others, as well as the property, equipment and facilities of the university;
- Abide by the normative standards, rules and regulations of the university, as well as by local, regional and state laws;
- Attend classes as scheduled.

Essential readings

1. Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950) (as amended 21 September 1970, 20 December 1971, 1 January 1990, 6 November 1990, 11 May 1994).
2. Charter of Fundamental Rights of the European Union (Strasbourg, 12 December 2007).
3. McBride J. Human rights and criminal procedure. The case law of the European Court of Human Rights. 2nd edition. Council of Europe, 2018.
4. McKenzie M., McMahon P., O'cinneide C., Clarke L. Review of the working methods of the ECHR. 2005.
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Topic 1

Criminal law in the EU Criminal justice system in the EU

Penza State University

**Teacher:
Dr. Danil Feoktistov**



**Funded by
the European Union**

Teacher			
Full name	Email	Phone number	Office number
Danil Feoktistov	d_e_f@bk.ru	+79374411123	5-409

Aims and objectives

The aim is to explore the general principles and distinctive traits of criminal law in the European Union and to study the contours of the criminal justice system in the European Union.

To achieve the above-mentioned aim, the following objectives are set:

- initiating the trainees’ understanding of the background and development of criminal law in the European Union;
- familiarising the trainees with the constituent pillars of criminal law in the European Union;
- improving the trainees’ understanding of the human rights cooperation in criminal law of the European Union;
- familiarising the trainees with the foundations for criminal justice in the European Union;
- improving the trainees’ understanding of the case law in terms of criminal justice in the European Union;
- giving the trainees an appreciation of the activity of the European Union bodies within the criminal justice system.

Learning outcomes

On successful completion of the topic 1, the trainees should be able to:

- examine criminal law of the European Union and its relation to national law, international law, transnational law and criminal justice;
- evaluate the framework decisions, directives and regulations in the area of criminal law in the European Union;
- assess the interaction between the existing European legal instruments and national legal orders with regard to the protection of human rights;
- interpret the fundamental aspects of the criminal justice system in the European Union;
- review the case law in the European Union and its influence on the criminal justice system;
- analyse the activity of the European Union Agency for Criminal Justice Cooperation, European Public Prosecutors Office and other bodies.

Outline of the topic (brief description of content)

Within the topic, the trainees study the following aspects: Historical background and recent development of criminal law in the European Union. Constituent pillars of criminal law in the European Union. Cooperation in the field of human rights in criminal law of the European Union. Foundations for criminal justice in the European Union. Criminal justice and case law in the European Union. Activity of the European Union bodies within the criminal justice system.

Teaching and learning methods

Problem-solving, critical thinking, brainstorming.

Teaching plan

No.	Focus	Number of hours	Contact hours	
			Lectures	Seminars
1.	Historical background and recent development of criminal law in the European Union. Constituent pillars of criminal law in the European Union. Cooperation in the field of human rights in criminal law of the European Union.	2		2
2.	Foundations for criminal justice in the European Union. Criminal justice and case law in the European Union. Activity of the European Union bodies within the criminal justice system	2		2
TOTAL		4		4

Content

The teacher briefly presents the following aspects:

1. Historical background and recent development of criminal law in the European Union.

Treaty of Maastricht. Three pillars of the European Union. Treaty of Lisbon. Constitutionalisation at the European level and at the national level. Basic principles of criminal law in light of the European context (nullum crimen sine lege, culpability, statute of limitation and ne bis in idem). Influence of European law on criminal law. European law-making. Harmonisation of laws.

2. Constituent pillars of criminal law in the European Union.

Structure of criminal law in the European Union. Concepts of framework decision, directive and regulation. Content of the important European instruments (e.g. framework decision on combating terrorism, framework decision on illicit drug trafficking, European arrest warrant). Rules in the directives and regulations of the European Union.

3. Cooperation in the field of human rights in criminal law of the European Union.

Principles of mutual recognition and mutual trust as the cornerstone of criminal law cooperation. Criminal law and human rights in the cases of the European Court of Human Rights and the Court of Justice of the European Union. Interactions among the European Court of Human Rights and the Charter of fundamental rights of the European Union.

