

STRASBOURG, 4 – 5 JUNE 2015

Interactions between *legal* and *other* professionals in human rights training

The HELP Network Conference took place on 4 - 5 June 2015 in Strasbourg at the Council of Europe (CoE) Headquarters. This year's event was focused on “Interactions between legal and other professionals in human rights training”.

The European Programme on Human Rights Education for Legal Professionals (HELP), whose role has been highlighted by the [2015 Brussels Declaration](#) and the [2012 Brighton Declaration](#), and by [Resolution 1982 \(2014\)](#) of the Council of Europe's Parliamentary Assembly, aims at improving the training of judges, prosecutors and lawyers on the European Convention on Human Rights (ECHR) and its implementation, including as regards the execution of judgments of the Strasbourg Court, by ensuring that it constitutes an integral part of their vocational and in-service training. The Programme is implemented by the Directorate General of Human Rights and Rule of Law (DG-I). It is co-funded by a voluntary contribution from the CoE's [Human Rights Trust Fund](#).

The HELP Network is a large peer-to-peer Human Rights Training Network, made up of representatives of national training institutions for legal professionals from all 47 member states of the Council of Europe. Other international organisations, as well as some NGOs, including the main international associations of legal professionals (CCBE, FBE, IAJ, etc.), are partners of the Network.

In recent years, in addition to many other issues, the HELP Network discussed problems which are particular to intra-professional and multinational training (activities targeting mixed groups of judges, prosecutors and lawyers and/or legal professionals from different countries). HELP has already developed and is currently developing many curricula on subject matters which include inter-professional aspects (e.g. the courses on Asylum and Refugees, Bioethics, Children Rights, etc.), but further discussion was needed on how to involve other professionals and their expertise in human rights training.

It is a crucial theme in today's society. Advances in genetics, health care and technology greatly impact the cases that legal professionals work with and the laws which they must apply. Every day legal professionals are in contact with other professionals such as social workers, police officers, prisons staff, interpreters, and have to take into account how the media will present their decisions and how they should be informed. It is also important to mention the plurality of recent international instruments concerning these topics, such as the Santiago de Compostela Convention against Trafficking in Human Organs or the Oviedo



Convention on Human Rights and Biomedicine. Based on this, the key topics chosen for this year's Conference were: health and bioethics; media; asylum and refugees; and the fight against ill-treatment, all within the context of interactions between legal and other professionals.

The conference was organised under the CoE Chairmanship of Bosnia and Herzegovina. Welcoming addresses were delivered by Mr Almir Šahović, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Bosnia and Herzegovina to the CoE, and Mr Christos Giakoumopoulos, Director of Human Rights, DGI, CoE, with Ms Tatiana Termacic, Head of the Human Rights National Implementation Division, DGI, CoE, as chair.

The event gathered representatives from 43 member states of the CoE and from several national and international professional organisations involved in capacity building of legal professionals. Full versions of the speeches and recordings of the Plenary Sessions are available on the [HELP website](#).

[Mr Almir Šahović](#) delivered the first welcoming address and emphasised the important role HELP plays in strengthening lawyers', judges' and prosecutors' capacity to apply the ECHR at national level, particularly given the explicit reference to HELP in the Brussels Declaration of 2015. The Ambassador also noted the specific activities run by HELP in Bosnia and Herzegovina and their valuable contribution to the continuous training of legal professionals at national level.

In his welcoming address [Mr Giakoumopoulos](#) emphasised the growth of the HELP Network in recent years and how its value cannot simply be attributed to its size, but in the level of international co-operation and collaboration that it demonstrates. It is crucial that National Training Institutions (NTIs) and Bar Associations (BAs) continue to invest in the evaluation of capacity building endeavours in order to achieve concrete changes in the practice of legal professionals across all member states, and this goal can be reached through the collaboration and combined efforts of the HELP Network.

[Mr Dean Spielmann](#), President of the European Court of Human Rights (ECtHR), gave the opening speech and expressed his support for the theme of this year's Conference, noting how regularly the ECtHR is called on to adjudicate cases involving the topics identified. The authors of the ECHR intended that it would be applied by all judges, lawyers and prosecutors and given the complexity of our society, the participation of other legal professionals is crucial in achieving good judgments which will be duly enforced.

The Secretary General of the CoE, [Mr Thorbørn Jagland](#), paid tribute to all involved in the HELP Network and praised HELP's contribution to the CoE's goal of ensuring member states are the primary guarantors of the ECHR at a national level. Given the clear political backing the Programme has, the Conference offers an opportunity to discuss future plans to continue taking HELP from strength to strength. The Programme is not intended to replace the efforts of national training institutions; they are the owners of human rights education in the same way as national governments are the owners of the Convention. Given that the Convention system is probably one of the fastest growing bodies of international law, we

must continue to do everything we can to help member states embed it into their national legal orders.

Mr Régis Brillat, Executive Secretary of the European Social Charter, DGI, CoE, discussed the importance of training legal and other professionals on the European Social Charter (ESC) and reinforced the role of social rights in achieving a more complete application of human rights on a national level. When trained on social rights, participants become humanists as well as good lawyers, enhancing their capacity to grasp the values on which the ESC is founded. The rights contained within the Charter are more than just individual rights; but also the right of the individual to interact with others and the society of which he belongs. In this respect, Mr Brillat underlined that the participants of the Conference have a crucial role to play.

