

HELP Guidebook on Human Rights training methodology for legal professionals



HELP
European Programme
for **H**uman Rights **E**ducation
for **L**egal **P**rofessionals

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

HELP Guidebook
on Human Rights
training methodology
for legal professionals

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Why this guidebook?

One of the aims of the Council of Europe is to ensure the application of the European Convention on Human Rights at the national level. The best way to safeguard the rights and liberties enshrined in the Convention is to sow them into the domestic institutions and the national mind-set of European states. The Judiciary have a primary role in protecting human rights. This is why training in general and Human Rights Education for Legal Professionals (HELP) in particular, is so important. This guidebook is designed to assist those with a responsibility for delivering training to legal professionals in the field of human rights using the HELP methodology and resources. It discusses the considerations that should be taken into account when developing a programme of training centred upon human rights and upon European human rights standards in particular.

The assumption is that the audience is likely to involve judges, prosecutors and lawyers responsible for the 'securing' of those human rights guarantees contained in the European Convention on Human Rights (ECHR) and its Optional Protocols. However, the materials are also of relevance in the delivery of training for all groups of professionals who may be expected to have an awareness of European standards in the delivery of public services such as police and law enforcement officers, prison and probation staff, medical and mental health staff, and social workers. HELP curricula may need some adaptation to such target groups but its methodology is flexible enough to adapt to a range of audiences. Universities and law faculties may also find this Guidebook useful, in integrating awareness of human rights in a range of courses.

The aim of training is improved delivery. The aim of human rights training is to ensure the effective conveyance of human rights protection in the delivery of justice. Legal professionals are at the front line in that respect and in consequence, the training given in human rights is of critical importance in ensuring the effective and efficient protection of individuals.

Careful planning and prior preparation is of crucial importance, not only to make the training relevant and meaningful for the audience – referred to as 'learners' in this guidebook – but also to ensure those charged with its delivery have a clear and shared understanding of what they want to achieve. Much of the content is based upon current approaches to 'training of trainers', that is, it provides guidance on training design and delivery (and a not insignificant amount on 'what to avoid', often based on painful experience). It is thus a mixture of training theory and practical guidance.

At the end of the day, the expectation is that the training will result not only in heightened awareness of Strasbourg guarantees, but also a real understanding of what it means for learners in delivering these standards at a domestic level. The protection accorded to the 850 million people living in Europe by the European Court of Human Rights (ECtHR) and other Council of Europe monitoring mechanisms is only available when domestic protection fails or falls short of expectations. The Strasbourg enforcement machinery is not the initial protector of human rights: domestic agencies (courts, prosecutors, lawyers, police officers and the prison service) are.

Thus training in human rights cannot involve merely knowledge or awareness of European expectations. Training must also focus upon certain skills, such as identifying human rights issues, and applying human rights standards to factual situations. Since protection of human rights occurs at a domestic level, training in European human rights standards must involve discussion of national issues and thus practical application forms a strong feature of the training design suggested in this Guidebook.

Human rights training must also contain a final dimension: helping achieve attitudinal change. Legal professionals may know what the ECHR and the case law of the Strasbourg Court requires, but without the personal commitment to applying these standards in domestic courts, training will have been ineffective. In short, knowledge and skills are inadequate without steps to help learners understand that they have a responsibility to uphold and to apply human rights guarantees as public officials. All too often, domestic protection falls down not because of lack of awareness of (or an inability to apply) human rights standards, but because of an unwillingness to become involved as an active protector of human rights. Often, this barrier is indicative of a simple but profound misunderstanding that it is the Strasbourg Court that is responsible for applying the European Convention on Human Rights (ECHR). All judges in the national legal systems in Europe are in a real sense also European judges: they are the first line of protection. This aspect of training,

of course, is not without particular challenge. The same goes for lawyers invoking the ECHR and for prosecutors applying Council of Europe legal instruments. The message that human rights delivery is a domestic responsibility needs to be reinforced by leadership from the top – i.e., through clear and unambiguous messages from those charged with leadership and managerial authority of the public service in question. Providing effective, tailored and relevant training is an important step in delivering this message.

Changing attitudes is closely linked to the concept of challenging inappropriate values. Changing values is a challenge that is achieved by learners developing a clear understanding of the concepts (knowledge), and acquiring the skills to apply this knowledge. Convincing learners to apply the ECHR may mean that the values need to be addressed. If a legal professional becomes convinced of the need to apply the ECHR, attitudinal change will have occurred.

This guidebook clarifies the steps taken to develop human rights training using the HELP methodology. It is aimed at training institutions that wish to integrate or reinforce human rights training in their curricula, be it for initial or continuous training. It is also aimed at supporting all those involved in training in developing human rights training for legal professionals when it can be used as a tool for training in a wide variety of situations, and generally at informing all legal professionals about HELP and the asset it can be for them in their professional lives.

Effective training in the field of human rights is of high importance. The guidebook will address how – at various stages – training on human rights can effectively contribute to a better application of the ECHR at national level.

Why effective training

- ▶ The delivery of good judgments results from good and effective training
- ▶ Experiences with legal education may not have been the most positive. This may transmit itself to the manner in which legal professionals approach professional training.
- ▶ Trainers, may have primary experience of didactic-style teaching and training. As a result, many will feel more comfortable with the notion that 'training' involves imparting knowledge by means of lecture-style teaching; at the same time, lack of deep knowledge of the topic can be seen as an impediment.
- ▶ Professional training techniques can learn much from developments in higher education, and vice versa.
- ▶ Judges, prosecutors and lawyers are clearly not first year law students, but their learning styles are not likely to differ fundamentally from those embarking upon legal study. What they (and other professionals) have is experience. In stark contrast to a typical law student, their understanding of the (legal) world is advanced.

”HELP is the only pan-European training platform assisting all member States in their action for effective integration of the Convention into the domestic legal and judicial training.”

The following icons will be used throughout this guidebook:



Question



Check list / step by step



Success story



To note



Important idea



Aim



Example



Go to the website



Quote



FOREWORD

Thorbjørn Jagland

*Secretary General of the Council of Europe
Secrétaire Général du Conseil de l'Europe*

It gives me great pleasure to pay tribute to the HELP Network: the only PAN-European Programme for legal education, bringing together national training institutions and bar associations from across Europe.

I am a great supporter of your work.

The best way to safeguard the fundamental freedoms enshrined in the European Convention on Human Rights is to embed them into the domestic laws, practices and culture of member states.

Strasbourg will always be an active partner, devoted to advancing human rights, democracy and the rule of law across the continent.

But states are the primary guarantors of the Convention: this was always the intention.

And I was very pleased, when Europe's Foreign Ministers met in Brussels in 2015, that they called for the HELP Programme to be strengthened.

Of course, HELP is not intended to replace the efforts of national training institutions.

You are the owners of human rights education, in the same way that national governments are the owners of the Convention.

But it is important that we do everything we can to support Europe's legal professionals, as they adapt to a fast-growing body of international law.

And as they respond to changing and often urgent human rights challenges.

So let me congratulate the Network again. I wish you all the best for the future.

The HELP Secretariat would like to thank all the people who contributed in drafting this guidebook. In particular:

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Iain Culkin is a Learning Technologist and Instructional Designer from the UK. After 8 years developing e-Learning in the UK Civil Service, Iain formed his own e-Learning company. The benefits of e-Learning are such that, he aims to inspire organisations into using this technology – whilst encouraging their reliance on in-house production. Since February 2014, Iain has guided the HELP programme in their e-Learning methodology and assisted the team in producing an impressive catalogue of learning.

Astrid Hopma is a (sr.) consultant in digital learning at the Training and Study Centre of the Judiciary in the Netherlands (SSR). After working as a course manager and training developer, she became in the past years more interested and active in field of e-learning. Currently she is an advisor and trainer in developing blended learning curricula. Her focus is creating and improving the digital experience, meet students' expectations and have the most effective outcome for legal professionals.

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Jim Murdoch joined the School of Law after qualifying as a solicitor. He read law as an undergraduate at Glasgow and has an LLM from the University of California at Berkeley. He was Head of the School of Law between 1996 and 2000. He has taught at the Universities of Mainz, Freiburg, Hamburg and Paris Ovest, and was a professor stagiaire with the Directorate of Human Rights of the Council of Europe in France. He is a regular participant in Council of Europe seminar programme visits to Central and East European states and has developed a particular interest in non-judicial human rights enforcement mechanisms.

Full versions of their contributions are available on the website

And also:

Dr Jane Mckenzie, Head of Subject, Academic Development Unit (Academic Development Unit), Learning and Teaching Service, University of Glasgow.

LIST OF ABBREVIATIONS

BA	Bar Association
CCBE	Council of Bars and Law Societies of Europe
CDDH	Steering Committee for Human Rights
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers
CNUE	Conseil des Notariats de l'Union Européenne
CoE	Council of Europe
CPD	Continuing Professional Development
EC	European Commission
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EJTN	European Judicial Training Network
EU	European Union
HELP	Human Rights Education for Legal Professionals
HRE	Human Rights Education
HRTF	Human Rights Trust Fund
HUDOC	Human Rights Documentation
IT	Information Technology
LGBT	Lesbian, Gay, Bisexual, and Transgender
NGOs	Non-Governmental Organisations
NTI	National Training Institution
OB	Ordinary Budget
OHCHR	Office Of The High Commissioner For Human Rights (of the United Nations)
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
P&DR	Performance and Development Review
SCORM	internationally recognised standard for the development of e-learning that ensures compatibility with all learning management systems
TOR	Terms of Reference
TOT	Training of Trainers
UNHCR	United Nations High Commissioner for Refugees
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime



LEGAL

HELP

PROGRAMME

PROFESSIONALS
EDUCATION

CAPACITY



PART 1: INTRODUCTION

Human Rights training for legal professionals

When talking about legal professionals, we use the word “training”. However, more generally, the words “human rights education” (HRE) are commonly used to include professional as well as initial training on human rights. Both are used in this guidebook.

a. Human rights training and potential impact on increased human rights protection

Human rights education is all learning that increases human rights knowledge, skills and values/behaviours. It is also a life-long journey, which should begin in schools and continue throughout the whole professional life of an individual. It starts from a personal approach but then the process should encompass a larger professional community.

This guidebook will especially refer to HRE for a specific target group, .i.e. legal professionals (mainly judges, prosecutors and lawyers) of the 47 member states of the Council of Europe.

It is quite obvious that all the actors of the judiciary chain have a role and responsibility in the way human rights are protected in their countries. Of course they are not the only ones to have an impact on the level of human rights protection. Nevertheless, ensuring that judges, prosecutors and lawyers are aware and know how to refer to European and international human rights protection mechanisms in their professional life is crucial.

Training in the field of human rights is one of the tools to contribute to achieve such an ambitious objective. Training alone cannot guarantee that human rights will be effectively protected at national level. Nevertheless HRE contributes to the long-term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development, and the enhancement of participation in decision-making processes within a democratic system¹.

The impact of education in general is difficult to evaluate. But education in the field of human rights is even more difficult to assess given its **intangible** character. Indeed, as the ultimate goal of human rights education is greater respect for human rights leading to **social change**, it is a complex undertaking. It is challenging to measure whether the goal was achieved without taking into account the social, political and economic factors.

b. Different levels of human rights education for legal professionals

The goal of **social change** is very broad. That is why, in the field of training, the goal has to be defined precisely. An effective way to do so is to identify the changes expected at different levels:

- ▶ **Individual:** what knowledge, skills, attitudes and behaviours can an individual acquire, reinforce or modify? ex: learners feel confident to use the new technologies in their human rights training sessions
- ▶ **Organisation/group:** changes you expect when the learners transfer their learning experience to a group they work with (ex: dissemination of knowledge to judges of other courts, etc.)
- ▶ **Broader community/society:** changes you anticipate when an organisation/institution transfers its learning to the broader community. It is only through the support of the National Training Institutions (NTI)/ Bar Associations (BAs) that such a layer will be reached and that human rights training will be effective and sustainable. This where HELP can play an important role.

1. Adapted from A/HRC/15/28, paras. 1, 3 and 4. The plan of action was adopted by the United Nations Human Rights Council on 30 September 2010 (resolution 15/11)

Effective training also implies that the training has undergone an evaluation. **Why** is it so important to evaluate training? Evaluation is actually one of the most powerful tools at the disposal of human rights educators. It will allow to measure effectiveness, provide explanations, draw conclusions, develop recommendations and make appropriate changes to training.

Evaluation has **2 main purposes**: for **learning and development** as just mentioned, and also for **accountability**. Given the budgetary constraints which are faced both at the national and international levels, it is important to be able to prove that human rights education leads to concrete results and added value for legal professionals, and the society as an end beneficiary of the judicial procedures.

A good evaluation has to be²:

- ▶ **Purposeful** : with a clear purpose in mind and a measurable outcome (SMART³);
- ▶ **Action-oriented**: the evaluation of the training should give you information that can be used to make relevant decisions. This process is important when asking questions to the participants at the end: what changes would you suggest to improve the training? ;
- ▶ **Practical**: it should consider innovative ways to obtain better results and focus on practical knowledge and skills of the participants;
- ▶ **Participatory**: a participatory approach promotes the exchange of professional experiences and encourages critical reflection on individual beliefs and values. It is based on mutual respect and reciprocal learning. This is crucial given the target audiences with whom we are working. Starting from the experiences of the participants is a good basis. Judges, prosecutors and lawyers are usually keen on sharing their experience in terms of human rights implementation in their daily work.
- ▶ **Self-critical**: challenging for some trainers: to accept the collective feedback on the way the training was delivered or on any aspect of the training. To be open to constructive criticism is crucial.

The way HELP is addressing the evaluation of training is based on the Kirkpatrick model⁴ that is widely used for the evaluation in the area of human rights education. It consists of four levels of evaluation of learning which measure:

Reaction: what participants **thought and felt about their learning**. At this level we measure the participants' feelings and personal reactions about their learning experience, attitudes towards the content and the process; immediate perceptions about the usefulness; perceptions about what they actually learned; feelings about whether they have changed their ideas or perceptions; satisfaction with the tutor and training materials; satisfaction with the logistical aspects of the learning materials.

2. See <http://www.ohchr.org/Documents/Publications/EvaluationHandbookPT18.pdf> for more details

3. This concept will be explained later, pages 58-59

4. <http://www.kirkpatrickpartners.com/OurPhLOsophy/TheKirkpatrickModel>

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It is crucial to know the participants' general satisfaction with the training, which may be communicated to others who may be thinking of participating in future courses. It is also an important step in order to prepare them for responding to later evaluation efforts.

Learning: the increase in knowledge or capacity as a result of the training. At this level we measure whether or not there was an increase in the learners' knowledge and skills or changes in attitudes and behaviours resulting from the programme.