4. Foundations for criminal justice in the European Union.

Concepts of criminal justice. Common European Union strategy on criminal justice. Key stages in criminal justice processes. Interaction between criminal law of the European Union and national criminal justice systems. Justice Programme, its objectives and actions.

5. Criminal justice and case law in the European Union.

Role and activity of the Court of Justice of the European Union. Case law in the European Union. Cross-border judicial cooperation. Legal database of the European Union. European investigation order. Procedural safeguards. Victim's rights. Counter-terrorism; cybercrime and e-evidence; trafficking in human beings; asset recovery and confiscation; core international crimes.

6. Activity of the European Union bodies within the criminal justice system.

Contribution of the European Union Agency for Criminal Justice Cooperation (Eurojust). Mission of the European Public Prosecutor's Office (EPPO). Tasks and activities of the European Union Agency for Law Enforcement Cooperation (Europol). Role of the European Judicial Network (EJN). Focus of the European Anti-Fraud Office (OLAF).

After the presentation of the main aspects, the trainees complete the interactive assignments:

Think Aloud activity **“Relevant framework decisions, directives and regulations in the European Union”**.

1. The teacher divides the trainees into the groups (5-7 persons) who will have to select the framework decisions, directives and regulations issued in the European Union (e.g. European evidence warrant, framework decision on counterfeiting, framework decision on money laundering) and find materials about their content.

2. The groups have to highlight the subject matter of the selected document (provisions, implementation, application, etc.). The trainees should present the results of their activity to other groups.

Learning outcomes

On successful completion of the assignment, the trainees should be able to:

- interpret the pillars of criminal law in the European Union;
- explain the provisions of framework decisions, directives and regulations issued in the European Union.

Respond, React, Reply activity “**Assessment of the performance of the bodies in the European Union within the criminal justice system**”.

1. The teacher divides the trainees into the groups (5-7 people). The trainees should analyze the bodies under the criminal justice system in the European Union and the effectiveness of their activity based on the available data.
2. Based on a rating scale from 1 to 5 (where 5 is the highest score), the trainees should assess the satisfaction with the activity of the selected bodies, their professional evaluations and attainment of the aims.
3. The groups present their analysis.

Learning outcomes

On successful completion of the assignment, the trainees should be able to:

- evaluate the policy and practice of the bodies in the European Union within the criminal justice system;
- recognize the efficiency of the criminal justice system in the European Union.

Reading list

1. Heffernan L. Criminal Law and Justice in the European Union. Clarus Press, 2021.
2. European Union Instruments in the Field of Criminal Law and Related Texts. Council of the European Union. Brussels, 2019.
3. Klip A. European Criminal Law. 4th Ed. Ius Communitatis, 2021.
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5. Scalia V. Protection of Fundamental Rights and Criminal Law. The Dialogue between the EU Court of Justice and the National Courts. European Criminal Law and Human Rights. 2015.
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18. Entin L.M. Law and institutions of the European Union. The current stage of evolution. Study Guide. Moscow: NORMA Publ., 2019.
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Topic 2

Human rights and criminal procedure in the EU European practices of protecting human rights in criminal proceedings

Penza State University

Teacher:

Dr. Evgenii Bitiutskii



**Funded by
the European Union**

Teacher			
Full name	Email	Phone number	Office number
Evgenii Bitiutskii	b-2m@mail.ru	+79374139879	5-308

Aims and objectives

The aim is to study the requirements of the European Convention on Human Rights and the case law of the European Court of Human Rights when interpreting and applying criminal procedure codes and comparable or related legislation.

To achieve the above-mentioned aim, the following objectives are set:

- familiarising the trainees with the content of the European Convention on Human Rights and the activity of the European Court of Human Rights;
- improving the trainees’ understanding of the legal and policy framework on the rights of victims, suspects and accused persons under criminal procedure;
- giving the trainees an appreciation of the legal instruments to prevent and combat cross-border serious and organised crime (including cybercrime and terrorism);
- initiating the trainees’ understanding of the practices for protecting human rights in criminal proceedings in the European Union.

