

JUDICIAL REASONING AND HUMAN RIGHTS



HELP
Human Rights Education for Legal Professionals
Council of Europe

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe

Judicial Reasoning and Human Rights HELP ONLINE COURSE

Duration: 8 hours

Available for free on the CoE
HELP e-learning platform

Statement of
Accomplishment

START COURSE 

Council of Europe
Human Rights Education for Legal Professionals (HELP) Programme 2022

Background

Well-reasoned judicial decisions are not simply a legal obligation; they also serve multiple purposes. Reasoned judgments demonstrate to the parties that their arguments have been **heard and considered**. Through adequate reasoning, parties to the proceedings can **understand** why and how the judge came to a certain conclusion and, therefore, consider the need for **appeal**. Good reasoning also **facilitates acceptance** of the judgment by the parties and by the general public. Last but not least, well-reasoned judicial decisions are a **safeguard against arbitrary** adjudication and ensure the proper delivery of justice, but also public trust in the judicial system.

In deciding cases at the domestic level, the courts in the Council of Europe member States are usually obliged under domestic law to provide detailed reasoning to their judgments. However, substantial obligations concerning the content of that reasoning stem also from the European Convention on Human Rights (the ECHR), as interpreted by the European Court of Human Rights (the ECtHR) in its case-law.

The obligation of domestic courts to give reasons to their judgments is explicitly stated in the Court's case law under Article 6 of the ECHR, which is the primary - but not the only - source of the obligation of domestic courts to provide for a reasoned judgment. This obligation can also be derived from the positive and procedural obligations stemming from a variety of substantive provisions of the ECHR (for instance, Articles 2, 3, 5, 8-11 of the ECHR). At the EU level, the right to a reasoned judgment is enshrined in Article 47 CFREU, to be interpreted in light of the ECtHR's case-law.

Responsibility of a reasoned decision is a primary responsibility of the drafting **judge**. Other actors (**prosecutors, lawyers**), however, also have a shared responsibility in the protection of human rights at national level.

Watch a (4-min) presentation video by ECtHR President, Judge Robert Spano at <https://vimeopro.com/afpservices/council-of-europe-help-president-spano> .

About the course

This HELP online course was developed by the joint European Union/Council of Europe Action Strengthening the effective legal remedies to human rights violations in Serbia, jointly with the Council of Europe HELP Programme. The Action is implemented within the joint programme Horizontal Facility for the Western Balkans

and Turkey 2019-2022. The views expressed herein can in no way be taken to reflect the official position of the European Union.

Target audience

The course is primarily addressed to **all legal professionals** (judges, prosecutors, lawyers or court staff).

It can also be used by other **public authorities**, including national human rights institutions, public administration staff, parliamentary staff, etc. It can also be a great resource for **university students** or **civil society organisations**.

Course outline

This online course provides a comprehensive overview of judicial reasoning and justice quality standards relating to criminal and civil proceedings, case-law and good practices.

The course consists of **7 substantive modules**:

1	Introduction
2	Judicial reasoning and fair trial
3	Judicial reasoning in criminal proceedings – Pre-trial stage
4	Judicial reasoning in criminal proceedings – Trial, Appeal and Enforcement of Judgments
5	Judicial reasoning in non-criminal proceedings – General Principles
6	Judicial reasoning in non-criminal proceedings – Thematic Issues I
7	Judicial reasoning in non-criminal proceedings – Thematic Issues II

How to access the HELP online course

To access the course, first, you need to open yourself an account at HELP if you have not yet done so (<http://help.elearning.ext.coe.int/login/>) (2 minutes) and then you click

here to access the course directly:

<http://help.elearning.ext.coe.int/course/view.php?id=1754>.