Behaviour: here we measure what participants did with their learning after the course. It can be partially assessed by identifying performance indicators. In the case of legal professionals, it is necessary to rely on NTIs/BAs to organise some systematic and institutionalised assessment of behavioural change/change in the professional practice. It can be done only at national level and if the participants (for instance a focus group informed in advance among the participants to a course) are committed to answer an **evaluation questionnaire 6 months, 1 year and 2 years after the training is over**.

Measuring changes in behaviour and transfer of learning (i.e., application of learning in work and sharing learning with others in a practical way) are more difficult to quantify and require a well-designed evaluation system from the outset. Although challenging, evaluation at this level is critical because it examines implementation and application of the learning from the training. Good reaction (level 1) and better capability (level 2) lose their value if nothing changes in the learner's work and/or community context.

Impact: the effects on the society resulting from the actions of the participants. At level 4, we measure the effect on the organisation or broader community resulting from the learners' involvement in a programme. This is also known as impact analysis and follow-up and focuses on measuring longer-term results. The evaluation of impact-level learning is similar to programme evaluation. For both, the goal is to look at the entire learning process from beginning to end.

It is easier at the level of individual learners but much more challenging across a broader community. External factors in the society and global human rights context can greatly affect the capability of organisations and communities, both in positive and in negative ways, to carry out their human rights and training/education work. This makes it more difficult to establish the links between the actions of organisations and changes occurring in the broader community or society.

In the case of HELP training resources on the ECHR, their integration into the national training programmes by NTIs and/or BAs is the best guarantee to ensure sustainability and snowball effects of learning.

c. Specific audiences for human rights training

This section considers some specific needs for specific target audiences, i.e. judges, prosecutors, lawyers, government officials and professionals working for National Human Rights Institutes, the offices of ombudspersons or non-governmental human rights organisations.

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Judges

Members of the judiciary may be especially interested in certain specific issues. They will want to know how European/international human rights standards may be invoked before the domestic court, what legal effect should be given to an interpretation of a Convention right given by the ECtHR (potentially also in a judgment against another State), whether certain Convention rights should be applied by the judge *ex officio*, and what may be done if application of domestic legislation is found to be in breach of Convention standards (i.e. whether to disapply the conflicting domestic rule, to apply a Treaty-consistent interpretation of national law, or other outcome). Neither the Convention nor the Court's case law necessarily gives answers to these questions. Therefore, this aspect of human rights training will depend largely on the domestic (i.e. constitutional) legal order at hand.

Prosecutors

Prosecutors may see human rights on occasion as obstacles in the way of doing their job, in the sense of securing the conviction of those who are said to be 'obviously' guilty. Therefore, human rights training with prosecutors should stress that the ultimate aim of the criminal prosecution process is to ensure a fair trial – fair to the accused as well as to the community whom prosecutors represent. Prosecutors should be reminded of their particularly powerful position to protect human rights, particularly as they exercise some supervision over law enforcement (e.g. in relation to the attitude they take to the use of evidence that may have been illegally or improperly obtained).⁵



See the course on [Alternative measures to detention](#) and [International Cooperation in Criminal matters](#)

Lawyers

In addition to the above, human rights training for lawyers should pay attention to the procedural aspects of invoking human rights standards in domestic proceedings and applications to the ECtHR. In domestic judicial proceedings, a human rights plea should be raised in substance and reasoned. Otherwise, the domestic court may simply be able to ignore the argument raised in its judicial decision. Equally, lawyers should be made aware of the procedural requirements for lodging a complaint before the ECtHR. More than 90% of all applications lodged before the Court are declared manifestly ill-founded or otherwise inadmissible. A better understanding of the

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5. Trainers are advised to refer to *inter alia* the Human Rights Manual for Prosecutors following the annual conference in 2000 in Cape Town of the International Association of Prosecutors (IAP) on human rights and the prosecutor. In 2008 a second edition appeared (E. Myjer, B. Hancock & N. Cowdery (eds), *Human Rights Manual for Prosecutors*, Wolf Legal Publishers, 2008), which has been translated into various other languages including French, Spanish, Turkish and Russian.

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procedural demands of the Strasbourg procedure may lead to a lowering of this percentage, which will not only be beneficial for the Court's use of scarce resources to dispose these applications but also avoid a lot of frustration on the part of applicants.⁶



See the course on [admissibility criteria in applications brought before the ECtHR](#)

Government officials

Legislative draughtsmen or civil servants working for Ministries are responsible for ensuring the compatibility of draft legislation and policies with human rights standards. Often draft legislation and new policies will touch upon human rights issues. Civil servants need to be able to identify human rights concerns and be made aware of the need to motivate why certain interferences with non-absolute human rights (such as the right to privacy and the right to property) are considered necessary. Public authorities need to be able to demonstrate that the disputed measure can truly be effective pursuing an identified policy aim (which may be considered legitimate), why the disputed measure is necessary in addition to already existing mechanisms, what the cumulative effect is of all legal rules combined on the freedom concerned, and whether there is a proportionate relationship between the effects of the measure concerned and the freedom affected. In addition, civil servants working for the central government should be made aware of the importance of ensuring legal protection to those affected of addressing problems relating to (indirect) discriminatory policies, and the desirability in certain cases of providing transitional law in order to allow citizens affected to adapt their behaviour (especially of importance with regard to policies affecting property rights).

Some public officials work "at the sharp end": police officers, prison officers, immigration officers and workers in secure psychiatric institutions or other institutions providing care to vulnerable persons. Here, very different training needs will arise.⁷



See the [Toolkit to inform public officials about the State's obligations under the European Convention on Human Rights](#)

6. In this respect, trainers are advised to refer to the [Practical Guide on Admissibility Criteria](#) (especially the new Rule 47 of the Rules of Procedure should be highlighted), the [Practice Directions](#), the [video on admissibility conditions](#), the video '[how to lodge a valid application](#)' and other practical information available on the [Court's website](#) (under the heading of 'Applicants'). The HELP online course on "admissibility criteria in applications submitted before the ECtHR" is also available in several languages on the HELP e-learning platform (see [English version](#)).
7. Recently, a *Toolkit to inform public officials about the State's obligations under the European Convention on Human Rights* was developed. It may be consulted on <http://echr-toolkit.coe.int>. The Toolkit provides practical information intended to guide public officials in various everyday situations with which they may be confronted. It assumes no prior legal knowledge.



Civil society, national human rights institutes and ombudsperson offices


Legal professionals working for national human rights institutes, offices of national ombudspersons and civil society will find not only training focusing on knowledge but also on specific skills, such as case management and communications skills (and even lobbying media relations could be of particular value).

d. Challenges specific to Human Rights training

i. Tension between standards and practice

There is an inherent tension between the full observance of human rights standards and the difficulties faced by legal professionals in their daily practice. Some of these difficulties may be on account of the legal framework within which the legal professional had to operate, to budgetary restrictions or limited manpower, or explicable by the dominant ‘culture’ set by senior management within the organisation. It may be useful to address those issues openly during a human rights training. A trainer is only able to offer practical guidance and advice if learners feel at ease raising the problems they encounter in practice (and perhaps the not-so ideal manner in which these problems were dealt with from a human rights perspective). Human rights trainers should be careful to avoid being condemnatory. Instead the task of the trainer is to raise awareness of the applicable standard, explaining the reasons why such a standard has been developed by human rights bodies, and offering assistance how the realisation of this standard in practice may (gradually) be guaranteed.

Consider this point from the perspective of three possible barriers to effective training, each involving a dimension that engages the need to identify and to address how learners perceive their roles and responsibilities:

 Perceived threats to organisational ethos

Training may appear at odds with an organisation’s purpose, as understood by learners. Organisational direction and leadership that is supportive of the content of training is necessary. Within the context of human rights training for police, for example, the ingrained ‘culture’ or ethos may perceive respect for human rights as at odds with the ‘fight’ against organised crime (particularly terrorist crime). That is, to wage the ‘fight’ against crime, some violation of physical integrity or of fair hearings guarantees may be considered as unavoidable in the organisation. However, if human rights training emphasises that historical experiences show that there are no short cuts in the fight against organised crime or terrorism, or that human rights are instruments to help obtain the truth in a criminal process (rather than merely as ‘suspects’ rights’), any tendency to see human rights as a barrier to the effective discharge of responsibilities may be balanced by the notion of human rights as an effective tool for public sector officials. Human rights standards apply to often politically sensitive policy areas (e.g. the expulsion of a person suspected of terrorist activities).

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Challenge to individual 'professionalism'

Training (particularly if provided by 'outsiders') may be seen as a challenge to the (perceived) 'professionalism' of the official (and within a judicial context, to the notion of 'judicial independence'). Here, the problem concerns misguided or misunderstood notions of 'professionalism'. Trainers need to stress that respect for human rights is an essential mark of professionalism (as is the acceptance of the need for continuing professional development). Acceptance that those entrusted with upholding the rule of law should themselves respect the rule of law should be self-evident (as the preambles to the Universal Declaration of Human Rights and to the European Convention on Human Rights make clear). Trainers should bear in mind that training which involves human rights has an added dimension in that it also seeks to reinforce appropriate attitudes and values, not merely to impart knowledge or skills.

Perceptions that human rights have little practical relevance for learners' daily work

Reluctance to attend or to participate in training may be on the basis that the issues addressed in training are viewed as having no bearing on the discharge of a learner's responsibilities. Judges, for example, may not understand that human rights jurisprudence has any direct relevance for judicial work (for example, since the responsibility for carrying out an effective investigation into ill-treatment is seen as the responsibility of the prosecutor rather than of the judge, or the 'solution' to a judicial problem is able to be solved by other means not requiring recourse to the jurisprudence of the Strasbourg Court). However, if training is seen as tailor-made for the audience (rather than expecting the audience somehow to draw its own conclusions as to what aspects are for its own future application), training will be seen as a valuable allocation of time. Training which attempts to be of general applicability rather than learner-specific risks alienating the audience, as does training which is inappropriately 'pitched' in terms of learners' existing levels of knowledge and skills.

ii. Complexity of sources

As with other areas of law, legal professionals will be confronted with a wide range of sources when it comes to applicable human rights standards. Human rights training needs to assist the learner in dealing with this diversity of legal sources. Human rights standards are codified on a domestic level (e.g. constitutional provisions, privacy laws, equal treatment legislation, and so on), a European level (e.g. various Council of Europe instruments and relevant EU instruments) and an international level (such as the various UN human rights treaties). It is therefore important to deal with the scope of application of the various instruments, the added value of one instrument over the other, and the incorporation of international standards into the domestic legal order.

In particular, it may be useful to examine the scope of application of the ECHR on the one hand and the EU Charter of Fundamental Rights on the other. A legal professional in Europe will be confronted with both human rights instruments and will need to understand the circumstances in which each instrument applies to the case in hand.

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Under the ECHR the concept of **state responsibility** (Article 1 of the Convention) is decisive. State responsibility may be engaged by the enactment of legislation (or other regulations), by measures taken by executive authorities, by acts of individual civil servants or other officials for which the state bears responsibility (i.e. police, prison staff, immigration officers, etc.), or by a particular judicial decision.

State responsibility under the Convention is traditionally engaged as a result of a wrongful act by the State. However, the case law of the Court increasingly refers to so-called '**positive obligations**', i.e. the state has to act in order to ensure the effective enjoyment of certain human rights (e.g. the obligation to change a law or administrative practice or to make new legislation, the obligation to provide financial assistance, the obligation to provide information or the obligation to carry out an effective, immediate and independent investigation into an alleged breach of a human right).

One particular positive obligation relates to the obligation to intervene in the relationship between individuals in order to prevent '**private violations of human rights**', i.e. indirect horizontal effect of human rights standards. It is the responsibility of the national authorities to ensure that it enacts laws which prevent individual persons and corporations from violating human rights. And, if individual persons and corporations are violating human rights, legal action should be taken as promptly as possible to address the interference.



STATE RESPONSIBILITY

Article 1 of the ECHR links state responsibility to exercise 'effective jurisdiction'. **The concept of 'jurisdiction' is primarily territorial.** Liability normally arises in respect of an individual who is 'within the jurisdiction' of a Contracting State, in the sense of being physically present on its territory. However, acts performed or producing effects outside the State's territory can constitute an exercise of jurisdiction in exceptional circumstances. The Court's case law indicates that such circumstances may exist where **State agents exercised authority and control over an individual outside the territory.** Into this category fall the acts of diplomatic and consular agents, the exercise of extra-territorial public powers with the consent, at the invitation of, or with the acquiescence of a foreign government or, lastly, the use of force by State agents extra-territorially to bring an individual under their control. Exceptional circumstances can also arise when, as a consequence of lawful or unlawful military action, a Contracting State exercised **effective control of an area outside the national territory** either directly, through its own armed forces, or through a subordinate local administration. State responsibility under the Convention may be engaged irrespective of the nationality of the victim. It applies to 'everyone' within the jurisdiction of a Contracting State.

State responsibility under the Convention may include being held accountable under the Convention for steps taken as a result of membership of an international organisation, such as the European Union. As long as the European Union has not acceded to the ECHR, it is impossible to complain before the ECtHR about alleged human rights violations by EU institutions themselves. A complaint would be declared

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inadmissible *ratione personae* given the fact that the EU is not a party to the Convention. In relation to human rights violations resulting from a government's action in its implementation of EU law, the Strasbourg Court in the Bosphorus case ruled that a Member State can in principle presume that it is not breaching the ECHR by fulfilling its international obligations, provided the international organisation itself ensures adequate protection of human rights (as was accepted in relation to the EU). Only in exceptional cases, where the protection is manifestly insufficient, can this presumption be rebuttable.

■ EU Charter of Fundamental Rights

As for the EU Charter of Fundamental Rights, a common misperception is that the Charter is a European 'Bill of rights' applicable to all situations in the European Union (EU) and its member states. However, Article 51 of the Charter states that the provisions of the Charter are addressed to the institutions and bodies of the EU and to member states when they are **implementing EU law**. The Official Explanations annexed to the Charter give a slightly confusing understanding: "the requirement to respect fundamental rights defined in the context of the EU is only binding on the Member States when they **act in the scope of Union law**". The latter notion is obviously much broader than the text of the underlying provision seems to suggest. In May 2013, the Court of Justice of the European Union (CJEU) provided greater clarity in the **Åkerberg case**. The Court noted that "the requirement to respect fundamental rights defined in the context of the Union is only binding on the Member States when they act in the scope of Union law" (paragraph 21). According to the Court, it was thus not strictly necessary for the national legislation to have been adopted for the implementation of EU law. It was sufficient that the situation fell within the scope of EU law. This greatly increases the judicial oversight by the CJEU in human rights affairs.

In case the Charter is applicable, its human rights standard precedes the standard of a comparable constitutional provision (even if the latter offers a higher degree of human rights protection). The Charter may be used to challenge the validity of an EU instrument as such (and not merely its application in a given case). And lastly, indirect horizontal effect of the Charter seems to have been acknowledged by the CJEU in its case law.