Mr Roberto Rivello, Manager of the HELP Programme, discussed the achievements and new challenges for HELP. The Programme continues to work to ensure that courses have practical relevance in legal professionals' daily work and to tackle the misconception that human rights are not always relevant. HELP is currently offering model curricula on 18 different topics, which have been tested in 30 pilot courses in 2014-2015. All curricula are related to the needs and pressing issues identified at national level and have been developed in accordance with a transversal approach, co-operating and interacting with the target countries, as well as with all competent international organisations and entities. A specific HELP training methodology has been developed, covering training design essentials, training techniques, traditional, blended, online and distance learning.

Ms Natacha De Roeck, Head of HELP Unit, described some of the satellite projects which come under the HELP umbrella, including: HELP in the 28, funded by a grant from DG Justice, EU; HELP in the Russian Federation, funded by the HRTF; Freedom of Expression Project in Turkey, co-funded by the EU; and Strengthening the Application of the ECHR in Armenia co-funded by a Voluntary Grant from the Danish Ministry of Foreign Affairs. Each Project includes the development and running of new courses. One of HELP's strengths is the use of e-learning and the continuous work to develop and take advantage of new learning tools. This is combined with distance and traditional face-to-face learning to appeal to as many legal professionals as possible. A video on Admissibility Criteria, which will be incorporated into all new Admissibility Courses, is an example of one of the most recent tools created by HELP, in collaboration with the Registry of the ECtHR. It was unveiled at the Conference, before being published on both the HELP and the ECtHR's website. In autumn 2015, HELP will begin to work with a web communication expert who will assist in the development and promotion of a HELP Facebook, Twitter and other communication tools, which will provide a link between national pages and the HELP website.

Ms Jolanta Samuolyte, member of the HELP Consultative Board, also contributed by expanding on the role of the Consultative Board as a supporting and advisory body, whose members bring a wide range of experience to the role and are thus able to offer guidance to the HELP Secretariat as to the implementation of the 2015 Roadmap. The meeting of the Board, held in February 2015 in Strasbourg, had been a helpful opportunity to hear about the



collaboration between HELP and the Case-Law Information and Publications Division of the ECtHR, which produced the video which was debuted at the Conference.

Challenges in interactions between legal and other professionals in human rights training - Tandem presentations by keynote speakers with different professional backgrounds

Health and Bioethics

The first speaker in relation to the field of health and bioethics [Ms Anne Forus](#), Senior Adviser, Norwegian Directorate of Health and former Chair and Bureau member of the Chair of the CoE's Committee on Bioethics (DH-BIO), praised the CoE's foresight for having developed human rights documents in this area as early as the 90s and referred to the Convention on Human Rights and Biomedicine and its contribution to the principles in place to ensure the protection of human rights in bioethics. She gave practical examples of challenges in the implementation of legal and ethical principles embodied in biomedical decision making processes (e.g. professionals' different 'professional languages' and 'schools of thought' and different interpretations of free and informed consent, 'presumed' consent, autonomy, integrity, dignity, privacy and confidentiality), and evaluated pre-existing examples of solutions to these challenges. Ms Forus concluded that inter-professional training and reflection on human rights and bioethics was crucial to foster a common understanding of the relevant principles.

[Ms Marie Grosset](#), Judge of the French Conseil d'Etat, highlighted the value of informing human rights decision making with expert evidence and of inter-professional collaboration to enhance the understanding of ethical issues. While there are misunderstandings and prejudices between legal and other professionals, they have more common than conflicting interests. Ms Grosset highlighted the need for democratisation of the bioethics debate and its ever-evolving nature due to scientific progress. She suggested bioethics as a subject to promote inter-professional interaction, mentioning as an example the National Ethical Consultative Committee in France which guides public awareness about bioethics using a multi-disciplinary approach. Ms Grosset highlighted that despite a lack of political will in France to adopt such approaches, recent projects are developing under the initiative of the professionals themselves. Training and increased opportunities for reflection among different professions on bioethics is key.

Media

Mr Patrick Titun, Head of the President's Office, Press Unit, Registry of the ECtHR spoke first on the topic of media and principally addressed some of the challenges legal professionals face when tasked with presenting judicial developments to the press. The presentation of the ECtHR's work is mostly published in Press Releases. Given the significant body of work produced by the ECtHR on a weekly basis, decisions must be made as to which cases give rise to a publication. There are a number of criteria to be considered

which must achieve a balance between the legal interest and the media interest. Where there is not an apparent media interest but the Unit feel it is a pressing issue, the Unit may liaise with the Press and draw their attention to pertinent legal developments. The ECtHR often receives requests to release materials early to certain offices; however these are never accepted. The role of Press Releases is to present the case to the outside world and they are not simply directed towards the Press but may be relevant for legal and other professionals. This places a great emphasis on ensuring that the material is clear and neutral and represents the cases as accurately as possible. In the Press Unit there is close co-operation between the lawyer who drafted the judgment and the press officer, and every Press Release goes through a series of validations and checks by both parties. For many legal professionals there is a lack of guidance on when a press notice is required, and further on what information should be contained therein.

Ms Jan Clements, Senior Legal Advisor and Media Specialist, Guardian News & Media, described the press as being the eyes and ears of the public; which requires them to have full access to, and an understanding of, judicial developments, whether it is case law or legislation. A potentially more contentious interaction is in respect of protecting sources and obtaining information. There is a clear link between freedom of expression and the right to privacy and an equitable balance between the human rights considerations at stake must be struck by both legal, and other, professionals in their work.

