

‘Good Training for Good Judgements’. The HELP Programme (Human Rights Education for Legal Professionals) of the Council of Europe

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Summary: 1. – The normative framework for human rights training at the Council of Europe. 2. – A training network for legal professionals. 3. HELP: a specific methodology: The role of a tutor. 4. – An access to training courses on European standards in the field of human rights. 5. – Conclusion.

Abstract: This paper aims to present the essential aspects of the HELP Programme of the Council of Europe. The aim of the Programme is to educate legal professionals on the Europe standards in the field of human rights in order to ensure the respect of these standards at the national level without having to turn to the relevant European authorities. The programme simultaneously represents a network, a methodology and an offer of good training aimed at guaranteeing sound judicial decisions in the field of human rights.

1. The normative framework for the Council of Europe’s human rights training

On May 12th 2004, the Committee of Ministers of the Council of Europe adopted its Recommendation 2004(4) on the European Convention on Human Rights in university education and professional training. Several texts had already, in part, approached the question of human rights education in Europe. Among these non-restrictive legal instruments of the Council of Europe are Resolution 78(47) on human rights education; Resolution 78(40) on research in human rights and Recommendation 85(70) on human rights education in schools.

Recommendation 2004(4) in itself highlights the importance that the Council of Europe gives to human rights education for two main reasons that are reiterated in all future documents. Firstly, there is the link between human rights education and the proper functioning of the principle of subsidiarity. By virtue of this principle, the organs responsible for guaranteeing the rights foreseen by the European Convention on Human Rights (ECHR) can only be referred to when national remedies for the protection of human rights have been exhausted. It is therefore the responsibility of the national authorities, and in particular judicial authorities, to apply and safeguard the rights of European citizens in the first instance. As such, the appropriate training of professionals in human rights facilitates the enforcement and application of these rights at State level.

This has in turn allowed a second aspect to be advanced: the preventative aspect of good training in human rights. If human rights are sufficiently well-known and enforced at the national level, these rights will naturally be protected at an early stage.

In the first document, which approaches the issue of human rights in great detail, a key principle underpins the Council of Europe's entire educational programme: the idea that any legal system that functions well is based on the proper defence and application of these rights by judges of first instance courts. These judges must protect these rights in an appropriate manner. Any delay in such protection would merely represent belated judicial supervision; the violation would not have been avoided and all that could be hoped for would be recognition of the fact that there has been such a violation and, insofar as possible, redress for the violation. This is why the beneficiaries of human rights training are not necessarily the judges of national decision-making organs representing the last stage in the process, but rather the professionals involved in applying the law in earlier stages in the process.

For this reason, the importance of university education and professional training in the field of human rights has been underlined, in particular in certain areas linked to the application of the law and the administration of justice. In this respect, one of the recommendations of the text aims to ensure that university education and professional training in the field of human rights are integrated as central elements of all legal study programmes, but also that they become a component of access courses for various legal professions, as well as continuing education for judges, prosecutors and lawyers. To compliment this, initiatives for the training of teachers and trainers specialising in the field of human rights are expressly supported, and we will see the importance of this later. Such training ensures that teachers of human rights trainers and the trainers themselves have a level of knowledge that corresponds to the evolution of the case law of the European Court of Human Rights (ECtHR). Thus, they will be able to meet the specific needs of each professional sector covered by the training.

Regarding the first line of action, as has been underlined it is important that university education is not only from the point of view of human rights per se, but rather as a horizontal issue playing a role in all legal disciplines. Emphasis has also been placed on promoting postgraduate training in the field of human rights.

The most interesting aspects of these documents are the considerations featured in the annex to the recommendation concerning professional education. The starting point is clear: a better understanding of the Convention will facilitate its implementation at the national level and thus help to avoid both violations of the ECHR and the filing of manifestly unfounded complaints due to failure to comply with the conditions of admissibility laid down in the case-law of the European Court of Human Rights. This is why, according to the text, specific training on the standards of the ECHR should be included in the curricula not only of law schools, but also in training centres for judges and prosecutors. As far as lawyers are concerned, this training should be provided by Bars. It has even been recommended that such training takes the form of two-day seminars.

However, the Recommendation as a whole emphasised a fundamental aspect: it is up to national authorities to put in place their own education and training programmes according to their specific national situation.