Learning outcomes

On successful completion of the topic 2, the trainees should be able to:

- illustrate the different requirements of the European Convention on Human Rights concerning the various issues relevant to the criminal procedure;
- discuss the protection measures for victims, suspects and accused persons in criminal proceedings in the European Union;
- understand the policy and legal instruments in the European Union to combat cross-border crime on the one hand, and safeguard human rights on the other hand;
- explore human rights in practice under criminal proceedings in the European Union.

Outline of the topic (brief description of content)

Within the topic, the trainees study the following aspects: Case law of the European Court of Human Rights. Protecting victims’ rights. Rights of suspects and accused. Legal instruments to combat cross-border crime. Human rights in criminal proceedings.

Teaching and learning methods

Problem-solving, critical thinking, brainstorming.

Teaching plan

No.	Focus	Number of hours	Contact hours	
			Lectures	Seminars
1.	Case law of the European Court of Human Rights. Protecting victims' rights. Rights of suspects and accused. Legal instruments to combat cross-border crime. Human rights in criminal proceedings	4		4
TOTAL		4		4

Content

The teacher briefly presents the following aspects:

1. Case law of the European Court of Human Rights.

Different stages of the criminal process with respect to the application of the European Convention on Human Rights. Investigation stage: various obligations, use of apprehension, custody and detention on remand, process of gathering evidence and interrogation, discontinuance of proceedings before trial. Trial stage: requirements to the court, need for a public hearing, approach to the burden of proof, obligations regarding witnesses, requirements concerning the admissibility of evidence, right to an interpreter, specific rights of the defence, rights of victims of alleged criminal offences, use of trial in absentia, standards governing a judgment and its consequences. Appeal and reopening of proceedings, trial within a reasonable time. Compensation and costs.

2. Protecting victims' rights. Rights of suspects and accused.

Legal and policy framework on victims' rights. Victims' access to compensation. Rules on mutual recognition of protection measures in criminal and civil matters. EU strategy on victims' rights. Role and mandate of the Coordinator for victims' rights. Victims' Rights Platform. Guidance and support of the EU Centre of Expertise for Victims of Terrorism. Directives on procedural rights for suspects and accused persons. Recommendations on safeguards for suspected or accused in criminal proceedings. Related rights.

3. Legal instruments to combat cross-border crime.

Cross-border serious and organised crime (including cybercrime and terrorism). European agencies responsible for combating cross-border crime: European Union Agency for Law Enforcement Cooperation (Europol) and European Border and Coast Guard Agency (Frontex). Ways of law enforcement cooperation within the European Union. Documents on preventing and combating serious crime and terrorism. Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond.

4. Human rights in criminal proceedings.

Procedural rights in criminal proceedings. Standards for the conduct of criminal proceedings. Role of prosecution and punishment under the European Convention of Human Rights. Duty to criminalize, investigate, and prosecute. Standards for the criminalization, investigation and

conduct of criminal proceedings. Enactment and enforcement of criminal law as mandatory measures to ensure the effective enjoyment of human rights.

After the presentation of the main aspects, the trainees complete an interactive assignment:

Think Aloud activity “**Key rulings of the European Court of Human Rights with the view to the criminal process**”.

1. The teacher divides the trainees into the groups (5-7 persons) who will have to study the key rulings of the European Court of Human Rights and illustrate the requirements of the European Convention on Human Rights governing the criminal procedure.

2. The groups have to highlight the legal basis, circumstance and conditions of the case under the specific stage (investigation, prosecution, trial, appeal) and present the results of their activity to other groups.

Learning outcomes

On successful completion of the assignment, the trainees should be able to:

- assess the case law of the European Court of Human Rights in terms of the European Convention on Human Rights;
- consider the application of the relevant requirements in the European Convention on Human Rights to the specific cases under the criminal procedure.