Asylum and Refugees

Identifying some of the key inter-professional challenges in the field of asylum and refugees was **Mr Flip Schüller**, Partner, Prakken d'Oliveira Human Rights Lawyers. Mr Schüller highlighted the role of medical evidence in asylum (e.g. concerning the ability to be interviewed, credibility and *non-refoulement* assessment, past persecution and the nexus with expulsion); the applicable international and regional legal framework for the medical aspects of asylum, noting use of the Istanbul Protocol (1999), the Asylum Procedures Directive EU 2013, L 180/60 and the Maieutics Handbook; and he gave some examples of relevant case law. He identified inter-professional challenges in the acquisition and use of medical reports, proposing that medical specialists inform credibility assessments and the relevant guidelines from ECtHR case law are implemented at national level.

Ms Jane Herlihy, Director, Centre for the Study of Emotion and Law, discussed multidisciplinary training for legal professionals in cases concerning asylum and refugees, highlighting the use of anthropological expert reports and medico-legal reports in assessment of the individual claim as country and medical evidence respectively, as well as country-of-origin information and scientific research evidence for general background knowledge. Some key challenges identified were judging credibility without knowledge of Post-Traumatic Stress Disorder (PTSD), deception and demeanour and the assumptions made with regard to memory. Ms Herlihy gave concrete statistics and examples relating to consistency in testimony and the extent to which this affects veracity and credibility. She proposed more empirical evidence to substantiate decision making, thoughtful inclusion of psychological knowledge in asylum law and multi-disciplinary training.

The Fight against Ill-treatment

Mr Vladimir Ortakov, Psychiatrist, Acibadem Sistina Hospital (Skopje), began the discussion on inter-professional interactions in the fight against ill-treatment and referred to psychiatric institutions, the probability of ill-treatment by psychiatrists and the lack of legislation about de-institutionalisation of mentally ill patients. In particular, he highlighted the role of the forensic psychiatrist in ensuring the human rights of patients are respected and that investigations into ill-treatment are fully and appropriately examined. When discussing ill-treatment it is imperative to not overlook the “hidden” forms of ill-treatment, which often remains unrecognised by both other and legal professionals. There are a number of fields, pertinent to the fight against ill-treatment, where inter-professional interactions can be improved, for example the monitoring of psychiatric institutions or in mental health advocacy.

Mr Önder Özkalıpci, Forensic Physician (Consultant), previously at United Nations Office of the High Commissioner for Human Rights (OHCHR), then presented and discussed UN training regarding victims of torture, drawing on the role of two key tools for the investigation of torture and ill-treatment allegations: the protocols of Istanbul and Minnesota. Mr Özkalıpci also highlighted the formation of expert teams to examine victims and resolve relevant cases, and how these teams were an example of inter-professional interactions in the fight against ill-treatment. The training experience of the teams in Turkey is a powerful example of successful collaboration between medical and legal professionals with more than 4000 doctors and 1000 prosecutors receiving training on the Istanbul Protocol, an example that can be drawn on for future mixed training.



Working groups conclusions and recommendations

There were four working groups at this year's Conference, each dedicated to one of the topics discussed by the tandem speakers. The groups discussed various aspects regarding some of the most recurrent challenges encountered in the reciprocal interactions between legal and other professionals in human rights cases, and the corresponding obstacles to practical application of human rights knowledge; the related training needs of legal professionals; human rights training tools and methodologies; and the possible challenges and training needs for other professionals and how these needs can be addressed.

The working group discussions provided an opportunity for NTIs, BAs and other partners of the HELP Network to exchange on their role in human rights training and to share best practices on inter-professional training, taking into account the experiences of all members of the HELP Network and also of other legal professionals.

Working Group I Legal professionals and health and bioethics

The Working Group was addressed by two keynote speakers, Ms Forus and Ms Brigit Beger, Secretary General of the Standing Committee of European Doctors with Mrs Laurence Lwoff, Secretary of the Committee on Bioethics (DH-BIO), CoE, acting as Moderator. Ms Petra Bárd from the National Institute of Criminology of Hungary acted as a rapporteur and reported the Working Group's conclusions in the Plenary Session.

Through fruitful discussion and exchange of inter-professional challenges encountered in daily professional life when dealing with health and bioethics, **five key challenges** were identified, enumerated in order of priorities:

1. Different professionals come from different schools of thought.
2. Legal professionals should be trained in bioethics and the expert issues they decide upon, so that at a minimum they can ask the right questions, avoid having a "battlefield of experts" and evaluate expert opinions.
3. There is a historical hostility, explaining the difficulty or lack of collaboration between legal and medical professionals.
4. Legal professionals must recognise the line between legal and non-legal expert knowledge.
5. In the field of bioethics, the subject matter and corresponding training needs to correspond to rapidly evolving technologies and so, legal professionals' knowledge must be regularly updated.

The working group identified general courses on human rights and bioethics and specific topics in order to identify the **training needs for legal professionals in health and bioethics**:

General

- International instruments, ECHR, and relevant case law;

- General training in bioethics;
- Balancing of competing individual rights and public interests;
- Clash between different human rights (e.g. public trial; access to court documents vs. privacy or confidentiality of health data; prohibition of self-incrimination vs. DNA evidence);
- Comparative analysis (to map good practices with regards to legislation and application of the law in different CoE member states).