This starting point for human rights training promoted by the Council of Europe underwent a major change with the Brighton Declaration in April 2012, at which point a major boost was given to the "revival" of the HELP programme.

It is worth noting that the Brighton Declaration was released in the context of a high-level conference in the middle of a crisis of the functioning of the ECHR because of the workload of the ECtHR resulting from the exponential growth of complaints against States for violations of the rights recognized in the Convention. It is therefore within the framework of these reforms that we must understand the promotion of rights training by the Council of Europe.

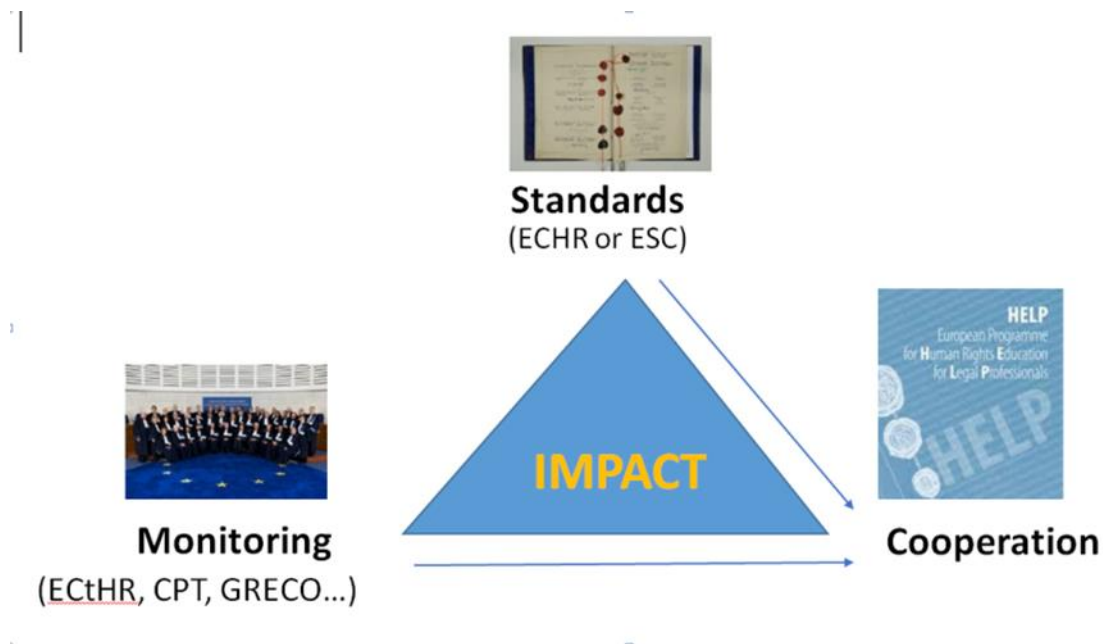
In the text of the Declaration, a third basic element is found in addition to the aforementioned ideas of subsidiarity and the preventive nature of human rights training. Essentially, this third element is that the respect of ECHR standards regarding the protection of rights must be a shared responsibility between the Council of Europe and member states. This third element had already featured in the Interlaken Declaration (19 February 2010) but is now linked to training.

Accordingly, the fight against the increasing workload of the European Court of Human Rights (resulting from violations of rights but also from manifestly unfounded complaints), which was the main objective of the Conference, includes an express request to States to adopt an essential measure (paragraph 9.a (vi)): provide appropriate information and training about the ECHR in the study, training and professional development of judges, lawyers and prosecutors. This is undoubtedly the starting point of the HELP programme.

On the basis of this mandate, the Council of Europe's specific programme aimed at creating a mechanism capable of assisting States in their training work on European human rights standards was advanced significantly during the financial year 2013-2014.

Thus, it is not surprising that in the Brussels Declaration (27 March 2015), the conference calls upon the State parties to 'improve the training of judges, prosecutors, lawyers and national officials on the Convention and its implementation, including as regards the execution of judgments, by ensuring that it constitutes an integral part of their vocational and in-service training, where relevant, including by having recourse to the Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications (see paragraph B.1 of the Action Plan adopted during this conference).

