
Recommendation CM/Rec(2019)5 of the Committee of Ministers to member States on the system of the European Convention on Human Rights in university education and professional training

(Adopted by the Committee of Ministers on 16 October 2019 at the 1357th meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, for the purpose of safeguarding and realising the ideals and principles which are their common heritage, *inter alia* by carrying out activities in the field of human rights and fundamental freedoms;

Recalling the essential role of the system of the European Convention on Human Rights (ETS No. 5, "the Convention") in the effective protection of human rights in Europe, the system including not only the Convention and the case law of the European Court of Human Rights ("the Court") but also the proceedings before the Court and the execution of its judgments;

Bearing in mind the important developments in university education and professional training in human rights in the 47 member States of the Council of Europe, resulting from valuable efforts by both the member States and the Court, as well as from the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe;

Considering that there is, therefore, a need to update Recommendation Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training;

Recalling the subsidiary character of the supervision mechanism set up by the Convention, which implies, in accordance with Article 1 of the Convention, that the rights and freedoms guaranteed by the Convention are to be protected initially at domestic level and applied by national authorities;

Taking into account that the Convention is an integral part of the domestic legal order of all member States and must be fully implemented in their domestic law, and that there is therefore a need to provide specific university education and professional training in the Convention system;

Stressing the fundamental role played by university education and professional training in the Convention system for preventing violations and promoting human rights;

Considering that the availability in member States of accurate translations of selected Court case law or professionally drafted summaries thereof is of major importance for university education and professional training in the Convention system, in line with Recommendation Rec(2002)13 of the Committee of Ministers to member States on the publication and dissemination in the member States of the text of the European Convention on Human Rights and of the case law of the European Court of Human Rights, adopted by the Committee of Ministers on 18 December 2002;

Recalling, in this context, Parliamentary Assembly Recommendation 2039 (2014) on "The European Convention on Human Rights: the need to reinforce the training of legal professionals", adopted on 7 March 2014, as well as the Brussels (2015) and Copenhagen (2018) Declarations adopted at the respective high-level conferences, emphasising the importance of the training of legal professionals;

Underlining the necessity to also provide targeted university education and professional training responding to the specific needs and expectations of other relevant professional sectors;

Recalling the conclusions of the seminar “The role of government agents in ensuring effective human rights protection”, held on 3 and 4 April 2008 in Bratislava, and recognising the role of government agents, as well as that of national training institutions, in providing, notably, professional training in the Convention system;

Recalling the role played by various civil society stakeholders, in particular by national institutions for the promotion and protection of human rights and by non-governmental organisations, in the field of university education and professional training in the Convention system;

Taking into account the diversity of traditions and practices in the member States as regards university education, professional training and their methods, as well as awareness raising regarding the Convention system;

Wishing to develop its Recommendation Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training, henceforth replaced by the present instrument,

Recommends that the governments of member States:

1. ascertain that university education and professional training concerning the Convention system comply with the principles set out in the appendix to this recommendation;
2. ensure, by appropriate means and action – including, where appropriate, translation – a wide dissemination of this recommendation among competent authorities and stakeholders;
3. examine, within the Committee of Ministers, the implementation of this recommendation no later than five years after its adoption.

Appendix to Recommendation CM/Rec(2019)5

Principles for the development of university education and professional training in respect of the system of the European Convention on Human Rights

I. General principles

1. Member States should ensure university education and professional training in the system of the European Convention on Human Rights (“the Convention”) which are in line with the needs and expectations of the different categories of the public, notably those active in the human rights field. If necessary, this task should be performed in co-operation with relevant non-State stakeholders.
2. Member States should notably enhance the effectiveness of such university education and professional training by ensuring that each category of the public has access to the necessary tools to comply with the obligations stemming from the Convention. To this end, member States should ensure that quality, targeted and accessible professional training is available.

II. Targeted public

3. Member States should ensure that university students of law and, where appropriate, of other relevant fields of study, in particular the sciences, are offered education concerning the basic elements of the Convention system in their common core curriculum. In addition, optional in-depth studies should be offered to those who wish to specialise.
4. Taking into account the diversity of domestic situations, member States should ensure that a large variety of professionals are offered quality and targeted professional training in the Convention system, and that, if possible, such training is accessible in the language(s) of the member State. In particular, attention should be paid to the initial and continuous training of judges, prosecutors and lawyers; legal translators; law-enforcement personnel; specialist journalists; and personnel dealing with vulnerable groups.

III. Specialist lecturers and trainers

5. Member States should encourage, by appropriate means, the provision of university education and professional training in the Convention system by specialist lecturers and trainers. These may include, among others, former judges and lawyers of the European Court of Human Rights ("the Court"), judges and lawyers of supreme and constitutional domestic courts, and government agents and members of their offices. Professional training should be provided, as far as possible, by persons having good knowledge of the Convention system and practical experience in the relevant professional field.

IV. Content of university education and professional training

6. Member States should aim primarily at facilitating effective access to basic and practical information about the Convention system through university education and professional training. This should include the ability to use available resources (the HUDOC database, HELP courses and other information sources).

7. Member States should also encourage access to continuous and specialist training on the Convention system among relevant professionals.

V. Learning and training methods

8. Member States should ensure accurate translations of selected Court case law or professionally drafted summaries thereof, in line with Recommendation Rec(2002)13 of the Committee of Ministers to member States on the publication and dissemination in the member States of the text of the European Convention on Human Rights and of the case law of the European Court of Human Rights. Such translations should be easily accessible and free of charge.

9. Member States should encourage the use of the most appropriate learning and training methods, taking into account the national context and the specific needs and expectations of the targeted public. If appropriate, such methods could be set up in close co-operation with non-State stakeholders. E-learning and the use of the HELP methodology should also be encouraged.