Reading list

1. Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950) (as amended 21 September 1970, 20 December 1971, 1 January 1990, 6 November 1990, 11 May 1994).
2. Charter of Fundamental Rights of the European Union (Strasbourg, 12 December 2007).
3. McBride J. Human rights and criminal procedure. The case law of the European Court of Human Rights. 2nd edition. Council of Europe, 2018.
4. McKenzie M., McMahon P., O'cinneide C., Clarke L. Review of the working methods of the ECHR. 2005.
5. Victims’ Rights as Standards of Criminal Justice. Justice for Victims of Violent Crime. European Union Agency for Fundamental Rights. Publications Office of the European Union, 2019.
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Topic 3

Mechanism for introducing the best practices in the RF

Draft regulations on protecting human rights of persons subjected to criminal prosecution

Penza State University

Teacher:

Prof. Dr. Gleb Sintsov



**Funded by
the European Union**

Teacher			
Full name	Email	Phone number	Office number
Gleb Sintsov	int_affairs@pnzgu.ru	+79273733073	11-119

Aims and objectives

The aim is to explore the best practices of protecting human rights in criminal proceedings in the European Union.

To achieve the above-mentioned aim, the following objectives are set:

- familiarising the trainees with the key policy and legal instruments to protect human rights under criminal law in the European Union;
- giving the trainees an appreciation of the specific rulings on the violation of human rights in criminal proceedings;
- initiating the trainees’ understanding of the advanced measures to protect victims, suspects and accused persons in criminal proceedings.

Learning outcomes

On successful completion of the topic 3, the trainees should be able to:

- compare the frameworks of criminal law with the view to human rights;
- evaluate the challenges in the case law in terms of protecting human rights;
- formulate the new perspectives for the protection of victims, suspects and accused persons in criminal proceedings.

Outline of the topic (brief description of content)

Within the topic, the trainees study the following aspects: Criminal law frameworks and human rights practices. Milestones of the case law in terms of protecting human rights. Human rights as standards of criminal justice.

Teaching and learning methods

Problem-solving, critical thinking, brainstorming.

Teaching plan

No.	Focus	Number of hours	Contact hours	
			Lectures	Seminars
1.	Criminal law frameworks and human rights practices. Milestones of the case law in terms of protecting human rights. Human rights as standards of criminal justice	4		4
TOTAL		4		4

Content

The teacher briefly presents the following aspects:

1. Criminal law frameworks and human rights practices.

Charter of Fundamental Rights of the European Union. Strategic guidelines for legislative and operational planning within the area of freedom, security and justice (adopted by the European Council). Judicial cooperation in criminal matters: conflicts of jurisdiction, European Union Agency for Criminal Justice Cooperation (Eurojust) and European Judicial Network (EJN), European Public Prosecutor's Office (EPPO), joint investigation teams, European Criminal Records Information System (ECRIS), mutual recognition instruments (e.g. European arrest warrant, European protection order, European investigation order). Approximation of procedural law: protection of victims, procedural rights of suspected or accused persons. Specific instruments on combating crimes (e.g. corruption, money laundering, cybercrime, trafficking in human beings, terrorism). European Judicial Training Network (EJTN).

2. Milestones of the case law in terms of protecting human rights.

Guidelines for judges, lawyers and prosecutors on the requirements of the European Convention on Human Rights and its protocols and the case law of the European Court of Human Rights. Violations of the European Convention on Human Rights in the course of the investigation, prosecution and trial, appellate and other proceedings linked to the criminal process. Sample rulings of the European Court of Human Rights. EUR-Lex.

3. Human rights as standards of criminal justice.

Justice for victims: rights-based concept of crime victimization, position of the victim in the criminal justice system, conceptualization of victims' rights in terms of different types of crimes. Procedural rights of suspects and accused persons in criminal proceedings: presumption of innocence, right to information, right to a lawyer, right to a fair trial and due process.

After the presentation of the main aspects, the trainees complete an interactive assignment:

Think-Pair-Share activity “**What are the reliable guidelines for protecting human rights in criminal proceedings?**”.

1. The trainees individually consider the answer to the question about the guidelines of human rights protection within the specific criminal sector based on the available information about the frameworks and challenges in criminal law.
2. The teacher divides the trainees into pairs and gives them time to discuss the ideas and check the way of thinking.
3. The trainees unite and share their ideas on the measures to protect human rights in criminal proceedings.

Learning outcomes

On successful completion of the assignment, the trainees should be able to:

- compare the frameworks of criminal law with regard to human rights protection;
- produce the potentially effective measures to protect human rights in criminal proceedings.