Specific:

- Data protection issues of research on biological materials;
- Legal protection of organs, tissues and cells through various branches of law;
- Informed consent;
- Beginning and end-of-life issues (e.g. medically assisted procreation, surrogacy, abortion, euthanasia, mercy killing, determination of brain death with regard to organ transplantation, etc.);
- Vulnerable persons (e.g. encompassing those who may not be able to make informed choices, are excluded from the political process which determines their rights and may belong to a group in a vulnerable situation (e.g. undocumented migrants).

Discussions on the format of the training with regards to the professionals involved as both trainer and participant and the methodologies and training used resulted in the following proposals:

- A combination of face-to-face, blended, distance and e-learning, with an emphasis on debate and the use of case studies.
- Trainers could be representatives from both legal and medical professions and also from different jurisdictions and cultures. Training could take place at each other's premises (e.g. at judicial academies for medical doctors, and at clinics for legal professionals).
- Intra-professional training within the legal profession is necessary.
- The viability of inter-professional trainings for a mixed audience of legal and other professionals would depend on the jurisdiction and would be subject matter specific: joint training on crosscutting issues could have an added value. Core teaching material could be designed and then tailored to corresponding training needs.
- Jurisdictional scope of the trainings: primarily focused at national level, tailored to each country, and in addition, participants may benefit from complementary exchange programmes.
- Since bioethics is a rapidly evolving field, trainings should be regularly updated.

With regards to the challenges and training needs of other professionals in their interactions with legal professionals in the field of health and bioethics, and how they can be addressed, the following points were raised:

- Legal and other professionals have common needs and gaps in their interactions.

- Specific trainings designed for non-legal professionals are necessary (e.g. basic course on human rights, privacy rights, procedural rules). Emphasis was placed on the fact that in a legal process there is no room for free discussion, which greatly limits the content transmitted between legal and other professionals. Training would enhance inter-professional communication.
- Awareness-raising activities of the medical/pharmaceutical/scientific community on bioethics (e.g. medical congress, conferences, workshops), as well as the opportunity to attend legal conferences should be maximised.

Ms Bárd concluded the Working Group's presentation to the plenary by acknowledging that the HELP Programme helps stakeholders representing various disciplines create a common language to address inter-professional challenges in a joint effort and comply with their shared responsibilities in the fields of human rights, health and bioethics.

Working Group II Legal professionals and media

Ms Silvia Grundmann, Head of Media and Internet Governance Division, CoE, delivered the keynote speech and Ms Ségolène Chesneau, HELP Project Officer, was the moderator.

Ms Clements presented the conclusions of the Working Group to the Conference.

The group recognised that the distinction between 'journalist' and 'non-journalist' is blurred in a world of citizen journalism when many legal professionals may themselves publish blogs or comment on issues online and referred to the inevitable tension between Articles 10 (freedom of expression); 8 (privacy) and 6 (fair trial). Participants offered examples of protocols being drawn up between media, prosecuting authorities and the police, on reporting and open justice; guidelines drawn up about court reporting with collaboration between the courts and media professionals (e.g. guidance on tweeting from court) and the internal training of journalists in legal issues by media lawyers working within news organisations. It is recommended that HELP makes enquiries about the extent and format of existing legal training for journalists and the extent of interactions between the professions in each member state to assess the need for training and appropriate format of that training.

The group identified the **following challenges for legal professionals**, in the training context:

- The lack of mutual understanding between legal and non-legal professionals involved in the media;
- The need for greater transparency in the judiciary, and a more proactive approach to communicating with the public through popular media;
- The difficulties in designing general European-wide training when different jurisdictions have such different rules and procedures about contempt and judicial processes;
- Lack of resources: on the one hand many lower level courts do not have the resources to provide easily accessible information to the press or to the ordinary citizen.

Similarly, news organisations do not have the resources to cover every day of important trials.

In order to meet these **training needs** the following topics for training were considered:

- Judicial officers should be aware of the need to protect journalistic sources - examples were given of judicial warrants being issued without consideration of Article 10.
- Media lawyers and press associations should work with the judicial system to establish guidelines in regard to reporting and the use of new technologies in courts.
- Soft skills, communication: how to write a press release, comment to the press
- Protection of journalistic sources, case law on the violation of journalists' notes and searches of their offices and homes. (e.g. Ernst and Others v. Belgium, Tillack v. Belgium, Martin and Others v. France)
- The freedom of expression of lawyers: Morice v. France (see CCBE commentary).

With respect to the format of training, where possible, there should be mixed sessions for legal professionals and journalists to develop a better understanding of the other profession. Role plays could be used to highlight the problems facing each profession in balancing Articles 10, 8 and 6.

Legal professionals and judicial officers should have training on how to deal with the media especially in the context of high profile legal cases.

HELP should explore with national training bodies whether it could provide training resources about the ECHR as part of the national professional training qualification for both/either journalists and lawyers. The HELP platform could be used to host resources such as access to guidelines; a database of regional experts who could be called upon to deliver national-specific training; online forums to exchange ideas and experience; and focal points to help gather information. Regional conferences, study visits, workshops and blended learning courses would also be useful, all of which are tools already in use by HELP.

Two major challenges for training media and legal professionals are; the judiciary often do not welcome press enquiries, possibly as a result of previous experience with particular media outlets; and it is difficult to persuade journalists to attend training, given the pressures of time and resources in a busy news environment.