The courses developed in the framework of "HELP in the 28"⁸ (funded by the EU) take the challenges of EU and ECHR protection systems into account. They focus on the articulation of the ECHR, the European Social Charter (ESC), the EU Charter of Fundamental Rights and other EU instruments.

8. HELP in the 28 is a project aiming at reinforcing human rights training in the 28 EU countries. Find out more by visiting www.coe.int/en/web/help/help-in-the-28.

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iii. Political dimension

Training often has a 'political' dimension to it, and trainers need to be aware of this. First, human rights standards apply to often politically sensitive policy areas (e.g. the expulsion of a person suspected of terrorist activities). A trainer should not be surprised if some learners conceive a certain human rights ruling as being 'political'. It may therefore be necessary to draw a distinction between (a) the fact that human rights operate in a political context and may have great societal impact, and (b) the perception that human rights standards are a legal translation of a 'leftish' political agenda.

Second, it should not be forgotten that the European Court of Human Rights operates in an international political setting, that is, a setting in which the international body (i.e. the ECtHR) will in principle honour the policy choices made on a domestic level and award them a margin of appreciation unless the minimum standard enshrined in the Convention is breached. In that sense, the ECtHR is fundamentally different from the supranational approach taken by the European Union. The aim of the Convention mechanism is not to harmonise, but to uphold minimum standards (although admittedly in practice the effect of a certain Strasbourg judgment may be harmonising).

Finally, the **margin of appreciation doctrine** is developed by the European Court of Human Rights as a means of giving effect to the principle of subsidiarity in the relationship between the European Court and national authorities. In practice, some domestic judges have copied the doctrine of margin of appreciation into domestic case law. Although domestic doctrines may in essence have a similar effect (e.g. 'light touch' judicial review of administrative decisions), the Strasbourg doctrine of margin of appreciation is inappropriate to apply in a purely internal setting.

iv. Motivation of the learner

The point has been made that learners learn in different ways. Another issue is that of the *motivation* of learners. A range of theories exist. There is not one universally-encompassing learning motivation theory, and different theories can be applied in different learning situations. In designing distance-learning training packages, some of these theories have a particular relevance.

Self-determination theory

Central to this theory is a concept of "Autonomous Study Motivation" – in short, **a learner should have the freedom to choose the pace of the learning**. This is at odds with study principles such as deadlines, supervision, and the like. (Of some interest is the experience of the UK's Open University which shows that courses which allow students freedom in terms of assignment submission dates tend to have maximum student retention.) Online training provides that self-determination for the self-learning resources, but also to some extent for the distance-learning courses.

Epistemological Identity Theory

Here, the aim is that throughout the whole study process, the learner should be able to say "this particular learning is exactly right for me". In other words, a **learner's motivation** to learn

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is **maximised when they feel that they are on right course in terms of content, level and outcomes**. This is why the national adaptation and the adaptation to the target audience of model HELP courses, is so important.

Self-perceived Competence Theory

Learners may not often have realistic views of their competencies which may hinder their successful learning, and accordingly, this theory points out the importance of assisting students to develop a **rational view of their abilities** with the intention of encouraging their motivation.

Positive Psychology- the "Strengths Approach"

Here, the central point is to understand what makes people happy. The 'Strengths' approach to learner support arises from findings in positive psychology, and is partly based on studies by Anderson and Clifton in the United States. It focuses on enhancing learner motivation by emphasising the importance of self-esteem as a vital factor in the learning progress. Proactive motivational support should include: emphasising the positive; focusing on existing assets and competencies; drawing out past successes and high points; encouraging 'positive affect' (hope and elevated thoughts); identifying underlying values, goals and motivation; and validating effort rather than achievement (and only after all of this, talking about uncertainties, fears, and lack of skills).



PRACTICAL EXAMPLES⁹

- Create **small successes**. Enable the learner to be successful in easier tasks first before moving on to more challenging ones, ie. Increase difficulty progressively.
- **Praise** learners for the **effort** that they put in and not just their successful attempts. This can be done in online training through automatic feedback.
- Design "games" that **reward points for attempts** even if the result is not playable.
- Create a **mastery-learning climate**. Encourage learners or design activities for learners to focus on mastering the skills and improving against their previous performance rather than always comparing and competing with others.
- Provide **informative and constructive feedback**. For example, instead of asking learners to "try harder", find out the root cause of their poor execution and correct their skill e.g. "try thinking of it in light of article x of the ECHR".

9. MERL: translating theory into practice. [Importance of perceived competence and intrinsic motivation http://merl.nie.edu.sg](http://merl.nie.edu.sg).

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”Experiencing one-self as capable and competent in controlling the environment of the activity. The need for competence (Deci & Ryan, 1985; Elliot & Thrash, 2002; Koestner & McClelland, 1990) is the need to experience satisfaction in exercising and extending one’s capabilities. Naturally, people seem to seek out challenges that are optimal for their level of development” (Harter, 1978; White, 1959).

e. The difficulties in accessing ECtHR case law

A living knowledge, and mastery, of the jurisprudence of the Strasbourg Court is not without challenge.

i. The technical barriers

Two significant barriers are faced by legal professionals: the language, and the sheer volume of case law.

Language of judgments and decisions

In the preparation of a training, due consideration should be given to the fact that most original human rights materials (such as the judgments of the European Court of Human Rights) will be for most learners in a foreign language (i.e. English or French). Experience shows that many legal professionals will (to a greater or lesser extent) have difficulties fully understanding these materials. In practice, this may have a substantial impact on the reception of international human rights standards in the domestic legal order. Selection of materials therefore is essential. The HELP methodology takes this challenge into account and envisages not only translation of training materials and courses but also adaptation to the national legal orders of the concerned countries (see more details on adaptation process in the Part 2). Similarly, various leading judgments of the ECtHR have been translated and some of these translations are available on the HUDOC search engine on the Court’s website. Equally, Governments play a valuable role in the translation of Court judgments. When setting up new training programmes it may be advisable to reserve budgetary resources for any additional material that needs to be translated.

The abundance of case law

The jurisprudence represents a significant amount of case law, composed of tens of thousands of judgments and decisions. Of course, committee judgments existing before the entry into force of Protocol n°14 must be excluded from this total including decisions of individual judges. It needs also to go along with the importance criteria appearing in the HUDOC database. Nonetheless, the jurisprudence constitutes an especially impressive body and one which is barely manageable. In particular, it’s still difficult to be sure how to find the most relevant precedent on a given issue.

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ii. National particularities

These particularities are of two main kinds. These are due to the diversity of legal systems and to the specificities of the procedures and the national institutions.

Diversity of legal systems

Beyond the traditional and well-known distinctions between the systems of continental law, or Romano-German, and the systems of Common Law, Europe presents a huge diversity of legal systems, with a great capacity of adaptation and combinations. The jurisprudence of the Court reflects this fact in a certain way, which necessitates legal professionals to increase their efforts of analysis and understanding.

In addition, the place and the importance of jurisprudence, particularly within supreme jurisdictions, in the internal legal order, vary from one country to another. The law issued by the parliament takes on the lion's share, in the magistrates' view. For legal professionals working in Europe in a purely national framework, careful attention paid to an international jurisprudence cannot be taken for granted. Therefore, they have to adapt for the sake of compliance with the provisions of the Convention.

Specificities of procedures and institutions

Likewise, Europe offers an amazing diversity of procedures and institutions. They are often the result of old established traditions and sometimes of sharp conflicts. Frequently part of complex bodies, their balance and coherence may be undermined by changes or even, *a fortiori*, their existence. Here again, the jurisprudence has to adapt to a certain extension, without compromising the harmonised interpretation of the Convention. It may be difficult sometimes for legal professionals to transpose a national system's specific concept into another, as similar as it could appear.

iii. The rulings motivation

This is maybe the most important difficulty. How to best take advantage of the jurisprudence in the presence of ambiguities and divergences?

Ambiguities

Intentionally or not, the Court sometimes uses sentences, expressions or words which may lead to different interpretations. It happens when a new or tricky issue arises and may present key points for a future solution instead of providing immediately an absolute answer. Such an approach requires a careful and progressive approach; the speed as well as the outcome is unknown. There are sometimes changes and repentances, which confuse the legal professionals.

Furthermore, it is not rare for the Grand Chamber to reprimand a Chamber which adopted a point of view deemed insufficiently motivated or too innovative. On the contrary, some judgments from the Chambers follow the practice of the Grand Chamber and are not called into question.

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In addition, the constant willingness of the Court to give an independent meaning, namely European, to several terms of the Convention should be remembered. This may lead to perplexity or misunderstanding, even opposition, among legal professionals, used to categories and concept of their national law.

Divergences

The Court strives to ensure the coherence of its jurisprudence, proof of its legal security and equality between States and individuals. However, divergences do appear sometimes, if only for very simple reasons: different chambers deal with identical issues, and the composition of the Grand Chamber varies for each case, despite a stable basis. It happens also that contradictions exist, at least temporarily, that is to say as long as the Chambers and the Grand Chamber do not bring it to an end.

Such exceptional cases require legal professionals to react in the following way: to have in mind the more recent and more clear judgment or decision of the Grand Chamber, if it exists, and if not, the most recent and clear judgment or decision of the chambers. This doesn't exclude the possibility to simply note and signal the uncertainty of the jurisprudence on a given issue.

iv. How to deal with these challenges

Three points of practical advice to trainers that are at the same time answers to questions.



HOW TO READ JURISPRUDENCE?



It is very rare that the Court gives a general interpretation of a provision of the Convention. Moreover, judgments and decisions of principle are not numerous. In judgments and decisions that may seem common in appearance, most often, only one paragraph or subsection, even one sentence, deserve attention because it constitutes an added value of general scope, and hence of European scope. It's this element precisely which will be used subsequently, sometimes very often, by the Court.



HOW TO CHOOSE THE JURISPRUDENCE?



The selection needs to be based first and foremost on the judgments selected for their publication, and then on the chapter of the annual report on the jurisprudence, and finally on the Information Notes, the latter having the advantage of an analytical index. Furthermore, we need to pay particular attention to the judgments of the Grand Chamber because they contain a reminder of the general applicable principles.

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HOW TO **ELABORATE** CASE STUDIES BASED ON THE JURISPRUDENCE?



The simplest way is to start from national situations familiar to legal professionals of a given country, avoiding their exceptional aspects. Following this, apply the framework of the jurisprudence to the situations, keeping in mind the more common or more frequent solutions. Ultimately, this training places emphasis on issues which magistrates and lawyers should predominantly focus on in their day-to-day work.

v. Targeted approach and long term commitment

Structurally improving the awareness of human rights standards often requires a targeted approach and a longer-term commitment. Human rights training often requires a change in mentality within the profession, whereas reaching all members of a large profession may equally demand longer term commitment (let alone the need for continuous training). This calls for coordination between various training activities and avoidance of duplication of work. In that regard, HELP may be of assistance to domestic actors active in the field of training.

It is therefore crucial to ensure that national training institutions for judges and prosecutors as well as bar associations fully integrate the HELP tailor-made courses into their national education programmes for legal professionals.

vi. Multidisciplinary and multi-professional approach

Legal professionals operate in a multidisciplinary working environment. When applying legal standards (including human rights standards) the legal professional will do so against the backdrop of societal, economic, political, scientific, religious and ethical aspects. It may therefore be useful in a human rights training to pay attention to these multidisciplinary considerations. Dealing with a case involving freedom of religion, may warrant a better understanding of the customs and practices of that religion. Dealing with the human rights aspects of bioethics may call for a basic understanding of the scientific state of affairs. Dealing with social rights, one needs a basic understanding of the economic implications.

A multi-professional approach (which includes training to both judges and prosecutors) should not be a goal in itself, but some human rights concerns may warrant a multi-professional approach (such as the fight against impunity, human rights concerns relating to persons with intellectual disabilities or prison conditions). If so, a trainer should be mindful of the fact that various professions (e.g. social workers or doctors) will use different terminology.

In 2015, 93% of participants to the HELP annual Conference expressed their interest in participating in a multidisciplinary training.

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PRIORITISATION

Any organisation needs to prioritise its training given the limited resources. The challenges that remain in the field of human rights are many and diverse. It will simply not be possible to pay attention to all issues at the same time and with the same intensity. Some issues might be helpful to highlight in human rights training.

- ▶ Stocktaking of human rights issues
 - research recommendations made by various international human rights bodies: what issues are raised in ECtHR judgments, Council of Europe monitoring bodies, the UPR-process, concluding observations of the various UN treaty bodies, the annual country report on human rights practices of the US State Department, the reports of international NGOs such as Amnesty and Human Rights Watch, the reports of the UNHCR, etc.?
 - research of domestic sources, i.e. what issues are raised in domestic jurisprudence, academic writing, political debate and by national human rights organisation?;
 - interviews with stakeholders, such as government officials, representatives of the judiciary, law enforcement, social partners, academics, representatives of NGOs, politicians, etc.?
 - analysis of recent media reports.
 - ▶ On the basis of such stocktaking, a list of issues will emerge. It will then be necessary to choose which issues to cover. Some possible criteria are the following:
 - whether the issue is covered by one or more human rights standards;
 - what is the added value of involvement in addition to other stakeholders;
 - the gravity of the issue;
 - is there support within society to tackle the issue;
 - is it possible to establish all facts surrounding the issue;
 - is it feasible to achieve results (which could be putting the issue on the political agenda or commencing strategic litigation).
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HELP as a tool for human rights training

a. What is HELP?

The European Programme for Human Rights Education for Legal Professionals (HELP) supports the Council of Europe member states in **implementing the ECHR at the national level**, in accordance with the Committee of Ministers Recommendation (2004) 4 on the European Convention on Human Rights in university education and professional training.

HELP tends to become the main vehicle for all legal training activities pursued by the Council of Europe. Its political relevance was recognised first in the 2012 Brighton Declaration, and rested with emphasis in the Brussels Declaration in 2015, noting in particular the shared responsibility amongst states and training organisations to deliver domestic implementation of the ECHR on a daily basis.

HELP's purpose is to enhance the capacity of judges, lawyers and prosecutors in all 47 member states to apply the ECHR in their daily work. Indeed, **legal professionals, who are at the forefront of the protection of human rights, must benefit from high-quality training**. This is to ensure that they are kept up-to-date with the ever-evolving standards and case law of the European Court of Human Rights.

In short, HELP is

1. the **only pan-European Network** of national training institutions for judges, prosecutors and lawyers in the 47 Member States;
2. an **e-learning platform** on human rights; and
3. a human rights training **methodology** for legal professionals.

i. Aim



The aim of HELP is therefore to support national training institutions in their training of all categories of legal professionals, be it lawyers, judges or prosecutors. The word 'support' is well chosen. Indeed, the aim is **to support and not replace** the efforts of the national training institutions to implement the ECHR. HELP originated in 2012 as a Programme aimed at judges in some 12 pilot member states of the Council of Europe. The Programme was originally funded by the Human Rights Trust Fund (HRTF), until December 2015. In 2013, it was extended to prosecutors and lawyers, as well as to the 47 Member states of the Council of Europe.