The aim of all this is to create a kind of virtuous circle which reflects the complementarity of the Council of Europe’s instruments for the protection of human rights established by its organs and texts, on the one hand, to set standards and, on the other hand, to control their implementation. This complementarity must have a sufficient impact in the daily practice of States. This impact can only be achieved through cooperation as a result of the training of legal professionals in these areas. This virtuous circle can be summarised by the following interactive graph:



2. HELP: a training network for legal professionals

Fundamentally, the HELP programme is a specialised human rights training network aimed at legal professionals¹. The network is coordinated by the HELP secretariat as a unit of the Directorate General Human Rights and the Rule of Law of the Council of Europe. The network is also composed of national training institutions for judges and / or prosecutors and lawyers from the 47 Member States of the Council. Accordingly, HELP is a pan-European network of professional training schools in areas related to law. In order to ensure the proper functioning of each national training institution, there is a permanent representative: ‘information points’ for the training of lawyers and ‘focal points’ for the training of judge and prosecutors. These representatives are the permanent link with the network and the coordinator of activities at the national level. These points of contact are undoubtedly the key to the successful (or unsuccessful) functioning of the network. It is up to them to assemble and compile the training needs, to contribute to the development of training projects, to implement them at

¹ The HELP programme and resources can be consulted via the following link:
<https://www.coe.int/en/web/help/home>

the national or transnational level and, finally, to evaluate their effectiveness in the achievement of objectives.

Other organizations in Europe interested in professional legal education, such as the European Judicial Training Network (EJTN) or the Council of Bars and Law Societies of Europe (CCBE), are integrated as partners of this network.²

In its current form, the network has the following objectives (applicable at the request of national institutions):

- Support the development and promotion of initial and continued training of legal professionals on European standards in the field of human rights as interpreted by the European Court of Human Rights
- Share best practices and provide assistance in the development of study programmes, training materials and teaching methods intended for legal professionals. Accordingly, it is up to HELP to identify the most important themes for the development of new HELP courses and training modules
- Provide advice on how to help Member States improve the training of judges, prosecutors and lawyers in order to implement the ECHR at the national level by means of continuous education
- Provide support in order to improve the capacity of lawyers to meet the admissibility criteria for complaints lodged with the ECtHR in improving the quality of complaints
- Provide in-depth knowledge and use of HELP training resources
- Promote the coordination of human rights training initiatives for legal professionals proposed by international and national institutions

The HELP Unit organises an annual conference in Strasbourg, which takes place in the month of June. The following attend this conference: the HELP Secretariat of the Council of Europe, representatives of national training institutions, State focal and information points, partners of the programme and a whole list of invited specialists involved in the training of legal professionals.

The conference can be described as a forum for the network in three ways. Firstly, it is an accountability forum. During the meeting, activities carried out within the framework of the network and data on participation in training actions designed or supported by HELP are presented. Secondly, it is a discussion forum about the network itself. Thus, the forum represents an opportunity to discuss

² Other partners include the International Association of Judges, the European Bar Federation (FBE), national associations of judges and prosecutors, professional associations of lawyers, legal aid networks and specialised Human Rights centres, the European Court of Human Rights itself and the Albert Cohen Memorial Foundation.

and work on specific aspects of the operation and objectives of the network in order to establish its main lines of action.

During the 2015 conference, the forum decided that an interprofessional approach to HELP training was necessary; the 2016 conference focused on the approval of the network's specific training methodology; the 2017 conference linked the network to human rights training with vulnerable groups, especially children, and rights in higher education; and lastly, the 2018 conference focused on the relations between the network and higher education institutions and in particular universities.

Thirdly, and lastly, the conference is a forum for the future. During the conference, new courses that will be launched the following year are presented; the content of these courses is discussed in working groups and the following year's activities are presented. At each conference, an action plan is established from the surveys completed by the participants (adopting interactive computerised methods) and the conclusions of the different working groups. This action plan then guides the network's performance in the coming year and serves as a basis for its assessment at the following year's conference.

The annual conference is undoubtedly one of the network's main strengths as it allows its members to meet and establish direct and personal relationships that allow for the conclusion of prior agreements to develop different cooperative training activities over the coming years. This creates an informal network of trusted contacts between training institutions of different states, levels and professional specialties, which is extremely useful for providing new and more comprehensive training in the field of human rights.

The work of the different organs of the network is complemented by that of an Advisory Council. As its name indicates, this is a consultative body composed of seven members elected by representatives of national institutions for the training of judges, prosecutors and lawyers at annual conferences for a two-year term with one re-election.

