

International Human Rights Standards in the Criminal Law

Brief description: Implementation of international human rights standards at the national level of criminal law regulation. Promotion and protection of human rights as a key priority of national criminal law policy. Training of state agents in the field of criminal justice in the paradigm of "teaching not only about human rights but also about human rights".

Objective: to develop worldviews and practical competencies based on respect for human rights as a universal value, recognized both at the international and national level of legal regulation, in future workers in the field of criminal justice (human rights education in criminal justice)

Learning objectives: formation of values focused on human rights, principles of commitment to human rights and protection of human rights; transfer of knowledge about international human rights standards in criminal law and their implementation at the national level of legal regulation; promoting an understanding of the wider social context and best case law beyond national and international human rights instruments in the field of criminal justice; the basis of the ability to make a substantial comparison of legal phenomena not only in view of the form, level of existence and nature of their normativity, but, above all, in view of the nature of these phenomena and the structural changes they cause; development of the ability to implement mechanisms for the protection of human rights in everyday professional life.

The content of the curriculum

Module 1. The role of international human rights standards in national criminal law regulation.

Comparative tools for human rights research at the international and national levels. Subject and types of comparative legal research. Features of normative and functional

comparison and their significance for understanding the universality of human rights and the variety of legal means of their protection. Stages of comparative legal research. Requirements for comparative legal research. The influence of comparative law vision on the formation of understanding of the value of human rights.

Module 2. Mechanisms of human rights protection in criminal law.

History of formation of universal standards of human rights protection. General stages of development of the idea of human rights protection. Ideological origins and mechanisms for implementing human rights standards in criminal law. The impact of criminal offense and punishment on the formation of universal standards of human rights protection. Implementation of human rights instruments in the national criminal justice system. Compliance of the national mechanism of human rights protection in criminal law with universal standards. Current challenges for effective protection of human rights in criminal law.

Module 3. Jurisdiction over criminal law protection of human rights in Europe. Principles of criminal law and human rights.

Architectonics of sources of criminal law protection. Modern challenges of the relationship between human rights and security. Framework strategies for the protection of human rights in international law. Interaction and interaction of European criminal law and national law. Human rights in the jurisdictional dimension. Universal jurisdiction and problems of impunity. Global human rights challenges and opportunities for national criminal jurisdictions. Principles of criminal law as a corridor of opportunities for human rights protection. Criminal law instruments as the ultima ratio in restricting human rights. The principle of legality. Lex certa. Non-retroactivity and lex mitior. There is no point in the parliament. Subsidiarity principle and protection of the right to life. The principle of proportionality and human treatment.

Module 4. Criminal law dimension of human rights in conflict zones

Presumption of territorial jurisdiction of the state. Extraterritorial jurisdiction. The concept of "effective control" of the state in the context of protection of human rights in the conflict zone in the practice of the European Court of Human Rights. Criteria for effective control and their content. "Positive obligations" of states and their limits in the issue of real protection of human rights. Reasonable and appropriate measures to ensure and protect fundamental human rights in a particular case. The state adheres to the principles of good faith and conscientious attitude to its obligations. The relevance of the "positive obligations" of states to the political context and the possibilities of law and the limits of legal regulation. Gender aspect of human rights protection in the conflict zone. The significance of UN Security Council Resolution 1325 "Women, Peace, Security" and the National Action Plan for its implementation.