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ii. Development

Considering the needs in training in all Council of Europe member states on various subjects linked to the ECHR, the Programme quickly expanded to include other categories of legal professionals and other topics. Currently available topics include:

- ▶ Admissibility criteria
- ▶ Admissibility of evidence
- ▶ Anti-Discrimination issues
- ▶ Asylum and the ECHR
- ▶ Business and Human Rights
- ▶ Chemical Precursors and International Co-operation to Combat Illicit Drugs Production and Traffic
- ▶ Child friendly justice
- ▶ Community Sanctions and Alternative Measures to Detention
- ▶ Counterfeiting of Medical Products and Crimes against Public Health
- ▶ Deliberate Ill Treatment in the Light of the ECHR
- ▶ Family Law and Children's Rights
- ▶ Freedom of expression
- ▶ Hate Crime and Hate Speech
- ▶ International Co-operation in Criminal Matters
- ▶ Introduction to the European Convention on Human Rights and the European Court of Human Rights
- ▶ Motivation of judgments
- ▶ Pre-trial Investigation in the Light of the ECHR
- ▶ Property Law
- ▶ Transitional Justice and Human Rights

To this date, HELP has helped train 2100 legal professionals, and is reaching out to other categories of professionals such as prison staff. Existing courses were launched for 30 groups of participants, resulting in the training of about 400 judges and 1650 lawyers on various Human Rights related topics. In 2014-2015, some 500 certificates were distributed to successful participants.

HELP is now part of the core work of the Council of Europe and is implemented in all capacity building activities within the Council of Europe.

Its growing importance has helped receive funds from different sources for different projects. To date, HELP has been partly funded by the ordinary budget of the Council of Europe, but also benefits from important resources from the European Union for the reinforcement of HELP in the 28 EU member states on four core topics, namely:

- ▶ Data protection

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- ▶ Labour rights
- ▶ The integrity of the person (bioethics)
- ▶ The fight against racism, xenophobia, homophobia/transphobia

In Russia, HELP benefits from the HRTF for the development of specific modules on assessment and admissibility of evidence in criminal proceedings. These issues frequently arise in day-to day activities of Russian judges, prosecutors, and investigators including “agents provocateurs” (police provocation), evidence obtained through illegal means, access to lawyer, absence of witnesses from the trial, various issues pertaining to pre-trial detention, etc.

As of April 2016, ‘HELP in the Balkans’ has been launched, a project financed by the HRTF to implement HELP in that region, using the existing HELP courses.

b. How does HELP work

HELP is a network of National Training Institutions and Bar Associations and is supported by various entities to conduct its activities.

i. Network

The [HELP Network](#), the **only pan-European peer-to-peer Human Rights Training Network**, is composed of representatives from National Training Institutions for Judges and Prosecutors (NTIs) and Bar Associations (BAs) of the 47 member states of the Council of Europe.

The HELP Network is entrusted with the implementation of paragraph 9.vi of the 2012 Brighton Declaration and this provides that HELP shall:

- ▶ promote the development and promotion of initial and continuous training of legal professionals on standards of the ECHR, as interpreted by the case law of the ECtHR;
- ▶ share best practices and provide advice on curricula, training materials and training methodologies for legal professionals, identifying priority themes for future training activities;
- ▶ provide advice on how to support member states in enhancing the capacity of judges, prosecutors and lawyers to apply the ECHR at national level, in their daily work, throughout adequate training on the ECHR and related themes;
- ▶ provide advice on how to enhance the capacity of lawyers to comply with the admissibility criteria in applications submitted to the ECtHR, increasing the quality of well-founded applications before the ECtHR;
- ▶ provide a widespread knowledge and use of the HELP training resources among legal professionals;
- ▶ promote an improved coordination among international and national institutions on human rights training initiatives for legal professionals.

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During the High-level Conference on the “Implementation of the European Convention on Human Rights, Our Shared Responsibility”, in March 2015, the State Parties agreed on an Action Plan, which stated one of the aims to “increase efforts at national level to raise awareness among members of parliament and 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 HELP programme of the Council of Europe, as well as to the training programmes of the Court and to its publications”.

The members of the Network meet once a year during the HELP annual conference in Strasbourg, to discuss training needs on the ECHR and develop a roadmap for future work. Based on these discussions and the roadmap, HELP courses are developed and HELP initiatives are launched.

Working methods

The HELP Network co-ordinates its activities with the HELP Secretariat.

Meetings are normally convened at the premises of the Council of Europe in Strasbourg once per year. Meetings of the Network are organised as follows:

Plenary Meeting: 94 members (150 including partners and observers), 1 two-day meeting per year. This HELP Network Annual Conference is the opportunity for:

- ▶ an exchange of best practices in the 47 member states in the field of human rights education for legal professionals; as well as on training methodology (including development of new tools to assess the impact and effects of training);
- ▶ an opportunity for a large-scale training needs assessment for legal professionals in the 47 member states;
- ▶ setting up the roadmap and priorities for the following year (identification of priority topics, multinational and multidisciplinary training initiatives, etc.).

HELP Partners

- ▶ European Union (Directorate-General for Justice and Consumers)
- ▶ Human Rights Trust Fund (HRTF)
- ▶ The European Judicial Training Network (EJTN)
- ▶ International associations of judges
- ▶ The Council of Bars and Law Societies of Europe (CCBE)
- ▶ European Bars Federation (FBE)
- ▶ The European Court of Human Rights
- ▶ National associations of judges and prosecutors
- ▶ Professional associations of lawyers,
- ▶ Legal aid networks and legal clinics specialised in human rights
- ▶ Mémoire Albert Cohen Foundation

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The HELP Secretariat keeps in contact with the Network through its Focal and Info Points. These liaise between the HELP Secretariat and the national training institutions. They act as a point of contact for judges and prosecutors (Focal Points) or lawyers (Info Points) regarding human rights training.

As such, Focal and Info Points hold regular meetings with their respective national training institution, to help evaluate judges and prosecutors' needs for human rights training. They deliver HELP presentations to introduce the programme to their peers, upload HELP-relevant information and training materials in their national language, and participate in the HELP annual conference.

The HELP Focal and Info points are in regular contact with the HELP secretariat and submit annual reports.



You can find the list of Focal and Info points by visiting [our website](#).

Consultative Board

The HELP Consultative Board is a body appointed by the HELP Network for providing advisory support on a regular basis to the HELP Secretariat.

It is composed of six members who are appointed from the representatives of the HELP Network, with at least one representative of training institutions of each category of legal professionals (judges, prosecutors, lawyers) participating in the HELP Programme sitting as a member of the Consultative Board.

The composition of the Consultative Board is decided at the HELP Network's annual Conference by secret ballot. The first six candidates who have the highest number of votes are elected.

The members of the Consultative Board may appoint Rapporteurs for specific themes. The Consultative Board reports on its activities at the HELP Network's annual Conference. It has a two-year mandate renewable once. The Board presents a report of its activities for the year at the HELP Network's annual Conference.



To find out more about the actual members of the HELP Consultative Board, please visit [our website](#).

The Consultative Board:

- ▶ evaluates standard curricula and training materials developed by the HELP Programme;
- ▶ proposes priority themes for future training activities to the HELP Network;

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- ▶ identifies an overall strategy for the co-ordination on human rights training among relevant international and national actors, including the development of regional initiatives;
- ▶ provides advice on training methodologies for legal professionals;
- ▶ co-operates with the HELP Editorial Staff (the HELP Editorial Staff is composed of experts on ECtHR case law, ECHR training, IT and web-communication expert. It is appointed by the HELP Secretariat and is responsible for planning and implementing a communication strategy for the HELP Programme and for publishing and revising news and training materials on the HELP websites);
- ▶ provides advice on other additional specific issues identified by the HELP Network and its Secretariat; and
- ▶ prepares an annual report for the HELP Network.

Editorial Board

The HELP Editorial Board is composed of experts on ECtHR case law, ECHR training, IT and web communications. It is appointed by the HELP Secretariat and is responsible for planning and implementing a communication strategy for the HELP Programme and for publishing and revising news and training materials on the HELP websites. It gives advice on the development of HELP activities and initiatives.

HELP Secretariat

The Secretariat is responsible for the harmonisation of methodology in all activities involving the use of HELP training methodology and resources. It is also in charge of organising the various Working Groups aimed at developing HELP courses. The HELP annual conference and HELP training of trainers are also organised by the Secretariat, which also oversees the evaluation and certification of trainers. All certificates are printed and distributed by the HELP Secretariat. Other key responsibilities of the HELP Secretariat include the qualitative update of HELP resources as well as coordination with other international organisations or HELP partners such as EJTN or CCBE and other international training providers, Council of Europe monitoring and standard-setting entities.

The HELP Secretariat also ensures the functioning of the HELP Network through regular contacts with Focal and Info points ([see above](#)) in the partner institutions, while supporting the development and launch of distance-learning courses, support with the e-learning platform, and regular updates of materials available on the HELP platform.

ii. The E-learning platform

In a world where technology is evolving rapidly and where people are always looking for fast and easy access to information, e-learning seems to provide an ideal solution to approach training. Of course, this cannot replace traditional face-to-face training in all situations but can be complementary to it. E-learning can in some cases work as stand-alone, but it can also be used as a tool for a blended-learning approach to training.

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TECHNOLOGY

- ▶ widens access to training;
- ▶ encourages learner participation;
- ▶ helps develop lifelong, autonomous learning;
- ▶ uses a range of resources through which to enhance student learning; and
- ▶ recognises where technology can enhance learning and teaching

E-learning - why?

The HELP methodology and its use of e-learning takes into account the **heavy time pressure** facing legal professionals in their daily work. Its added value is that curricula are drafted on a tailor-made basis, meeting learners' specific training needs and individual learning pace. In short, this allows flexibility.

The use of e-learning also constitutes a **cost-effective** way to reach **as many legal professionals as possible** across as many member states as possible.

HELP organises 'training of trainers' sessions, with the aim of increasing ownership by national training institutions. (See part 2, step 2, section b) The 'training of trainers' sessions organised by the HELP Secretariat are a good example of a blended-learning approach, using e-learning for preparatory work on methodology and content, followed by 2-3 days of face-to-face training, and evaluation and feedback using the e-learning platform. Training is thus optimised through the use of e-learning.

E-learning - how?

A wide range of **training resources on the ECHR**, developed and collected under the HELP Programme, is available on-line, translated into the national languages of the beneficiary countries. It is rapidly evolving in scope and quantity, a real challenge for legal professionals to follow the case law of the Strasbourg Court, which evolves expansively. The HELP Programme is also a platform where they will be able to keep abreast of Strasbourg case law developments through easy available updates.

There are **two main types of HELP training resources**:

- ▶ **Distance-learning courses** are available for selected groups of legal professionals participating in pilot courses moderated by certified national tutors (see list on the website). The list of available courses (including a description) is available in the **catalogue of courses**.
- ▶ **Self-learning resources** are available to any user who has an account on the [platform](#). They include training manuals on both ECHR Methodology and Key Concepts, as well as Handbooks, standard curricula, course outlines, presentations, case studies, and e-learning courses on the different Articles and themes of the ECHR.

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SUCCESS STORY

The HELP course on asylum was launched in the framework of a big event organised by the Spanish BA. In response to the 'refugee crisis', the Spanish BA held a seminar for 100 lawyers in Madrid. 800 additional lawyers followed the event online. While the tutor-run HELP course will only be offered to 25 Spanish lawyers, there is an intention to make the course materials available to any interested Spanish lawyer in the form of self-learning materials.

iii. The HELP methodology

HELP is the only genuine PAN-European network of national judicial training institutions and bar associations from all 47 member states. Members of the HELP Network work together to assess training needs and produce appropriate training materials.

HELP uses an "à la carte" tailored approach to adapt developed training courses to national training systems. Courses are first developed generally, in English (the "Model course") According to the assessment of training needs conducted both at national and European level during the HELP annual conference, the course is adapted to the needs of the national legal order, and to those of the target audience.

In order to make this adaptation possible, HELP trains national trainers through its "training of trainers" programme to create strong national ownership. This strengthens the fact that HELP is there to support and not replace efforts of national training institutions.

HELP's new quality of training modules merges the ECHR with the national law. Each national course is different and tailor made, included references to relevant case law and other national training resources.

HELP uses modern technologies such as interactive distance learning. This allows to reach a wider audience, train more legal professionals with the limited resources available.



SUCCESS STORY

The French BA in Paris is using a blended-learning version of the HELP Introduction course as part of its initial training programme for lawyers. Until now, about 2 000 lawyers have been trained on this course. It is planned that every semester about 200 additional lawyers will take the course.

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KEY POINT

To find out more: watch the HELP video, available on the HELP website: <http://helpcoe.org/>

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PART 2: A HELP COURSE: FROM DESIGN TO EVALUATION

Step 1: What you need to know

There are a number of things to consider when designing training, to ensure its effectiveness. The first step is to know whether the training is relevant. This is done by assessing the needs for training, which in turn helps define the learning objectives of the training (overall and specific).

a. Assessment of needs

The needs of the organisation as well as the needs of the 'learners' need to be taken into consideration. In this manual we refer to 'Overall Objectives' or 'OOs' (sometimes known as 'aims'); and 'Learning Objectives' or 'LOs', sometimes known as 'intended learning outcomes' or 'specific learning objectives'.

i. Identifying the training needs of the organisation and of its members

The establishment of overall objectives or goals is thus a vital first step in training design. It gives a sense of overall purpose to the planning stage.

Often, what the OO of training will involve will be derived from institutional determination (for example, new legislation, or an adverse judgment, or a recognised skills deficiency). Here, the organisation is able to identify general or specific training needs on the basis of future legal changes or external identification of shortcomings.

However, in identifying OOs, it may also be helpful trying to obtain some sense of the training needs of 'learners' themselves by asking members of the intended audience where they feel that training is needed.

While this is helpful (insofar as it reinforces the perception that training is intended to be relevant), this is not without risks. Trainers and learners may have different wants; these wants may or may not coincide with the needs of the organisation. In the past, while increasing attention was given to attempts to establish the training needs of learners, it was not always clear whether these were aligned with the actual needs of organisations. As organisations have started to focus on ensuring that organisational needs were more closely aligned with identified individuals' training needs, there has been greater understanding of the need to ensure that there is a 'fit' between the needs of organisations and of individual learners.



The first step is to work out what the training is designed to achieve. In determining Overall Objectives, there should also be as great a degree of alignment between what an organisation needs or wants, and what each potential trainee needs or wants, to help ensure that the training provided is going to be relevant and will be seen as relevant by the trainers and learners.