The Advisory Council evaluates the training materials developed by the programme, proposes new topics for training activities, develops and coordinates cooperation strategies with other training units, provides methodological advice, cooperates with technical course development, etc. At the end of its mandate, the Advisory Council submits an annual report to the conference on its activities and those of the program.

The network also has a structure aimed at achieving training objectives on a territorial or material basis. There is 'HELP in the EU' (EU-funded, replacing "HELP in the 28") which is aimed at training in EU Member States and the specific problems concerning the relationship between the ECHR and the Charter of Fundamental Rights of the European Union; there is also HELP in Russia and HELP in

the Western Balkans (aimed specifically at improving training in these areas because of the problems of compliance with European standards in these states in particular). Other projects related to training in specific areas are those relating to the prevention of radicalization in Europe and the protection of migrant and refugee children.

3. HELP: a specific methodology. The role of a HELP tutor

The HELP network has developed a specific methodology for training on European standards in the field of human rights. This methodology has been published in a document of more than 140 pages entitled ‘HELP Guidebook on Human Rights training methodology for legal professionals’³.

The conceived methodology aims to be fully adaptable to three different types of needs. On the one hand, those stemming from the training of legal professionals (judges, prosecutors and lawyers), which implies time constraints and the need to be oriented towards practical application rather than a general theoretical reflection. On the other hand, the methodology needs to be adapted to the different national legal systems. It is true that European standards are common. But the way they act and are implemented varies from state to state. This represents a basic concept that needs to be taken into account in the design and implementation of human rights training activities. Finally, there is a need for courses to take place completely online so that the programme represents a total self-learning system, with free and independent access.

Courses are developed following a specific and perfectly established procedure from the identification of a subject in agreement with state partners until the course is made available to the general public. In this way, the whole process of the creation of this type of course is perfectly structured, from the initial identification of a training need right up until the evaluation of the course’s effectiveness as a training resource.

Within the framework of the model methodology, the HELP course’s tutor or trainer plays a prominent role. This tutor develops the following essential functions within the framework of the chosen methodology:

- Adapt a HELP model course to the training needs of the state
- Use HELP materials, tools and resources to develop the adaptation of the course to the relevant national legal system
- Tutoring of the first editions of the course that adopt a mixed learning format
- Evaluate the strengths and weaknesses of the courts in their practical application
- Propose relevant changes in the model course and in its adaptation

³ Available at: <https://rm.coe.int/help-guidebook-on-human-rights-taining-methodology-for-legal-professio/1680734cac>

- Collaborate on the development of other model courses and on the training of HELP trainers

HELP tutors receive specific training provided by the network by means of ‘Training of Trainers’ courses. Candidates are selected by members of the network (generally following a proposal from national training institutes) on the basis of their specific education and among the different types of professions to whom the training is directed. In Training of Trainers, tutors acquire of the knowledge and skills that are necessary the design and implementation of a HELP course. This includes:

- i) Specific face-to-face and blended learning techniques
- ii) The definition of systems for determining training objectives
- iii) The use of technological tools for the creation of online training resources
- iv) The design of interactive tools in blended learning and online courses
- v) Identification of evaluation systems for the achievement of training objectives
- vi) Feedback forms on how to improve the course

This training is both theoretical and practical and takes the form of blended learning. The latter includes two days of face-to-face work and the online design of courses applying the HELP methodology. Participants of the course are evaluated and those who pass the course become certified HELP trainers and only these individuals who are able to give tutored lessons on the platform.

4. An access to training courses on European standards in the field of human rights

As indicated above, the HELP programme aims to create human rights training courses for European legal professionals. To do so, a network has been created and a specific methodology has been adopted.

The development and execution of courses follow the following structure.

Firstly, once the training needs and the objectives of a given course have been identified, the HELP secretariat proceeds with the organisation, in agreement with the general network, of the content of the model course. This is a SCORM package which essentially contains training in current European standards in the field of that particular course, with particular attention paid to the jurisprudence of the European Court of Human Rights. It is not merely information, rather an interactive course which includes activities and tasks to be developed by all participants. The course thus designed is intended solely for online training. The model course is prepared in English and all tools (online text, sentences, videos, exercises etc) will, in principle, be in this language⁴.

