



# Freedom, Security and Justice within the European Union

*- with special emphasis on criminal justice issues*

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## MODULE 4

### European Criminal Justice in Actio

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#### Reading Lecture 3

#### Protection of Human Rights and Procedural Rights

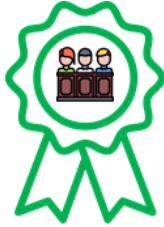
##### In this lecture you will learn about...

- the link between criminal procedures and human rights,
- the approximation of criminal procedures within the EU and about
- the basic understanding of procedural rights.

**Learning time – approximately 1 hour**



## 1. Human rights & procedural rights



procedural law & fundamental rights

approximation of criminal procedure; fundamental rights context; European standards

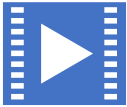
Check again

MODULE 1 Area of Justice (reading lecture 5) and

MODULE 2 Green Badge (reading lecture 7).

Revise your knowledge!

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## 2. Expert's Interview on the protection of human rights and the EU achievements in this field

Watch the video lectures No 12-13!

**András Lichtenstein** is a Lecturer at the Faculty of Law and Political Sciences, University of Szeged, where he teaches Criminal Procedure. He graduated in Law with a major in Criminal Justice from the University of Szeged in 2016. In 2017 he presented his award-winning paper on the „Human Rights of the Defendant and certain Principles of the Hungarian Criminal Procedure” at the National Scientific Students' Associations Conference (OTDK).



In his essay, he considered how the definition of the term “defendant” differs in the international human right treaties from the one used in the national procedural laws and noted that a broad interpretation is needed. Following extensive research of procedural human rights, he also outlined the importance of the decisions of international human rights bodies (such as the ECHR), as these may result a review of

the very criminal procedure in which human rights have been violated. This provides a possibility to administer justice with the protection of procedural rights even when the national criminal justice system and its principles originally failed to do so.



In 2018 Mr. Lichtenstein obtained an LL.M. degree in German Law and Legal Translation at the joint program of the University of Potsdam and the University of Szeged. He also received a Scholarship of the New National Excellence Program from the Ministry of Human Capacities for his research on the topic of procedural legality and mandatory prosecution. Currently he is working towards his PhD focusing on prosecution systems in Europe, including the role and organisation of law enforcement agencies and police-prosecutor relationships.



### 3. Questions for review

1. What is the legal loophole Mr. Lichtenstein mentioned concerning the accession of the EU to the European Convention on Human Rights?
2. What does double protection of the defendant mean?
3. Why were the linguistic rights of the defendant not expressly mentioned in the Charter?
4. Which regimes presented in the video lecture serve as effective protective mechanism?
5. What symbolises the metaphor of the spider's web?

A protective mechanism is effective, if the individual has the right to directly file claims in case of an alleged human right violation.

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