In other words, consideration of the training needs of *both* the intended audience and *also* of the organisation is valuable. 'Scanning' the environment' in which the particular organisation finds itself will throw up a host of potential training needs, and this may be done more readily by those charged with delivery of training. This suggests that an organisation should begin to develop methods for identifying such needs, and for communicating such needs to those responsible for training.

Identifying organisational needs – first level training needs assessment

The most obvious manner in which training needs can be identified is for trainers to take the leading role in assessing organisational and (likely) learner needs. This involves two elements:

- ▶ Identify issues that are confronting the organisation’s ability to discharge its functions more effectively (in the present context, to apply human rights standards consistently)



- Have there been administrative changes necessitating training – e.g. a reorganisation of existing monitoring responsibilities for prisons?
- Is there a recent or pending legislative change that will require training?
- Has there been an adverse judgment from a superior domestic court or the Strasbourg Court indicating a shortfall in understanding of human rights jurisprudence?
- Does the organisation have a systemic problem in its procedures – e.g., a problem in rendering judgments in a ‘reasonable time’?

- ▶ In this process, identify the key stakeholders you will need to consult with or involve in your planning. Involving and consulting with all members of the organisation who will deliver the courses and programmes you are proposing or changing is vital to help them gain ownership of the training.



The HELP Secretariat carries out a large-scale training needs assessment on a yearly basis in the context of the HELP Network annual conference, which takes place in Strasbourg in June. This provides the opportunity to identify priority issues through an online questionnaire, on the HELP platform, to all national training institutions for judges and prosecutors and bar associations of the 47 Member States of the Council of Europe.

The HELP Secretariat also suggests new topics on the basis of the evolving case law of the ECtHR and the recommendations made by the Department in charge of the Execution of Judgments of the ECtHR.

Knowing the target audience – second level assessment of training needs

The second-level training needs assessment takes place at the initial planning meeting for a HELP course run by a national training institution or bar association. This provides the opportunity to identify the training needs of the specific group of learners. This is the task of the national trainer in charge of adapting the HELP curriculum to the national legal system.

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Identify who your prospective learners are likely to be and what profiles they are likely to have. This will also help those responsible for training to identify specific training needs.



- What sort of professional or organisational backgrounds will they come from?
- What qualifications are they likely to have?
- What sort of experience or length of service will they have?
- What prior knowledge/skills would they need in order to participate in and benefit from the training?

As described in the introduction, it may be important to identify some specific needs for specific target audiences, i.e. judges, prosecutors, lawyers, government officials and professionals working for national human rights institutes, the offices of ombudsperson or non-governmental human rights organisations.

ii. Identifying training needs through performance appraisal

The aim of writing OOs is to ensure that what an organisation both needs and wants is reflected in the identification of training needs by individuals. Training is seen as relevant: and it is more likely to be effective because of this.

The most straightforward way of doing this is to involve some of the potential target audience at the earliest stage of training. Engage those who are liable to undertake training in some way whether through gathering feedback from previous learners in training about existing provision, whether consulting potential learners about proposals, or involving them in more collaborative ways in designing their own programmes and courses. This approach addresses the manner in which an organisation can help achieve an awareness of the importance of helping learners identify training needs that also correspond with its own organisational objectives. Here, training is a means for improving the delivery of service – whether as judges, prosecutors, or lawyers. It should be seen as complementary (that is, in addition) to ‘scanning’ for training needs.

This is also the reason why the HELP Secretariat involves representatives from categories of various legal professionals’ categories in the working groups in charge of developing the HELP model curricula.

Performance may also be appraised in light of published criteria (such as a statement of expected competencies) allowing both parties to help identify further areas in which support may be necessary – including support by means of training. All of this facilitates alignment between organisational and individual needs: the statement of expected competencies allows for continuing reflection through self- and peer- monitoring of performance.

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This process of measuring current knowledge, skills and attitudes against competence statements is usually termed 'appraisal' or 'performance and development review' ('P&DR'). It aims to maximise performance, to enable job satisfaction, and to provide relevant learning and development opportunities and the potential for career progression. This should in turn lead to increased capability across the organisation through personal development planning linked to and supporting the organisation's strategic goals. This ensures much more 'buy in' to training by the organisation's leadership: judicial training institutes are thus seen as units integral to the delivery of effective and efficient justice rather than as useful but dispensable 'add-ons'.



'Competences' focus on factors that contribute to individuals' and organisations' success. They provide a set of statements that can be used to show achievements and identify learning by helping the organisation and individuals identify areas to prioritise their learning and development needs. They are also useful for individuals in career development – by providing clear expectations of what skills, knowledge and behaviours are needed at each level and by showing individuals how they can develop their career by building on their current skills. Individuals thus know what is expected in their role, and have a tool for discussing how to improve in their current job, or how to improve their chances of moving to other jobs. Those responsible for managing individuals have clear, fair and unbiased statements to use when discussing performance, which also help in setting job objectives for their staff, have a common language to use when giving employees feedback on their performance; and can identify individual learning or development needs, as well as resources, meaning they can better structure employees' development and training.¹⁰

HELP bases its performance appraisal on several factors, including evaluation by the HELP certified trainer of the learner's performance and participation. When training courses are developed, they include an initial and a final assessment, to allow for evaluation of increase in the learner's knowledge and skills.

If national training institutions wish to introduce such arrangements, there are three steps:

1. The first task is to set up a scheme that allows individuals to understand expected performance levels in the light of organisational needs. Establish a sense of organisational 'mission' through the compilation and publication of a statement of expected performance (or 'competencies'). Several examples exist.
2. Second, it will be necessary to introduce means for allowing measurement of actual individual performance level against expected performance statements. This may be by self-reflection, or devices for measuring performance and identifying shortcomings through

10. Adapted from *Core Competence Framework*, Guidance Booklet (Ministry of Justice) <https://www.justice.gov.uk/downloads/jobs/competency-framework/core-competence-guidance-booklet.pdf> accessed 25 May 2016

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regular appraisal / 'performance and development review'. This is normally designed to achieve different goals by allowing office-holders to:

- ▶ Reflect on performance and development and recognise success during the past year
 - ▶ Identify and agree individual objectives/performance standards aligned with the organisation's stated plan - this may include identification of the challenges that may have to be overcome in order to achieve these objectives
 - ▶ Identify areas where learning and/or development may be requested/required and planned in the forthcoming year;
 - ▶ Review current job role and responsibilities as appropriate in the context of the organisation's strategic goals and objectives
3. The final step is to build upon this identification of training needs by individuals into a system that allows the organisation to identify on a rolling basis its training needs. These may involve either individualised or collective training needs: for example, judges may identify an issue with accessing case law of the Strasbourg Court that will suggest the need for skills-based training for all judges; alternatively, a judge specialising in family law may express a need for training in understanding European standards in relation to the involvement in young people in matrimonial disputes and techniques to facilitate this.

Thus a key outcome of the annual P&DR process will be a development plan aligned with the goals and objectives of the individual and the organisation. It will take into account existing knowledge and skills, the role and future development needs. The plan may include areas of development; and how they will be achieved (e.g. support; workshops; on-the-job training; coaching; mentoring).

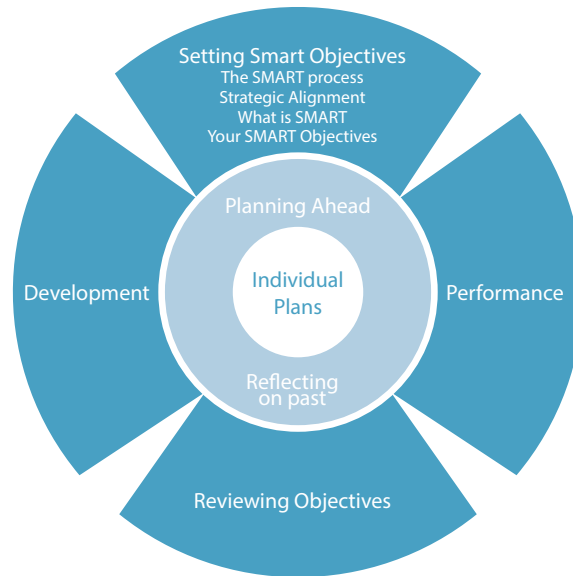


FOR JUDGES

Competence: understand the legal framework, jurisdictions and procedures of their tribunal.

Matching performance indicator: can accurately describe and explain (in outline) the legal framework, jurisdiction and procedures of the Tribunal; and can describe the collective and respective roles of the members and staff within their Tribunal's culture.

This can be presented thus:



INDIVIDUAL-CENTRED TRAINING

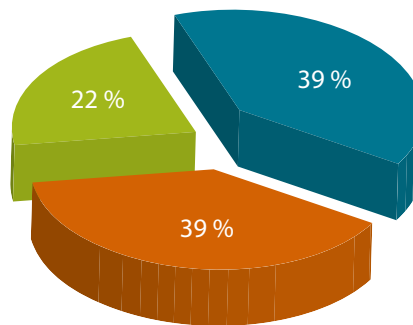
Training starts with a simple step: identification of the Overall Objective that will be achieved through the training. Determining learning objectives is a matter of 'scanning' – assessing the needs of the organisation and of those that discharge its responsibilities, and thereafter prioritising these needs.



Within the HELP Network, training institutions have given the following information on their methodology of assessment of needs:

Which of the following aspects are covered by the learning objectives developed by your institution?

(more than one answer possible)



■ Knowledge
■ Skills
■ Values

(Source: report of the HELP annual Conference 2015)

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b. Defining the Overall Objectives

The first question is an obvious one: *why* is the training thought necessary? This question can be put another way: *what* do you intend the training to do in general terms? Identifying needs allows general training objectives to be identified; in turn, this permits the determination of more specific learning objectives.

The overall objective (OO) is the broad intention of a course/programme. These are usually stated in terms of the opportunities that the course/programme will offer learners. Determining what the overall objective of the training will be is the first stage in clarifying to trainers and the intended audience what the overall purpose of the training is to involve.



EXAMPLE A

The overall objective of this programme is to provide learners with the opportunity to develop confidence and skills to research the case law of the European Court of Human Rights.



EXAMPLE B

The overall objective of this course is to ensure judges understand the requirements of the European Convention of Human Rights in respect of the protection at the pre-trial stage of an individual suspected of having committed a criminal offence at the pre-trial stage.

Once the overall objective for the training has been defined, the design phase can start, and within the design phase, learning objectives (or 'intended learning outcomes') can be defined (see below, step 2aiii p.54).

Step 2: What you need to do – the HELP approach

a. Development of the course

A HELP model course is a model training curriculum developed by a group of international consultants. Once the development process is completed, the adaptation phase begins before the actual course – either as a blended or a distance course - is launched.

Given that the course may be implemented in any of the Council of Europe member states and for any category of legal professionals, the adaptation to various national legal orders as well as to the needs of different target groups must be taken into consideration during the content developing process.

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This section of the Guidebook is aimed at providing guidance on how to develop a model course, from start to finish. It deals with the selection of the national tutor and the translation into national languages, the preparation for the launch of the course and the organisation of the launching itself. After implementation, the evaluation, certification and revision phases are needed, this is to allow the training materials to be moved to the self-learning part of the HELP Moodle platform and become accessible by any user, out with a structured course.

A suggested timescale is as follows:

ACTIVITY		PERIOD
Training Needs Assessment (TNA) – identification of priority topics by the Network (on the basis of the recent case law of Strasbourg (and Luxembourg) Court(s) in HR) and national institutions' TNA.		
Selection of consultants and Council of Europe/partners experts		
Curriculum Development (drafting specific learning objectives, detailed outline of the course, case studies, practical assignments, assessment tools, list of additional materials and references)	I WG meeting	Month 1-2
	II WG meeting	Month 3-4
	III WG meeting	Month 5
Development of interactive product	Storyboard meeting ¹⁰	Month 6
Translation into national language		Month 7-8
Adaptation to national legal order (<i>ToT – pool of certified trainers to be used at national and international level</i>)		Month 8-9
Implementation of the course and validation at national level	Selection of learners	Month 9
	Face-to-face kick off meeting as the launching event	Month 10
	Implementation	Month 10-14
	Certification/Evaluation	Month 15

11. The storyboard is the template for the course to be built in the interactive software. A storyboard appears in PowerPoint format, with all necessary content and structure and will represent an accurate guide to how the final product will look.

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i. Selection of the topic based on the assessment of needs

■ The HELP roadmap

During the HELP annual conference, the Network discusses the needs of their institutions and their legal professionals in respect to human rights. Questionnaires are developed in advance in order to gather information from members of the network, and this information is used as a basis for discussion during the conference. For more information, please see the [analysis of methodologies used for assessment of needs by the members of the Network](#)¹².

Also, members of the Network have the possibility to indicate their priorities and what courses they would like to launch, and whether this should be done at the national level or as multinational initiatives.

Based on this information, the HELP Secretariat draws a road map for the year to come, up to the next annual conference, indicating priorities for the launch of existing courses or development of existing courses.

Members of the Network also discuss methodology of training for legal professionals when it comes to human rights training, and address challenges they are faced with, be they institutional, technical or attitudinal.

The assessment of needs is also based on the assessment made by the institutions members of the Network at the national level. (see section above) Please see the [2014 HELP annual report](#)¹³ for information on best practices.

■ Coordination with other international organisations involved in the same field

HELP is in regular contact with the members of the Network, but also with other international organisations, HELP partners, and other entities within the Council of Europe. When defining training needs and before deciding on the need to design training on a topic, an assessment is made to make sure efforts are coordinated between all parties involved, so as not to duplicate/replicate already existing training or materials. The training developed needs to have an added value in order to be effective and relevant for the 'learner'.

ii. HELP Working Groups (WG)

■ Selection of consultants

Consultants are appointed as members of the WG in charge of the development of the model course in English. The WG is composed of at least 4 external consultants, one of which is asked to take on the role of coordinator. The number may vary depending on the topic as well as the establishment of cooperation between the HELP Secretariat and another Council of Europe entity

12. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806544fe>

13. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016805c460d>

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and/or other international organisations. Still, it is important to note that a representative of **each category of legal professionals** is preferable. Ideally, the WG could be composed of one judge, one prosecutor, one lawyer, and a representative of civil society or academic.

It is important to note that each WG has his own specificities, which have to be taken into consideration by the Project Manager, who has to adjust it according to those specificities by applying the HELP methodology.

As previously mentioned, before the content development phase starts, consultants are appointed by the HELP Secretariat. Depending on the procurement procedure that applies, consultants are selected through an international public call for tenders, a restricted-consultation or a direct-negotiation procedure.

Council of Europe's procurement procedures are consolidated in one legally binding document, [Rule n. 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#) (hereinafter "the Rule"). According to Article 2 of the Rule, the selection shall be based on the principles of **objectivity, transparency, non-exclusivity, equal treatment and non-discrimination**.