⁴ The HELP programme has identified the close cooperation between the Judicial Academy, the General Bar Council and the Centre for Judicial Studies as a good practice to be followed by the other members of the network.

The model course is prepared and checked by experts and is forms part of an agreement with the training institutions of member states to be launched as part of the training offered by each of them. There is then extensive collaboration (including financial) between the HELP Secretariat and Member States to adapt the model course to each State. In this respect, horizontal co-operation within each State between national training bodies for judges, prosecutors and lawyers is particularly important. Good co-operation between these bodies ensures that they agree in advance on the courses that are most relevant to their state and share the costs of adaptation by creating positive collaboration.

The adaptation of the model course requires materials to be translated into the language of the country in which the course is to be taught and, above all, the design and development of the content necessary for their adaptation to the legal system of the State concerned. That is to say, the model course contains the relevant European standards in a given topic. But it is then up to the national institutions to adapt these standards to their application in a particular legal system. In this way, along with the content of the model European course, the content of the course adapted to the national level will be included and developed. The model course and the nationally adapted course are posted on the HELP website, although in this first phase, access is limited as it requires a joint launch by HELP and the relevant national training institution.

Before a course is launched, the national training institution selects participants in accordance with its own criteria. Ideally, and this is the case in Spain, courses are open to the three legal professions concerned (judges, prosecutors and lawyers) so that there is always interdisciplinary participation. Such interdisciplinary participation is one aspect of the HELP methodology and undoubtedly facilitates training benefits and significant collaboration in the learning process. HELP courses are intended to represent a training tool but also a conversation forum where professionals can better understand the different roles in the defence and application of European standards in the field of human rights.

The training begins with a face-to-face launch session where, in addition to a presentation of the course content, the use of technology in the development of an online course is discussed. In this respect the HELP platform, where the courses can be found, is a version of Moodle. The selected participants are registered on the HELP platform by the tutor and, once registered on the aforementioned HELP platform, they can access the content.

The rest of the course takes place entirely online. Usually, participants will first study the European content from the model course before moving on to the national modules that have been included in the adapted course. The estimated total duration of the course should not exceed 30 or 40 hours (10 to 20 of which spent on the model course) of dedicated study and this in a period not exceeding 3 months. During the course, the tutor has to set tasks, control access to materials, moderate discussions and supervise the self-assessment of participants etc. At the end of the course,

participants who pass the course receive a certificate from the national training institution and the Council of Europe confirming that they have completed the training course in question. Similarly, the tutor must issue a course report that accompanies the feedback from the participants.

The course can be launched in this format as many times as necessary. The course is generally launched twice in order to check that its content and tools respond to the pursued objectives and that the expected results of the training are achieved. However, if there is significant demand for training in a specific subject the training can be launched more often.

Once the course has been tested, the adapted version is uploaded to the HELP training platform and converted into an entirely online training course (in other words, it is converted into a self-learning course). When this is done, any resources which could potentially reveal the opinions of participants (such as forums) are deleted. The course is then made available along with the range of courses that HELP offers. These courses are unlimited and completely free. Any professional can sign up for these courses and benefit from the training that they offer.

Finally, national training institutions can also incorporate the adapted course into their own training platforms by directly managing its implementation at the national level without the need for any intervention from HELP. Thus, the courses tested can be part of the initial or continuing training program of any training institution for judges, prosecutors or lawyers. In Spain, for example, the Introduction to the ECHR course is included as a compulsory element of the initial training programme for the Judicial Academy as of 2018.

As such, the HELP platform offers a general range of courses, some with tutoring and others without. Courses without tutoring include various versions adapted to certain Member States (depending on interest) and translated into the language of the Member State in question. The model course (lasting from 10 to 20 hours) will appear not only in these versions, but also separately in English.