The group felt that representatives of the media – if not journalists themselves – should be involved in any training needs assessment. This could include representatives of press associations or newspaper lawyers.

Two possible considerations include encouraging judges to allow journalism students to shadow them and consider whether training could be channelled through identified national professional press associations.

Any training could deal with the topics above and the specific issues listed below:

- The need to balance Article 10 with the protection of the vulnerable, such as juveniles and victims of crime from public exposure;

- Hate speech – using editorial judgment to minimise the potential harm of some forms of speech
- The balance between Article 10 and Article 8
- Fair trial issues (Article 6).

Working Group III Legal professionals and asylum and refugees

In Working Group III the moderator was Ms De Roeck and the rapporteur was Mr Samuel Boutruche, Judicial Engagement Coordinator, UNHCR Bureau for Europe. Mr Boutruche reported the Working Group's conclusions in the Plenary Session.

The keynote speakers were Mr Schüller and Ms Herlihy. Ms Herlihy stimulated discussion related to inter-professional interactions in the field of asylum and refugees. She underlined the difficulties for asylum-seekers in disclosing traumatic experiences, the factors affecting their memory and the corresponding lack of awareness and knowledge of some legal professionals, in particular adjudicating officers, about the extent to which this negatively affects the credibility assessment of the claims. Mr Schüller stressed the importance of other professional's expertise in preparing asylum claims, from medical assessments to interviews. He highlighted the legal standards governing credibility assessments and the EU law obligation for authorities examining asylum claims to commission medical evidence if necessary.

The group recognised that interactions with other professionals are often pre-conditions for the enjoyment of the fundamental rights of the persons concerned (e.g. access to an interpreter; medical reports to determine the risk of ill-treatment upon return etc.) and failure to do so may have a direct impact on well-being. Further, cultural sensitivities should be taken into account and factors such as time and financial constraints, the risk of biases and lack of objectivity (in favour or against the asylum-seeker) can hinder these interactions.

Through discussion and exchange of inter-professional challenges encountered in daily professional life when dealing with asylum and refugees, the participants' identified **five key challenges**:

- Lack of co-operation (e.g. due to the reluctance of certain legal professionals or lack of institutional channels);
- Lack of communication (influenced by relevant factors such as different backgrounds, languages, terminology, cultures and prejudices) and transparency throughout the process;
- Lack of interdisciplinary understanding, knowledge and skills; and time and resources to enhance these;
- Difficulty in assessing credibility, where other professionals could help inform credibility assessments;
- Consideration of medical evidence is essential and could be improved with enhanced inter-professional interaction.

These challenges were identified following discussions of recent ECHR case law where participants felt legal professionals could be more informed about other professionals' approaches. With a view to identifying **training needs** based on their various experiences in the field of asylum and refugees, the participants suggested curriculum development in the following key topics:

- How to interact with journalists, skills and related standards (e.g. data protection/confidentiality);
- How to take into account medical evidence in the risk assessment;
- Interviewing skills/techniques, PTSD victims and ability/limitations to give evidence;
- Multicultural listening and communication, including ethics;
- How to understand the technical jargon of other professionals.

It was also agreed that some of these issues can be further addressed in the context of the recent HELP e-learning course on the ECHR and asylum. Discussions on the format of the training with regards to the professionals involved as both trainer and participant and the methodologies and training used resulted in the following proposals:

- General training module for legal professionals focusing on credibility, interviewing techniques and multicultural skills;
- The speakers and trainers would come from a variety of disciplines, as would the audience, with a view to sharing best practices;
- Practical case studies, video, role-play, sharing of experiences, visuals;
- European/EU level training (e.g. to outline the scope of the issues and with a view to overcome reluctance at the national level);
- Face-to-face training with other professionals/peer-to-peer approach.

There was also discussion on the benefits and disadvantages of multi-professional training tackling general themes relating to asylum and refugees, and/or specific themes tailored to category of professionals.

With regards to the challenges and training needs of other professionals in their interactions with legal professionals in the field of asylum and refugees, and how they can be addressed, the following points were raised:

- Lack of awareness and knowledge of asylum and ECHR (on asylum as a phenomenon, specific vulnerability and other legal standards, e.g. Istanbul Protocol, EU Asylum Procedures Directive). This highlights a need for a basic training tool to be incorporated into the respective curricula/training institutions resources.
- Use/prioritise/disseminate existing training materials on related topics (trafficking). The European Commission (EC) representative informed the participants that the EC has established a platform compiling the existing training materials on the topic.
- Inform other professionals of the requirements and procedure of decision making in the asylum field (e.g. map the stages and all professionals involved in the asylum procedure).

Working Group IV Legal professionals and the fight against ill-treatment

In Working Group IV the moderator was Mr Rivello and the rapporteur was Mr Petros Alikakos, HELP Consultative Board.

The keynote speaker, Mr Hugues de Suremain, lawyer at the Paris Bar specialising in the protection of prisoner's rights, spoke firstly about detainees in disciplinary sections and how their human rights may be interfered with. He then referred to the quality of life in prisons and the role of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), highlighting some of the common difficulties in cases that the CPT monitors.