Contracts for the supply of goods, services or works to the Organisation, framework agreements and partnership agreements shall be subject to one of the following procedures (Article 4 of the [Rule](#)):

The launch of an international public call for tenders or a restricted-consultation procedure aims at reaching a vast number of potential bidders. It allows the buyer administrative entity to select the best candidates among a reasonable number of applications. For this reason, the notices should be published on the Council of Europe website (e.g. the [section dedicated to calls for tender](#)) and websites providing services to help job seekers find listings of jobs in the EU institutions (e.g. EuroBrussels). Furthermore, the tender should be disseminated through the HELP Network as well as among the contacts of the HELP Partners, such as the European Judicial Training Network (EJTN).

Irrespective of the procurement procedure applying, consultants' tasks must be formulated as **deliverables** and have to be included in the tender notice (in the case of the call for tender) or in the contract (in the case of the restricted-consultation and direct-negotiation procedures).

The role of consultants

Each consultant is expected to participate in the drafting of the **model course** in English by the set deadlines in so far as tasks are shared among the members of the WG. In addition to the course content, each consultant is expected to submit a list of selected additional resources, a list of questions (e.g. true or false, multiple choice, etc.), the learning objectives for each module, and links to external websites and multimedia tools which are consistent with the topic. Finally, some topic for discussion may be suggested and used afterwards by the national tutor in the implementation phase.

The member of the WG who is tasked to function as the **WG coordinator**, in addition to the above-mentioned services, is in charge of the supervision of the content development phase. In

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other words (s)he receives the contribution from the other members, reads and comments them in order to make them coherent from the point of view of the content as well as the style and format. Furthermore, (s)he cooperates with the e-learning designer at the end of the content development phase to facilitate the build of the Articulate version of the course. The HELP Secretariat has to be kept regularly updated on the development of the design process.

Furthermore, each consultant is expected to build and maintain a close working relationship with the other members of the WG in order to communicate each other and exchange training materials.

WG meetings

Consultants are asked to participate in at least **three WG meetings** taking place within at least two months of each other. While the number of the meetings can be adjusted afterwards in case an extra meeting is found necessary, the gap between meetings is planned in advance according to the volume of the course. Although WG meetings are key in the content development phase, consultants are expected to accomplish their drafting obligation mainly in the periods between the meetings. On average a HELP model course is developed in 9 months.

Once consultants have been selected and bidders have been informed of the award, the first WG meeting can be scheduled. The timeframe of the following meetings as well as the deadlines for the submission of contributions is set during the meeting. Ideally, the timeframe is set in a way that all WG members attend all the meetings. In case it is not possible and the process may be delayed due to the unavailability of a consultant, a web conference may be organised instead.

In addition to the first WG meeting, the coordinator is also asked to participate together with the e-learning designer in the **storyboard meeting**, taking place once the content development phase is completed.

When the topic is related to the mandate of other Council of Europe entities, representatives from different departments may be invited to participate in the content development phase. Their involvement depends on the availability ranking from the participation in the WG meeting to the draft of one module or review of the training materials.

Before the first WG meeting

Furthermore, information should be provided to them on the tasks they should undertake, as well as on the HELP Programme. Although a general presentation of the HELP programme is delivered during the first meeting, good practice involves sending consultants the link to the [HELP website](http://www.coe.int/help)¹⁴ beforehand, and to encourage them to create an account on the e-learning platform. This will allow them to get familiar with the programme and its tools.

Consultants should be provided with detailed information about the course, its objectives and its expected results. To this end, some background materials may be collected and/or drafted and

14. <http://www.coe.int/help>

shared before the meeting. Particular attention should be paid in selecting materials, as the aim of the meeting remains to encourage brainstorming.

It is good practice to upload the documents to the e-learning platform, on a page dedicated to the WG. A step-by-step guide can be sent to consultants, in order for them to use the platform to upload and share documents and ideas. This page is also used to follow the progress on the development of the course. This page is only accessible to the WG members, the HELP Secretariat and all those who may be involved in the content development phase.

First WG meeting

The aim of the first WG meeting is to introduce consultants to each other and to introduce them to the HELP Programme and its training methodology. By the end of the meeting, consultants have to agree on the **first draft of the curriculum outline, the format of the course, share tasks among them, and set the timeframe**. The topics which are put on the agenda include:

- ▶ Introduction to HELP;
- ▶ *Tour de table*;
- ▶ Existing initiatives and training materials;
- ▶ Assessment of training needs;
- ▶ Learning objectives;
- ▶ Curriculum outline;
- ▶ Format;
- ▶ sharing of tasks.

An initial *tour de table* is usually put on the agenda aiming at sharing consultants' backgrounds and expectations. Those shall be taken into consideration when sharing tasks as each consultant should be in charge of the development of the module (s)he is more confident with to ensure a high quality result.

To avoid duplications of existing initiatives and training materials, consultants are provided with a **general overview** of what has already been developed on the topic in terms of training, either by the Council of Europe or other international organisations. Although it requires a background research from the HELP Secretariat, it may be of a great use given that existing materials may be integrated in the course, with the agreement of their owner.

Bearing in mind that legal professionals are the target audience and that a more detailed assessment is done by the NTI or BA before the launch of the course, **training needs** are assessed during the first WG meeting. Following the discussion, the WG decides whether the content of the model course is the same for any of those categories or some changes are needed according to the target audience.

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The overall objectives may be drafted during the first WG meeting. Learning objectives, listing knowledge, skills and values which the learners are supposed to gain by the end of the course, are reviewed during the final meeting. Learning objectives of each module can be listed during the meeting or separately by each consultant when drafting the module under his/her responsibility.

The **curriculum outline** is the most demanding exercise carried out during the meeting. A basic structure is drafted at first and it is recommended to use a screen which allows consultants to follow the discussion. Once consultants have agreed on the skeleton of the course, the discussion can get more detailed and, if so, a bulleted list can be included in the outline. Consultants have to bear in mind that changes can be done at any time before the submission of the final version, meaning that the outline can be modified would the group find it convenient for pedagogical purposes.

The discussion on the **format** of the course is of great importance as it defines consultants' attitude towards the content development phase. During the first WG meeting, consultants decide whether the course will be entirely interactive whether presented as a combination of *Articulate (e-learning software)* and text presentations (both Word and Power Point version). The decision is taken irrespective of the fact that the course will be launched as a blended or distance learning.

Deadlines for the submission of the drafts of each content contribution have to be set by the group. It is good practice to ask consultants to submit their contributions to the coordinator at least two weeks before the second WG meeting and three weeks before the third WG meeting.

The sharing of tasks also involves the **clear definition of roles**. It is essential to provide working group members with a clear understanding of the role of the project coordinator, who coordinates the work of the working group on an administrative level, while the consultant acting as a coordinator is responsible for coordinating the content of the materials. Each member needs to have a clear understanding of what is expected of him/her, while knowing what to expect from other people involved.

After the meeting, training materials are drafted by using the **templates** which are provided by the HELP Secretariat. Those circulate among the members of the WG promoting the exchange of feedback and comments. According to the schedule agreed by the WG, each consultant is expected to comment on all contributions through the track change tool and report to the coordinator. Furthermore, consultants are asked to modify the content of his/her contribution according to the other consultants' comments, in case (s)he assumes those are consistent with the content.

■ Second WG meeting

The second WG meeting aims at discussing the contribution of each consultant and editing them accordingly. Consultants are asked to deliver a **short presentation** about their respective contribution as the other members may not have had the opportunity to go through the materials.

The e-learning designer and the communication expert may be invited to participate in the meeting in order to deliver a presentation on the use of e-learning techniques and effective writing respectively. Those presentations, if delivered in the early stage of the development phase, have

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a clear added value as consultants get familiar with *Articulate* and drafting training materials with the purpose of making them interactive.

A discussion about the **interactive format** is usually held during the second WG meeting, when the course outline is defined. Interactivity is addressed through the suggestion of multimedia tools to be used in the course. Consultants explore the possibility of adding welcoming videos and/or replacing some presentation with video lectures. As experts in the field, consultants may be asked to support the HELP Secretariat in drafting the script of the video, which are usually shot at the Council of Europe premises. It is important to select the right level of interactivity according to the topic selected and the target audience.

If welcoming videos are added, a speech is delivered by the competent entity from the Council of Europe and from the partner international organisation when cooperation has been established for the purpose of the course development. The main purpose of the welcoming video is to motivate learners to attend the distance/blended course until its end. For this reason, the choice of the people delivering welcoming addresses is crucial and focused the speaker's prestige towards the target audience.

With regard to content, videos which may be shot to replace text content, consultants are even more involved as they may be asked to draft the script and to deliver the lecture, if they are willing to. In any case, the transcription of the video must be drafted as it will be used for the subtitles, which are translated in different national languages afterwards.

Third WG meeting and quality check

The third and final working group meeting aims at discussing and approving the **final version** of the training materials. Consultants make sure that all the changes suggested have been made, review the learning objective in order to check whether those are coherent with the course, and discuss about the format. On the basis of the discussion, consultants are expected to submit the final version of their contribution a couple of weeks after the meeting.

Once the final version is submitted to the HELP Secretariat, a **linguistic quality check** may be needed to ensure high quality training materials, especially in view of the translation into different national languages.

The course development and what is done during and between each working group can be illustrated as follows:

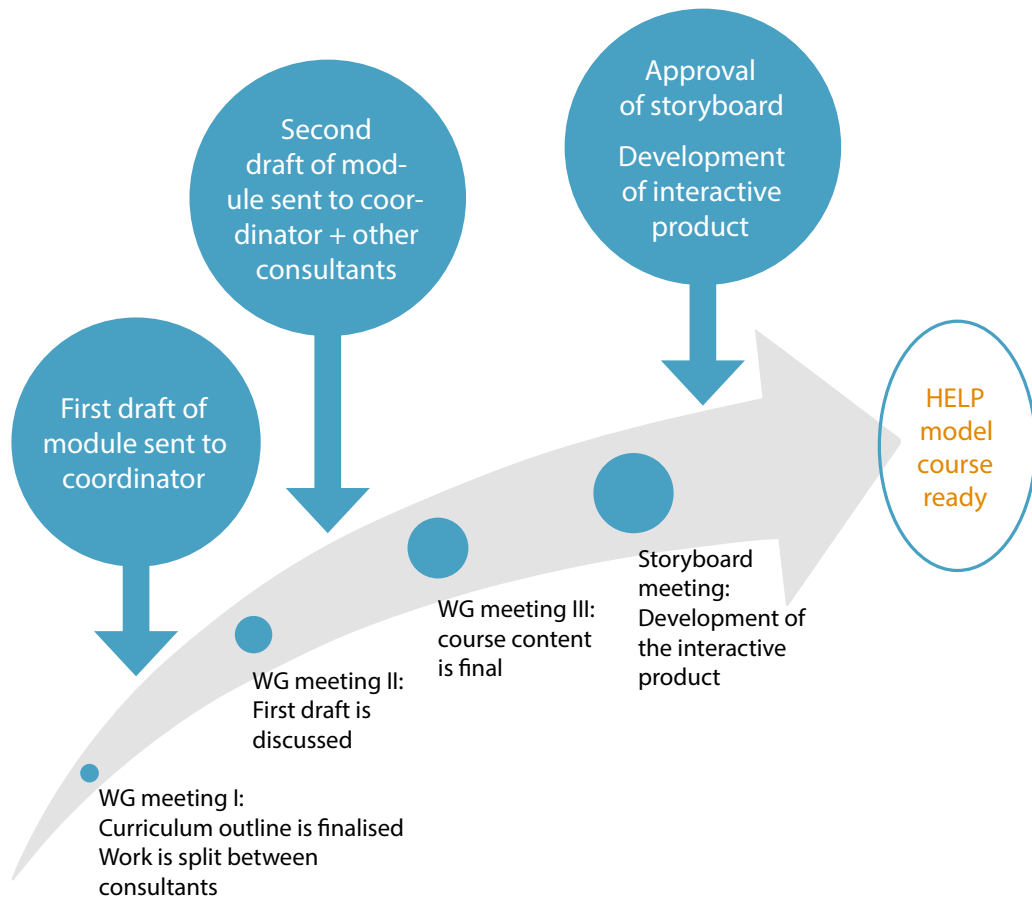
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iii. Defining learning objectives

The establishment of overall objectives allows specific learning objectives ('LOs') to be written for the training programme. In turn, this will permit the design of an assessment and feedback strategy which is in line with the OO of the course and specific LOs ([see section above on assessment of training needs and OO](#)), and also the identification of training methods and learning activities most appropriate to enabling learners to achieve the specified OO and LOs.

The determining and then writing of specific LOs is an essential prerequisite to successful training. In short, the establishment of LOs will help the trainer to work out how the different elements of training design integrate together in order to form a coherent training event or course which supports progression towards the achievement of the aims and LOs.

There are several reasons why formulating clear LOs is important at the planning stage.

- ▶ LOs describe what a learner should be able to demonstrate by the end of the course/programme. LOs clarify intentions - both for the trainer and for the learner. Everyone understands what the focus of the training involves, and thus possible misunderstandings are avoided.
- ▶ Formulating LOs helps ensure the training is relevant to the learner's needs, and deliverable within the time available. Without LOs, training may be simply unfocussed, or far too ambitious.
- ▶ Because LOs will be assessed, trainer and learner have the opportunity to appreciate the extent to which training has been successful. Further, learners acquire an 'I can do' attitude to training which reinforces the notion of *competencies-based* training within the organisation or public service.

LOs can mark a learner's increasing depth of knowledge and skills and commitment to applying human rights in practice. It is possible to differentiate between introductory training (on, e.g., criminal procedure and the requirements of the European Convention on Human Rights) and more advanced training (on e.g. access to a legal representative and the right to bail). LOs should always be achievable, but require increased levels of knowledge and skills as the learners' level of awareness and experience of training increases.

Specifying LOs helps trainers with the choice of training technique.

All of this suggests the need for precision in language. Clarity of expression will help ensure clarity of thought at subsequent stages. Yet this is not too difficult a task. There are two helpful tips: first, that LOs should be 'SMART'; and second, that they should be written in language that suggests measurability.

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First, to write LOs, *precise* language should be used. It is now universally expressed (in the English language, at least!) that LOs should be **SMART**: i.e.,

Specific - Any objectives must be concrete, clear and unambiguous. It should target something specific – for example, clear understanding of a topic.

Measurable - The objective will include some indication of how learner progress may be measured.

Attainable - The objective should be appropriate for those undertaking it.

Relevant - The objective should be relevant to those undertaking the course.

Time-specific. The objective should specify the time parameters in which the task should be completed.

Second, it should be possible to measure the level of success in attaining each LO. This is much easier to do than it seems.

