



## **Human Rights in Civil Procedure**

### **Lecturers:**

#### **Dr. Kinga TIMÁR**

attorney-at-law, lecturer at ELTE Faculty of Law (consultation hours: Fri 12:00-14:00, Department of Civil Procedure, Building A, Floor 2, Room 202), e-mail: ktimar@ajk.elte.hu

#### **Dr. Steffen PABST**

in-house counsel at LVV in Leipzig (Germany), member of the Liberal International Human Rights Committee, e-mail: steffen.pabst@iprserv.de

### **Description:**

Seminar participants will elaborate and discuss substantive and procedural human rights. We will focus on human rights, which are most relevant in civil procedure, and will debate the different aspects of relevant procedural guarantees and possible remedies in case of infringement of such guarantees. Different sources, which guarantee such human rights, and case law of the European Court of Human Rights (ECHR), European Court of Justice (ECJ) and the Hungarian Constitutional Court (HCC) must be assessed.

Within the course presentations we will emphasize the

- right of access to justice
- right to a court established by law
- right to an independent and impartial decision-maker
- right to a fair and public hearing
- right to a representation and interpreter
- right to a hearing within a reasonable time
- right to an explanation of how the court reached its decision
- right to a legal remedy

A chapter of the course will deal with arbitration and its relations to procedural guarantees of human rights.

### **Work load:**

We will publish a list of topics by the end of February. Each participant must choose one on a “first come first served” basis.

The students will have to do a scientific research and to **write a 6 to 10 page essay** in English language. In the essay, the students are expected to analyze their topic in detail with references to relevant ECHR decisions, but also other case law and legal literature. The students will present the relevant facts, applied articles and legal arguments in their essays. The essay must contain proper references to case law and literature (footnotes, list of literature). The students’



own opinion about their topic is most welcome. Essays must be submitted by mid April, the exact deadline will be mentioned after the students have picked their topic.

**Between May 2 and May 5, 2023**, the students will **present their topic** in class. They should use a PowerPoint-presentation to guide their fellow-students through their topic. The speech should be approximately 15 minutes. It will be followed by a discussion about the topic.

Some introductory course materials will be provided on the e-learning (Moodle) site of the course. However, an important part of the course will be the research work about the specific topic of the students' choice. This research work could be done partly with applicable online law-databases but should also include library visits.

**Assessment:**

We will assess the students' performance by their essay, their presentation and their participation in the discussions.