Through discussion on inter-professional exchanges encountered in daily professional life when dealing with human rights issues, a number of key challenges for legal and other professionals in respect of interactions in the fight against ill-treatment were established, such as:

- Boundaries and prejudices between legal and medical professionals;
- Respect for the human rights of patients who are involuntary placed in hospitals;
- Human rights of patients, particularly concerning restraints ordered by doctors;
- Lack of qualified training materials;
- Lack of awareness about CPT and the Committee Against Torture ("CAT") standards and insufficient knowledge about the monitoring work of the above bodies;
- Co-operation between investigators and forensic doctors during the investigation of defendants, in particular for victims of police violence;
- Absence of an independent authority for accepting the complaints of mentally ill patients;
- Lack of specialised judges to appropriately hear and oversee ill-treatment cases;
- Limited training for judges in setting questions when requesting the opinion of an expert (psychiatrists, forensic doctors). Vice versa: training of medical experts to thoroughly answer questions posed by legal professionals and how to write reports in accordance with legal standards;
- Further training required in emotional violence or emotional distress and abuse regarding mentally ill persons and abused children.

In order to minimise the challenges identified and ensure synergies between legal and other professionals, potential topics for courses were selected:

- International standards and instruments (e.g. the European Convention for the Prevention of Torture, Istanbul and Minnesota Protocols);
- ECtHR case law;
- Domestic legislation (material and procedural rules);
- Ill – treatment in a broader context (Roma issues, LGBT);
- Ill – treatment in closed institutions (detention, psychiatric institutions);
- Prohibition of torture according to Art. 3 ECHR;

- The problems in proving ill – treatment cases;
- Ill – treatment and asylum;
- Capacity of the LP to recognise emotional violence and emotional distress;
- Better understanding of non LP of international standards and human rights;
- Training skills for LP and non LP when confronting ill – treatment cases.

Among other proposals, the following one seems especially important:

- Experts listed in the official registries of the courts should be trained in human rights.

It was agreed by the Working Group that there was considerable scope for training legal professionals and other professionals in mixed sessions. The example given by Mr Özkalıpci of the UN teams conducting mixed training on the Istanbul Protocol, is a powerful example of inter-professional collaboration on a large scale. Given the success of these trainings it is evident that there can be further development on human rights training which jointly targets legal and other professionals on the same topics.

With respect to training methodology within this field, the specificities of each country/legal system must be given due consideration when organising national or multi-national training.

It was agreed that it is crucial to have the victim at the centre of the training. In order to ensure the success of such training sessions, the learning outcomes and methodology must be clearly identified. Participants debated the methodologies which develop certain training objectives. They stressed the importance of focusing not only on knowledge but also on skills and attitudes. There was general consensus on the following basis:

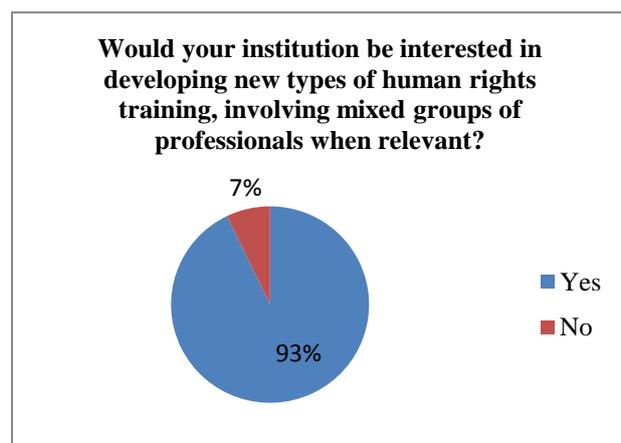
Knowledge	Skills	Attitudes
E-learning or traditional short course, and exchange of materials. Open learning (online course).	Workshops, blended learning (partially online), simulated situations (e.g. France – fake crime scenes).	Storytelling (victims), audio-visual materials (enhanced need for dialogue), simulations. Common training between professionals.

The outputs produced by Working Group IV, as with the other Working Groups, provide practical insights and concrete examples of challenges and interactions in professional working life. The conclusions reached assist in creating a solid foundation for future endeavours in the field of human rights training for legal and other professionals.

HELP Roadmap 2016

As in previous years, a questionnaire was distributed to members of the HELP Network, asking for their contributions to the HELP Roadmap for 2016. The information supplied below is based on the feedback received.