LOs are expressed using a stem (that gives a time limitation) followed by a statement that begins with an **active verb** (outlining what learners will be able to demonstrate) + **object** (what is to be learned) + a **qualifying phrase** (that provides the context and degree of mastery expected). For example (in relation to *knowledge*-based LOs at undergraduate level, *not* involving human rights):

Try to avoid using verbs such as *understand*, *appreciate*, *be familiar with*, and *know* in LOs as these verbs do not clearly indicate what level of understanding or knowledge a learner must demonstrate in an assessment.

It is also important to realise that there may be very different ways of expressing objectives. But all use a simple formula:

active verb (outlining what students will be able to demonstrate) + **object** (what is to be learned) + a **qualifying phrase**

Some verbs, for example, will be more challenging than others. 'Restate' suggests little more than memorisation and repetition; while 'explain' calls for a greater element of mental processing and comprehension.



Things to consider when writing LOs

What knowledge, skills and attitudes do your participants already have when they enroll on the course?

What knowledge, skills, attitudes and values do you want them to develop?

What will learners need to do to demonstrate that they have achieved the LOs?

It is fine to use the same active verb more than once in the LOs if it is expressing what you want learners to be able to achieve.

Aims and LOs will be used by both trainers and learners and should help to ensure clarity about the purposes and learning objectives of courses/programmes

Try to restrict your LOs: 2 or 3 for a day's seminar are more than enough.

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Look at some examples. They help explain the basics of writing LOs. Most LOs also presuppose existing levels of knowledge (and skills) that are to form the basis of further learning. Some of the LOs suggest more challenging tasks for learners ('produce sustained arguments in both written and oral form') than others which may suggest breadth of knowledge rather than depth ('give a functional account of all of the major body systems in a variety of companion and farmed animals').



EXAMPLES

By the end of this chapter you will understand:

- ▶ The relationship between Article 3 ECHR protection; the international protection under the 1951 Convention and under EU law, and the difference between them.
- ▶ The circumstances under which asylum-seekers are entitled to protection under Article 3 ECHR.
- ▶ The obligation on administrative and judicial authorities to ensure a close and rigorous scrutiny of the claims under Article 3 ECHR.

By the end of this course participants will be able to demonstrate knowledge of:

- ▶ The concepts, difference and links between hate crime and hate speech and their historical context
- ▶ The impact of hate crimes and hate speech
- ▶ The responses to hate crimes and hate speech

By the end of this course learners will be able to:

- ▶ Apply the principles of admissibility to a national case
- ▶ Use them correctly in order to successfully lodge an application before the ECtHR.

In relation to a day-long training seminar/distance-learning module introducing a topic for the first time to 'learners', the LOs would most likely be written in another style (but note the 4th LO which calls for the processing of new information by its application to a case study):

By the end of this seminar/module, you will be able to:

- ▶ explain the reasons for, and scope of, the obligation to protect life and to prevent ill-treatment
- ▶ outline the content of the 'procedural aspect' of Articles 2 and 3
- ▶ identify shortcomings on the part of criminal justice agencies (courts, prosecutors, police and forensic medicine officials) in a case study based upon the jurisprudence of the European Court of human Rights

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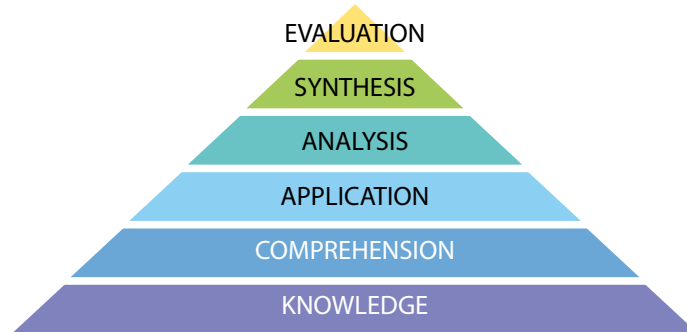
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The idea of differing levels of sophistication in knowledge and understanding can be illustrated using Bloom's Taxonomy

Note that attainment of LOs at 'higher' levels is dependent on prior attainment of 'lower' objectives. Thus in respect of knowledge, a clear pyramid of differing LOs is obvious:



(Bloom et al, 1956)

It is possible to develop a table of 'active verbs' distinguishing between 'lower' (or more basic) and 'higher' (or more advanced) LOs. Thus in respect of knowledge acquisition, the following table is helpful:

KNOWLEDGE	COMPREHENSION	APPLICATION	ANALYSIS	SYNTHESIS	EVALUATION
define repeat record list recall name relate underline	translate restate discuss describe recognise explain express identify locate report review tell	interpret apply employ use demonstrate dramatise practice illustrate operate schedule sketch	distinguish analyse differentiate appraise calculate experiment test compare contrast criticise diagram inspect debate question relate solve examine categorise	compose plan propose design formulate arrange assemble collect construct create set up organise manage prepare	appraise judge evaluate rate compare revise assess estimate

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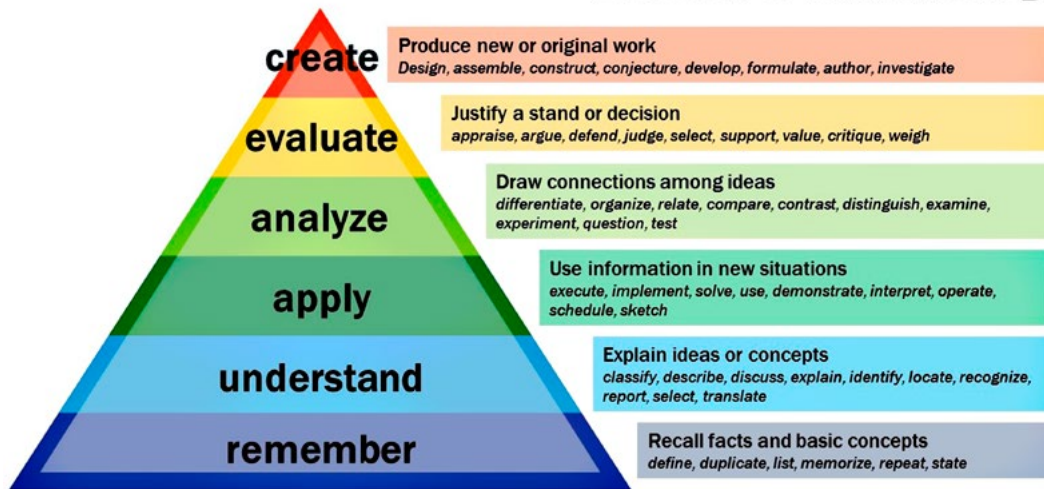
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Bloom's taxonomy is now widely used¹⁵. Another interpretation is illustrated as follows:

Bloom's Taxonomy



What should LOs cover?

In human rights training, most LOs will inevitably seek to address knowledge and understanding. However, statements of professional competencies (particularly in relation to judges) now increasingly reflect the importance of skills (for example, legal research, problem-solving, and writing judgments that reflect ECHR expectations).

In short, a training event provides learners with knowledge and skills. That is, trainers seek to impart a body of knowledge and concrete steps for how to use that knowledge. So, for instance, while an academic course on the ECHR will educate students about the substance of the ECHR, a training on the ECHR will include the substance AND training on how to develop strategic litigation (or how to counsel individuals on their rights under the ECHR or how to train and supervise law students handling cases under the ECHR).

” The foundation for this awareness is the work of the American, Benjamin Bloom (1956). With the aim of helping trainers and educators in planning and delivery, he divided educational or training objectives into three specific areas: cognitive, affective, and psychomotor (i.e., knowing, feeling and doing).

15. Bloom's taxonomy, by Patricia Armstrong, Assistant Director, Center for Teaching <https://cft.vanderbilt.edu/guides-sub-pages/blooms-taxonomy/>

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This may be self-evident in human rights training: judges may require to be familiar with on-line databases (and in respect of cases with a human rights dimension, with HUDOC); they ought to be able to apply European standards in domestic cases; and they ought to be able to write a judgment that indicates that the legal tests called for by the Convention have been applied in the particular instance.

However, there is another factor also worth including in LOs. In order to develop knowledge of existing human rights standards an explanation of the underlying rationale of the particular human rights standard is required. In order to develop skills a basic level of knowledge is required. And in order to apply those human rights standards to everyday situations in practice, certain skills are required. If any of these three aspects is lacking, the training will in all likelihood be less effective.

Much of human rights training seek not only to impart knowledge and skills, but also to bring about *attitudinal* change. For example, judges must not only know what principles should determine whether to release a suspect on bail, they should also be able to ask the correct questions in order to arrive at a proper conclusion. But on top of this, they should also *want* to take a human rights approach to their work. ‘Internalising’ the training involves attitudinal change.

All of this suggests that human rights training must involve more than ‘mere’ knowledge or even skills if it is to be successful. Application of human rights standards involves a belief in the normative value of human rights. This may appear somewhat challenging – but ‘educators’ (in this context, trainers working with legal professionals) have long recognised that training should also involve a transformative element.

Further guidance on meeting LOs involving ‘attitudinal change’ is given in the following chapters.

Thus, in addition to imparting knowledge and skills, human rights training has a further dimension. That is, while we seek to impart a body of knowledge and the skills to use that knowledge, we also promote a *particular use* of that knowledge or the practice of a skill in a *particular way*. For example, in an ECHR training, we seek to train lawyers who will promote human rights as opposed to defending those violating human rights. Or in the legal empowerment context, we seek to train paralegals to educate the public about their rights in a way that empowers them to enforce those rights as opposed to simply telling them that they have a legal problem and directing them to hire lawyers to solve it for them. In light of this, it can be said that human rights training for legal professionals have three components—knowledge, skills, and commitment to applying human rights, the ‘affective’ part of human rights.

In human rights education, the ‘affective’ (or ‘feeling’) can be usefully sub-divided into attitudinal change, and – most challenging of all – to change in personal beliefs or values. (For Bloom¹⁶, above, the personal commitment to ‘values’ develops from an acceptance of attitudes; in the human rights context, it is not inappropriate to see the distinction between attitudes and values as helpful insofar

16. <http://teaching.uncc.edu/sites/teaching.uncc.edu/files/media/files/file/GoalsAndObjectives/Bloom.pdf>

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as it directs the attention of trainers to the importance of tackling personal beliefs of a learner that may require to be addressed in order to secure alignment with the professed values of the public organisation.). That is also the reason why HELP courses integrate testimonies of victims of violations through video interviews for instance (see as an example the story of Mr Gebremedhin in the course on the ECHR and asylum).

We can now identify the range of issues that should be covered by appropriately-worded LOs:

KNOWLEDGE	SKILLS	ATTITUDES AND VALUES
 <p>of human rights instruments / relevant case law of the European Court of Human Rights and of domestic courts.</p>	 <p>in identifying a human rights issue, and researching relevant legal rules to apply the law to a given situation.</p>	 <p>to reinforce appropriate attitudes which stress the professional responsibility to respect and promote human rights. to commit oneself to values such as equality, respect for human dignity, pluralism, tolerance, etc.</p>

 The link between OOs and LOs

The writing of LOs follows on naturally from the identification of the OO of the training initiative. The OOs have been derived from an assessment of institutional and individual needs.

Now consider examples of LOs in the training of legal professionals. These example are by no means perfect examples of LO-writing, but these help explain (a) what the focus of the training is to be – knowledge, skills or attitudes or values; (b) what the likely initial level of expertise is before training begins; and (c) how much ‘higher order’ challenge is envisaged [the particular issues have been added in parenthesis and highlighted in bold].

A trainer should also assess, whether these LOs suggest that they have been crafted with a view to helping meet identified training needs of an organisation or its members:

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EXAMPLE 1

'TRAINING THE TRAINERS' – JUDICIAL TRAINING SEMINAR (2 DAYS) FOR JUDGES

The *OOs* of this session are to explore methods of human rights training for judges and to introduce learners to a range of issues connected with fair hearing guarantees in the ECHR (with specific reference to Article 6).

The *LOs* can be stated thus:

By the end of this session, learners will be able to:

- write appropriate learning objectives; **[knowledge]**
- identify learners' needs in terms of knowledge; skills; attitudes; and values **[analysis of needs]**
- outline the advantages and disadvantages of (a) lecture-style presentations; and (b) small group work **[comprehension]**
- draw up guidelines of good practice in establishing a suitable learning environment **[application]**
- develop an outline 'lesson plan' based upon fair hearing requirements under the ECHR **[application]**



EXAMPLE 2

SEMINAR SESSION (2 HOURS) FOR JOURNALISTS ON FREEDOM OF EXPRESSION AND THE MEDIA

The *OO* of this session is to introduce journalists and practising lawyers to the case law of the European Court of Human Rights in respect of Article 10.

The *learning objectives* can be stated thus:

By the end of this session, learners will be able to:

- restate the main principles of interpretation of Art 10, ECHR in respect to freedom of the media **[knowledge]**
- critically assess the approach adopted by the European Court of Human Rights to cases involving the responsibilities of the media in a democracy **[analysis; synthesis]**
- evaluate the extent to which the European Convention on Human Rights provides for a right of access to information. **[evaluation]**

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Communicating OOs and LOs

This aspect of training design and preparation is perhaps the most straightforward.

It has been suggested that those with the responsibility of devising and delivering training should ensure that the needs of the organisation and of the intended audience should have been considered with some care. This consideration may also have involved consultation with the intended target group of the training.

The determination of OOs and LOs may well thus have involved some initial contact with 'learners'. Because we are training adults who come to us with varying levels of knowledge, skills, and experience, it is important to take their background and interests into account when developing a training programme. One way to identify these is by a pre-training questionnaire or survey that states the proposed OOs and LOs for the event but also seeks to assess whether these will meet the learner's needs and interests.



Selecting and writing LOs are the most crucial aspects of the initial planning stage. OO are generalised statements of intent; LOs are concrete and measurable.

The difference between OOs and LOs

There are particular advantages in communicating the final version of OO and LOs to others involved in training as trainers, as well as to the intended audience:

- ▶ expectations are clearly understood on both 'sides' – trainers and learners together are aware of what the training is designed to achieve (and thus, by implication, what it is not to cover).
- ▶ clearly-stated LOs help clarify the level at which the training is pitched: basic or advanced?
- ▶ if the target audience is being given a choice as to whether or not to attend, 'learners' may opt out of the training proposed on the basis that it is not relevant, or too advanced, or too basic
- ▶ most crucially, 'learners' can themselves reflect at the end of the training as to whether they have met the LOs. If they have not, they can identify steps to take (e.g. further personal study of the material presented, identification of continuing training need in appraisal, etc.).



Deciding, writing, and communicating overall and intended learning objectives is the crucial first step in training design. Having a clear idea is not enough – trainers and 'learners' need a clear and unambiguous statement of what the training is designed to do.