Reading list

1. McBride J. Human rights and criminal procedure. The case law of the European Court of Human Rights. 2nd edition. Council of Europe, 2018.
2. McKenzie M., McMahon P., O'cinneide C., Clarke L. Review of the working methods of the ECHR. 2005.
3. Victims' Rights as Standards of Criminal Justice. Justice for Victims of Violent Crime. European Union Agency for Fundamental Rights. Publications Office of the European Union, 2019.
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25. Dzehtsiarou K., Konstadinides Th., Lock T., O'Meara N. Human Rights Law in Europe. The Influence, Overlaps and Contradictions of the EU and the ECHR. Routledge, 2016.



Topic 4

Presenting and discussing results

Penza State University

Teacher:

Dr. Danil Feoktistov



**Funded by
the European Union**

Teacher			
Full name	Email	Phone number	Office number
Danil Feoktistov	d_e_f@bk.ru	+79374411123	5-409

Aims and objectives

The aim is to summarise the best practices of administering justice and protecting human rights under criminal law.

To achieve the above-mentioned aim, the following objectives are set:

- improving the trainees’ understanding of the applicability of the human rights instruments in the case law;
- providing the trainees with the policy and legal solutions of protecting human rights under criminal law.

Learning outcomes

On successful completion of the topic 4, the trainees should be able to:

- adapt the protocols of the European Convention on Human Rights and the case law of the European Court of Human Rights;
- recommend the protection measures for victims, suspects and accused persons in criminal proceedings;
- propose the potentially effective legal and policy frameworks to protect human rights in criminal proceedings.

Outline of the topic (brief description of content)

Within the topic, the trainees study the following aspects: Legislation related to the rights of victims, suspects and accused persons in criminal proceedings. Best practices of administering justice and protecting human rights under criminal law.

Teaching and learning methods

Critical thinking, brainstorming, project-based learning.

Teaching plan

No.	Focus	Number of hours	Contact hours	
			Lectures	Seminars
1.	Legislation related to the rights of victims, suspects and accused persons in criminal proceedings. Best practices of administering justice and protecting human rights under criminal law	4		4
TOTAL		4		4

Content

The trainees complete the interactive assignments:

Respond, React, Reply activity **“Analysis of legislation related to the rights of victims, suspects and accused persons in criminal proceedings”**.

<p>1. The teacher divides the trainees into small groups (3-4 people). The trainees should debate the current legal and policy frameworks on the rights of victims, suspects and accused persons (as chosen).</p> <p>2. Based on a rating scale from 1 to 5 (where 5 is the highest score), the trainees should assess the interpretation and applicability of related legislation.</p> <p>3. The groups present their analysis.</p>	
<p>Learning outcomes</p>	<p>On successful completion of the assignment, the trainees should be able to:</p> <ul style="list-style-type: none"> – analyse the legal and policy frameworks on the rights of victims, suspects and accused persons; – evaluate the interpretation and applicability of legislation related to the rights of victims, suspects and accused persons in criminal proceedings.

Project activity “**Effective measures to protect human rights in criminal proceedings**”.

1. The teacher divides the trainees into the groups (5-7 people) and invites them to develop or update the practices of administering justice and protecting human rights under criminal law.
2. Based on the knowledge and skills obtained during the professional training course, the trainees should formulate their ideas for improving criminal law with regard to human rights.
3. The groups present their proposals.

Learning outcomes

On successful completion of the assignment, the trainees should be able to:

- analyse the relevant data on criminal law in the European Union with the view to upholding and protecting human rights;
- compare the reliable guidelines for protecting human rights in criminal proceedings;
- improve the legal and policy frameworks to protect human rights under criminal law.

Reading list

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13. European Commission. A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. Brussels, 2020.
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18. Sorokina E.M. Harmonization of criminal procedure legislation in the European Union. Moscow: Yustitsinform Publ., 2018.
19. Miettinen S. Criminal Law and Policy in the European Union. Routledge, 2013.
20. Ambos K. European Criminal Law. Cambridge University Press, 2020.
21. Postovalova T.A. Law of the European Union. Short course. Textbook. Moscow: Prospect Publ., 2021.
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23. Dzehtsiarou K., Konstadinides Th., Lock T., O'Meara N. Human Rights Law in Europe. The Influence, Overlaps and Contradictions of the EU and the ECHR. Routledge, 2016.