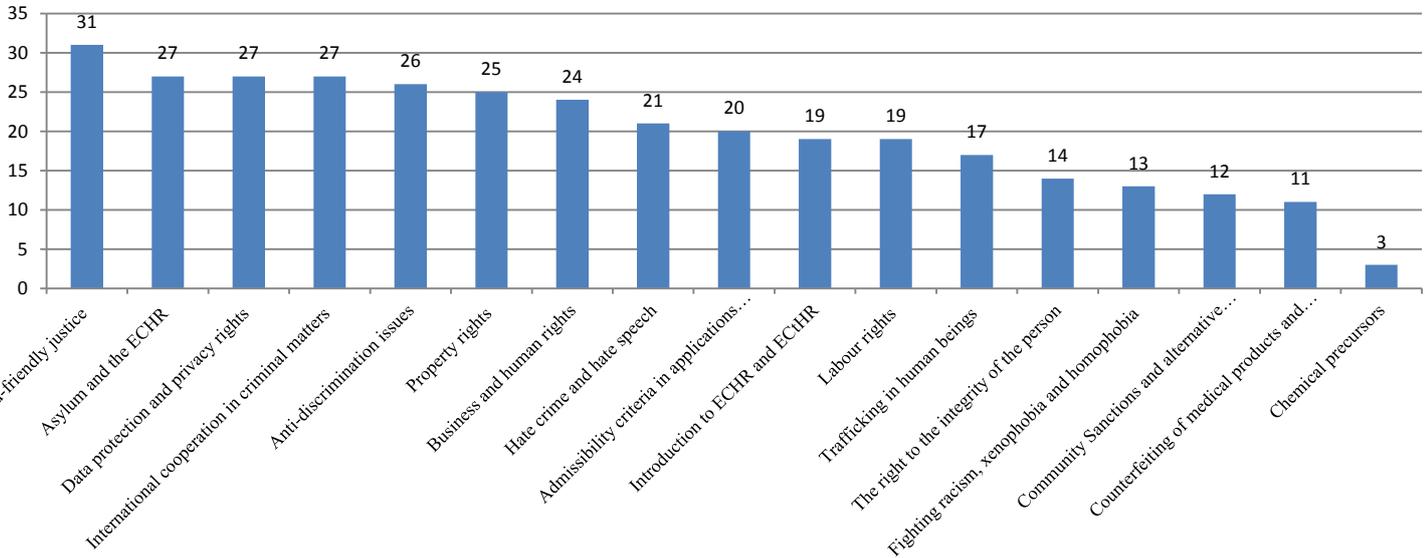
Given the theme of the Conference, members were asked whether their institution would be interested in developing new types of human rights training, involving mixed groups of professionals, when relevant. 93% answered positively, reinforcing the importance of this year's topic "Interaction between legal and other professionals".



HELP now has an extensive list of distance learning courses:

- Introduction to the European Convention on Human Rights and the European Court of Human Rights
- Admissibility criteria
- Asylum and the ECHR
- Family Law and Child Friendly Justice
- Anti-Discrimination Issues
- Hate Crime and Hate Speech
- Community Sanctions and Alternative Measures to Detention
- International Co-operation in Criminal Matters
- Business and Human Rights
- Chemical precursors and international co-operation to combat illicit drugs production and traffic
- Counterfeiting of Medical Products and Crimes against Public Health
- Transitional Justice
- Deliberate Ill Treatment In The Light Of The ECHR
- Pre-trial investigation in the light of the ECHR
- Property Law.

Would your institution be interested in the organisation of a pilot course in your language on one of the following topics in 2016?



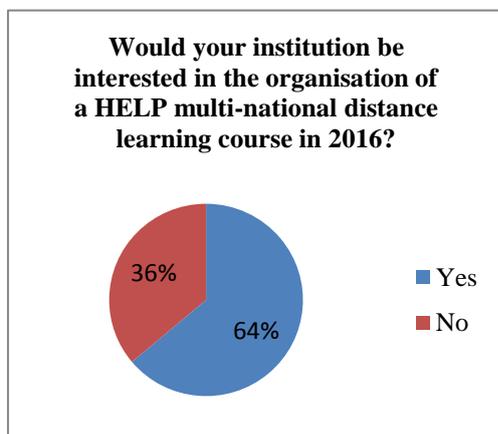
HELP in the 28 is responsible for the production of four new courses on:

- Data protection and privacy rights
- Fighting racism, xenophobia and homophobia
- Labour rights
- Rights to the integrity of the person.

Descriptions of the courses offered are available in the recently launched HELP catalogue, published in English, French and Russian.

Across the board, interest was shown in multiple topics for launch in 2016, in the national language of the relevant institution.

Members were also asked whether their institution would be interested in the organisation of a HELP multi-national distance learning course in 2016, which increases international co-operation and dissemination of HELP resources, with 64% replying that they would support such initiatives.



Focal and Info Points

HELP has continued to strengthen the Network of Focal and Info Points, with increased numbers appointed in 2015. The Annual Network Conference Report from 2014 indicated strong support from national institutions for the appointment of Focal and Info Points and it is thanks to the co-operation of HELP members that currently more than 30 Member States have now appointed a Focal or Info Point. HELP in the 28 has further been invaluable in supporting the Network and securing an increase in the number of Focal and Info Points.

Focal and Info Points provide a crucial link between national institutions and the HELP Secretariat, by promoting and providing all necessary information on HELP resources, events, and methodology.

Nearly three quarters of Institutions reported that they would be willing to appoint a Focal and/or Info Point where one has not yet been appointed. HELP will continue to build on the progress already made and facilitate the appointment of Focal and Info Points.

It became clear during the separate meeting between the HELP Secretariat and HELP Focal/Info Points that more detailed information on the role of such national experts is to be given, especially to newer members. The HELP Secretariat has therefore created a specific page on Moodle where Focal and Info Points can find all necessary relevant information and where they can also exchange on various topics with peers in the other countries through a [forum](#).



HELP certified trainers

During the Conference Mr Rivello announced the dates for the next Training of Trainers (ToT) Session, to be held 9-11 September 2015 in Strasbourg and emphasised the value of the training sessions. The aim of the course is to update participants on recent Strasbourg jurisprudence as well as to train them on methodologies for legal professionals, including the use of new technologies for training. The 2014 Annual Network Conference Report showed overwhelming support for HELP certified trainers and based on this feedback, two such events have been held since the 2014 Conference.

Successful participants in the ToT are inserted in a list of certified HELP trainers which is available on the [HELP website](#). Both CoE offices and national training institutions are

informed of the opportunity to select from this pool their trainers for national or international activities on the ECHR. Tutors of next HELP distance or blended learning courses are also selected among these experts. Members indicated that they would agree to publish the list of certified trainers, although further publicity is required for these events as 43% of members reported that they were not aware of HELP lists of certified trainers.