The list of courses available in this format is as follows:

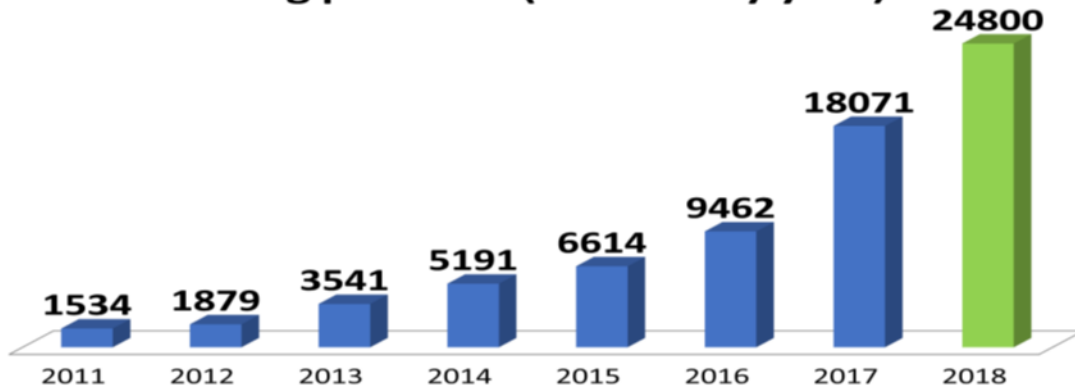
1. Admissibility Criteria
2. Alternative Measures to Detention
3. Anti-discrimination
4. Asylum and the ECHR
5. Key Human Rights Principles in Biomedicine
6. Business and Human rights
7. Child-friendly Justice
8. Combating Trafficking in Human Beings

9. Counterfeit Medical Products
10. Data Protection and Privacy Rights
11. Family Law
12. Fight Against Racism, Xenophobia, Homophobia and Transphobia
13. Freedom of Expression
14. Hate Crimes and Hate Speech
15. Introduction to the ECHR
16. International Co-operation in criminal matters
17. Internal Displacement
18. Labour Rights as Human Rights
19. Preliminary Enquiries
20. Prohibition of Ill-treatment
21. Property Rights
22. Refugee and Migrant Children
23. Reasoning of Criminal Judgements
24. Rights of Persons with Disabilities
25. Right to Liberty and Security (Article 5)
26. Right to Respect for Private and Family Life (Article 8)
27. Right to the Integrity of the Person (bioethics)
28. Transitional Justice and Human Rights
29. Violence against Women

The following courses are in preparation:

1. Procedural safeguards in criminal proceedings and victim' rights
2. Radicalisation Prevention
3. Family Law
4. Human Rights in Sport
5. Human Rights and Drugs
6. CPT Standards
7. Women's Access to Justice

**Total number of users of the HELP
e-learning platform (June every year)**



States with the highest level of participation

HELP in EU: 14.783

HELP in WB and TK: 1.680

HELP in Russia: 1.756

TOP	COUNTRY	USERS
1	FRANCE	7465
2	RUSSIA	1756
3	UKRAINE	1328
4	SPAIN	1252
5	ITALY	994
6	TURKEY	924
7	ROMANIA	849
8	UNITED KINGDOM	519
9	ALBANIA	500
10	AZERBAIJAN	491
11	GREECE	448
12	BOSNIA AND HERZEGOVINA	429
13	SERBIA	421
14	MOLDOVA	416
15	LITHUANIA	405

5. Conclusion

The HELP programme aims to facilitate the implementation of shared responsibility to ensure that human rights standards are respected in Europe. There is a strong belief that it is the responsibility of judges and the national courts to build the first immediate barrier against any infringement of these standards. Without the application of these standards from the earliest judicial

instance, the criteria defined in the rich jurisprudence of Strasbourg and the monitoring of State behaviour will most likely not be as effective.

But the implementation of these criteria requires management of information and tools that require a thorough and continuous knowledge of these standards. Good training for good judgments is HELP's motto and it describes what the programme ultimately aims to achieve. Good training for good judicial application of European human rights standards. Such training is what the HELP program of the Council of Europe aims to offer on the basis of a networked, flexible structure, based on cooperation and collaboration and not on competition between training bodies.

This article ought to finish with such an idea. HELP does not represent a network which aims to replace professional legal training in Member States. Rather, it is a network which operates alongside professional training to ensure that European standards permeate the judicial performance of all Member States from the bottom to the top. The realisation of such a feat includes not only judges and magistrates, but rather all who are involved in any sort of related process whatever that may be. With the implementation of training tools that are both straightforward and adapted to specific needs, it may well be possible to finally achieve an essential goal in the quest for a true Europe of rights: the availability of tools and standards of protection for all citizens at anytime and anywhere in Europe.