Previous ToT events have attracted high numbers of candidatures and the majority of members would be willing to nominate national trainers to attend such sessions, and then to use the certified trainers to host sessions aimed at legal professionals.

To increase the number of certified HELP trainers, some national ToT courses (e.g. in Russia) will be scheduled in 2015-2016.



HELP looking to the future

Going forward, it is with the co-operation and collaboration from partners in all member states that the HELP Programme can continue supporting the national implementation of the ECHR. Between June 2015 and December 2016 it is envisaged that a further 55 courses will be launched. Given the significant number of on-going courses and the wealth of materials currently available, the focus is on the dissemination of existing courses and updating resources. As such, other than under the HELP in the 28 umbrella, it is not presently foreseen that HELP will undertake the development of new curricula. This will allow the focus to be maximising the potential of the already developed curriculum and maintaining the high

standards of the Programme. Outlined below are some of the highlights of the present HELP project outline.

Asylum and the ECHR was one of the most popular courses identified in the Conference feedback and it is currently envisaged that this course will be launched in Spain, the Russian Federation (under HELP in Russia), Georgia, Turkey, Bulgaria and France before the end of 2015. The course will therefore be available in Russian, Georgian, Turkish, Bulgarian, French and English.

Hate Crime and Hate Speech will be launched to Hungarian prosecutors, Bulgarian lawyers and judges and prosecutors in Bosnia and Herzegovina over the next 12 months.

One of the most recently developed courses, Business and Human Rights, was ranked highly in feedback and will be launched in the United Kingdom in September, followed by launches in the Russian Federation and “the former Yugoslav Republic of Macedonia”.

The course on Anti-Discrimination issues has already been launched in several member states and as part of the future HELP Roadmap will be held in Montenegro (in co-operation with the Ombudsperson Office) and Bulgaria.

The new version of the course on Admissibility Criteria was launched for the second time in Lithuania in May 2015 and in November 2015, the new version of the Admissibility course will be launched in the Czech Republic.

The course on International Co-operation in Criminal Matters will be finalised in Summer 2015 and then launched in the Czech Republic, Portugal, Poland, Romania and Russia.

The course on Counterfeiting of Medical Products and Crimes against Public Health (Medicrimes Convention) will be launched in France, Spain and Hungary.

The course on Transitional Justice will be launched in Bosnia and Herzegovina and Serbia.

An Introduction to the ECHR and the ECtHR has recently been converted to the newest e-learning programme and will be launched in Azerbaijan, Armenia and Russia.

The course on Ill-Treatment in Light of the ECHR has been developed as a pilot course for Ukraine and will initially be available in Ukrainian.

HELP in the 28 Roadmap

HELP in the 28 will create master curricula that will be adapted to the national legal orders of a few pilot countries. Groups of approximately 25 participants will be selected for each pilot course, together with NTIs/BAs, and the course will start with a national kick-off meeting. The event will be an opportunity to launch the course and explain the methodology to the participants. The courses will follow the traditional HELP format, finishing with an evaluation and the certification of successful participants by both the NTIs/BAs. Going

forward the materials created can be replicated indefinitely and benefit a large number of legal professionals.

The course on Data Protection and Privacy Rights is currently being prepared by international experts, following a European Seminar, held in Bordeaux in collaboration with the École Nationale de la Magistrature. It is planned that the course will be launched as outlined below:

- France: judges and prosecutors (in co-operation with the École Nationale de la Magistrature)
- Austria: lawyers (in co-operation with the Austrian Bar Association)
- Lithuania: lawyers (in co-operation with the Lithuanian Bar Association)
- Estonia judges and prosecutors (in co-operation with the Supreme Court of Estonia)
- Latvia: lawyers (in co-operation with the Latvian Bar Association).

The course on Labour Rights was popular amongst participants at the Conference. It is envisaged this course will initially be launched in February 2016 as follows:

- Greece: judges and prosecutors (in co-operation with the Hellenic School of Judges)
- Lithuania: judges and prosecutors (in co-operation with the National Court Administration)
- Portugal: judges and prosecutors (in co-operation with the Centre for Judicial Studies)
- Slovenia: judges and prosecutors (in co-operation with the Judicial Training Centre)
- Italy: judges and prosecutors (in co-operation with the Italian School for Judiciary).

The course on the Fight against Racism, Xenophobia and Homophobia will be developed and launched in four pilot countries:

- Croatia: judges and prosecutors enforcement (in co-operation with the Croatian Judicial Academy)
- Italy: lawyers (in co-operation with Italian Bar Association)
- Spain: judges, prosecutors and law enforcement (in co-operation with the Spanish Judicial School)
- Austria: lawyers (in co-operation with the Training Department for Judges and Prosecutors at the Federal Ministry of Justice).

The fourth course to be developed under HELP in the 28 is on the Right to the Integrity of a Person, which will be launched as below:

- France: judges and prosecutors (in co-operation with the Ordre des avocats de Paris, IDHBP – Institut des droits de l'Homme du Barreau de Paris)
- Belgium: judges and prosecutors (in co-operation with the Judicial Training Institute)
- Belgium: Flemish lawyers (in co-operation with the Flemish Bar Association)
- Poland: judges and prosecutors (in co-operation with the National School of Judiciary and Public Prosecution).