Writing OOs and LOs

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Using the current and anticipated behaviours is key to drafting the learning objectives. Knowing the audience behaviour and what needs to change will lead on to questions of how that behaviour can then be changed.

iv. Developing training materials and practical exercises for e-learning

Module length

A common question relates to the length of training. In average, HELP considers that learners will dedicate **three hours to each module**, and two weeks are given as a timeframe for going through one module. This does not include additional readings but includes all compulsory materials and assignments.

The total average length of a HELP course then depends on the number of module the course entails, but generally it is advised to keep the course to a maximum of **three months**, due to time constraints faced by legal professionals, and to the fact that learners often experience lack of motivation if the course takes longer than that.

Relating to the production of e-learning, this can in turn be: how many pages of course material makes up one hour of e-Learning? When learning is produced by a company, content is usually charged by hour of learning or page length, so this question is relevant. However, academically speaking the solution to this could be complicated.

The simplest answer is that, there is no set definition for page count and can never be. There are a number of reasons for this.

- ▶ Individuals vary in the amount of time that they take to read a page
- ▶ Some pages contain more information or interaction than others
- ▶ Some pages contain videos or presentations that last longer
- ▶ Some people may need to re-read each page.

However, it is useful to be able to give a learner an indication of how long their learning will last, before they begin. In this case, there is an unofficial standard of around 50 slides per e-Learning hour. Using this for your courses will give you the best indication.

Condensing information

A SCORM¹⁷ based e-Learning course is brief and should contain only the information that you require to enter into the course. This presents a number of challenges to an instructional designer. Some of these challenges and information questions are addressed in the storyboard meeting, but a useful mantra for the instructional designer is:

Must Have – The module **MUST** contain this information. It is a core element of a LO or a course. The information should be verbatim, or should be paraphrased with as much accuracy as possible so the information is not lost. This is **VITAL** information.

17. SCORM is an internationally recognised standard for the development of e-learning that ensures compatibility with all learning management systems.

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Nice to Know - This information is nice to know. It is not critical to the success of a LO, but can provide further information or context if a user wants to know it. If you can't put the information into the body of the module, it may be useful to link to it, or to include the information as a printable resource within the course, that a learner may read should they wish to do so.

Not Entirely Relevant - As an subject matter expert, it is difficult to leave information out, but an instructional designer should concentrate on whether or not a piece of information contributes to a LO being met. If it doesn't contribute to the LO, then it doesn't need to be included in the course.

 Using questions in interactive learning

Defining the information is a key skill and developing a useful, effective and economic course takes time and practice at first. When developing your initial SCORM based courses, it may be useful to rely on an instructional designer at first.

For this reason, it is also recommended that a subject matter expert is not a course author. Being able to view information objectively is key. When time and study have been spent gaining knowledge, it may not always be easy to be objective. In this case, a subject matter expert should guide a course author rather than writing it themselves.

The HELP programme have access to Instructional Design resources and Course Builders who may be available to assist in initial endeavours.

Questions in a learning environment are normally used to test knowledge. However, with some parallel thinking, there are a number of different ways in which questions can be used, which you can adapt to your learning:

1. Testing knowledge. This form of learning can be used at the beginning of a module, to determine the level that a user enters the course at. The same style of learning can be used at the end of a course to ensure that users have reached the standard required of them.
2. Knowledge can also be tested throughout a course, to reinforce learning points and ensure that they have been understood.
3. Questions can be used to simulate real world situations. For example, in a scenario or case-study, a question can be used to simulate a decision that may need to be made in real life. In SCORM based learning, the consequences of that decision can also be shown. Remember, a course is a safe environment in which to make mistakes.
4. Create a hypothetical situation to place a user out of their comfort zone. Ask a user to think about something from the opposite perspective. Ask them to put themselves into someone else's shoes, perhaps a disturbing viewpoint.
5. Questions can be used to deliver information. Getting a question wrong can be a tool for learning. Deliberately wording questions ambiguously, so a user gets the wrong answer can be an important learning point.

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v. Developing the final assignment for the assessment of learning objectives

One way to evaluate whether knowledge has been acquired is through assessment. Knowledge can be assessed prior to the beginning of the course, and again at the end of the course, so as to compare the results and assess how much has been acquired by learners by going through the course.

Assessment performs two functions for learners – it provides support for learning, and also accreditation of learning. It also performs a third function for trainers – helping trainers evaluate the success of the training.

Planning in of assessment tasks for these purposes is a vital element in training design. It needs to come in at an early stage of the training design. After LOs have been established, think about how these can be measured in terms of outcomes. This will also allow trainers to begin to identify how these methods for assessing whether LOs have been met can be incorporated into the design of training.

Then, and only then, can attention turn to the choice of training methods.



Trainers need to structure the design of training to give themselves feedback on performance, as well as help learners recognise whether they have met the LOs

Designing assessment as part of training



This makes sense when thinking through an example.

First, assume that the LO relates to the application of the tests required to be considered by judges in cases where a suspect seeks release on bail pending trial. (The LO itself could be worded along the lines of 'By the end of the training, a judge will be able to draft a short written judgment explaining the reasons for the refusal to release a suspect from custody pending trial in a manner reflecting the requirements of Article 5, ECHR'.)

This LO involves some 'higher order' (i.e., more than recall of the factual situation) task associated with understanding of Strasbourg jurisprudence. Such understanding will be based upon knowledge of key cases involving release on bail in terms of Article 5(3).

Here, assessment design is likely to be relatively straightforward: it will involve problem-solving based upon application of key tests to a fictitious situation. This in turn begins to suggest a number of possible ways of delivering training *through selection of the method most likely to result in the meeting of this LO* (for example, a 15-minute short talk, followed by individual preparation of the case, then group discussion, followed by plenary report-back to highlight any difficulties in understanding that have become evident during the group discussions).

This approach views assessment as an integral stage in the learning process.

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What assessment does

Assessment can serve 3 purposes:

- ▶ Assessment for learning uses assessment tasks as a means of providing learners with **formative feedback** and engaging learners in activities which are in themselves learning activities.
- ▶ Assessment of learning uses assessment tasks to judge performance and leading to the **award of certification or some other credit** for the level of achievement a learner attains through a course.
- ▶ It also allows trainers to **evaluate the effectiveness of their training**



Trainers need to consider what assessment tasks will best enable trainees to achieve the LOs, and also the sequence in which such tasks will arise.

Designing and embedding assessment into training delivery

Assessment thus serves several distinct purposes. Because of this, assessment *design* can take many forms, as long as the key principle is acknowledged: that assessment processes should measure the outcomes of training as specified in terms of knowledge acquired, understanding developed, skills gained, and (if relevant) attitudinal change that has taken place. In the context of professional education, assessment enables learners to obtain feedback on learning and performance. Assessment in the context of legal professional training is likely to involve methods of providing feedback to a learner helping the individual assess the extent to which an LO has been achieved.

In the longer term, it is also a significant element in the 'learning cycle' (see below); plays a part in appraisal processes, and helps organisations ensure that the service provided to the public meets their expectations in terms of professionalism.

The following key criteria¹⁸ may assist in designing an effective assessment strategy for professional training:

- ▶ Integrate assessment across the course rather than see assessment as an add-on to be undertaken at the end
- ▶ Design assessment tasks which promote learning
- ▶ Assess understanding and higher order learning (such as analysis, synthesis and evaluation) rather than just recall
- ▶ Use a variety of assessment methods in order to minimise the disadvantages of each, and in order to provide individual learners (who will have different strengths and learning approaches) with a range of opportunities to demonstrate their achievement
- ▶ Build in progressive complexity and demands across the course

18. Adapted from Centre for the Study of Higher Education 'Core Principles of Effective Assessment', www.cshe.unimelb.edu.au/assessinglearning Australian Universities Teaching Committee and Assessment Reform Group (2002) Assessment for Learning – 10 Principles, Nuffield Foundation, <http://arrts.gtcsi.org.uk/gtcsi/bitstream/2428/4623/1/Assessment%20for%20Learning%20-%202010%20principles.pdf>

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- ▶ Begin with 'low-stake' small-scale tasks that provide timely and pertinent feedback
- ▶ Motivate by emphasising progress and attainment rather than failure
- ▶ Build in opportunities for self and peer assessment
- ▶ Include frequent opportunities for feedback. Make sure that feedback is sensitive and constructive and indicates what was good and why, what was wrong/inappropriate and why, and how the work could be improved.

■ Designing assessment tasks from LOs

Aligning assessment tasks with LOs is then the third step in the training model.

In relation to assessment of LOs, this outcomes-based approach helps learners to:

- ▶ determine what they are meant to be achieving;
- ▶ monitor their own progress towards their goals;
- ▶ take greater control over their own learning; and
- ▶ become more self-directing as learners.

An example of this alignment of LOs with assessment and teaching/learning activities is given below:

LO	ASSESSMENT TASKS	TEACHING/ LEARNING TASKS
By the end of this course you should be able to:		
evaluate practical solutions to problems in adult education practice	<p>Case study of an issue in practice which the learner has to propose solutions</p> <p>Portfolio in which learner gives a critical account of their own practice focusing on issues and proposed solutions</p>	<p>Discussion of practice case studies</p> <p>Supervised work placements</p>
make valid comparisons between different parts of Europe and across different historical periods on the basis of sound historical evidence	<p>A debate paper in which two learners take a position and have to argue their case to their seminar colleagues, take a vote, and submit their argument in writing, noting the outcome of the vote and anything extra they learned from the debate.</p>	<p>A series of lectures covering the topic/period</p> <p>A discussion seminar using primary sources and a general secondary text provide an overview</p> <p>Recommended readings</p>

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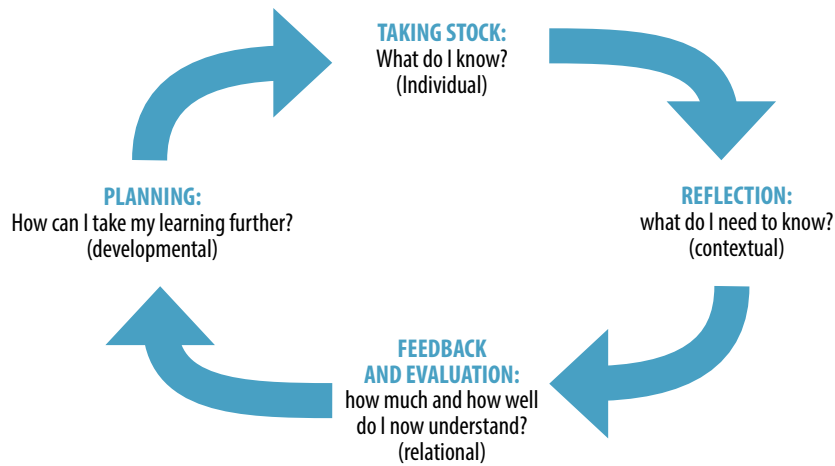
It is therefore essential that programme and course LOs are expressed clearly and in such a way that they can be assessed. It also means that assessment strategies and tasks have to clearly allow *all* students to demonstrate to the best of their abilities through their achievement of the LOs.

Reflection as a key essential in effective training – the ‘learning cycle’

Further reflection is needed on the helping learners to learn – the first function of assessment identified above.

” Assessment for learning uses assessment tasks as a means of providing learners with formative feedback and engaging learners in activities which are in themselves learning activities.¹⁹

As a simple means for illustrating the connection between reflection and improved learning. In professional training, trainers have a real opportunity to capitalise on this prior knowledge by helping learners reflect on the human rights implications for their work. The learning cycle stresses that reflection is now seen as a key aspect in learning – whether the ‘learner’ is a first-year law student, or a Supreme Court justice. In training for legal professionals, it is simply easier to make use of this than it is in an introductory class for school-leavers.



The learning cycle can be used to explain the incremental nature of the learning process. In professional and vocational education reflection can be used as a way of helping [trainees] to take responsibility for their own learning and to identify ways in which they can advance their practice and professional conduct. ... People reflect for different purposes and in different contexts, but the aim is the same: to understand better and make sense of what is felt and experienced.

19. Kolb D A (1984) *Experiential Learning: experience as the source of learning and development* (New Jersey: Prentice-Hall)

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Webb argues: *The learning process begins with an event which is experienced. To learn from that experience we require an opportunity for reflection on that experience, and the ability to abstract and internalise experiences and reflection in the form of a theory, which may then be tested in new situations.*²⁰

The 'experience' referred to can take many forms. ... [W]here reflection is used to support learning in an academic or vocational environment it most commonly follows a planned activity or series of learning experiences.

Arguably *all* students need to be able to question their own learning and evaluate the quality of their work. However as Boon argues, these skills are particularly pertinent to students of law:

*Students need not just to 'do' but to develop a perspective which enables them to ask why, given particular circumstances, lawyers should 'do' in a particular way. This must involve a scholarly enquiry into action, motivation and ethics, laying the foundation of an ability to reflect, not only on performance but on the underlying rationale for action.*²¹

EXTRACT: Hinett, K, *Developing Reflective Practice in Legal Education* (UK Centre for Legal Education, 2002)

■ Giving feedback to learners

The second function of assessment involves the more traditional task of the 'trainer' – giving some form of assessment back to the learner. It is inevitably associated in the mind of the learner with 'certification' or 'accreditation'. But in training, it need not be so (and there may be compelling reasons *not* to present training as involving some form of examination).

Giving effective feedback is an important task of a trainer. Giving feedback may be appropriate in a number of situations:

- ▶ *Knowledge*: after group reporting-back to plenary session with their conclusions on, e.g., a case study or problem or after arguments in a 'moot court' when the trainer must address how much did the learners understand and were they able to apply their knowledge?
- ▶ *Skills*: after an exercise designed to assess the application of new skills (for example, the use of interrogation techniques by police officers which respect human rights) – here, the trainer is essentially concerned to give feedback on the impact of training on performance.

In all of this, **the principal aim is to enable the learner to improve their performance.**

- ▶ The learner should first be given the chance to evaluate their own performance.
- ▶ The feedback should be specific, not general – try to use specific examples from the learner's performance.
- ▶ The feedback should relate to the performance, not the learner's personality – it should thus be given in neutral and objective terms.

20. Webb J (1995) 'Where the action is in legal education' *International Journal of the Legal Profession* 2 (2/3) 187-216

21. Boon A (1996) 'Skills in the initial stage of legal education: theory and practice for transformation' in J Webb and C Maughan *Teaching lawyers' skills* (London: Butterworths)

- ▶ The amount of feedback should be manageable – three or four points as a maximum
- ▶ There should be a balance between positive comment and constructive criticism.

Giving feedback should be a continuous process. There is ample opportunity for comment from trainers to be given at various stages of training (for example, after a report-back from a group; at the end of a moot exercise; or as part of audience interaction in plenary session). Wherever possible, try to relate the feedback to specific learning objectives.

vi. The development of the e-learning package

Whether an e-learning package is to be used as stand-alone or as part of a blended learning course, the following steps should be followed:

■ Storyboard meeting

Once the course design has been finalised and the content development phase is concluded, the 'storyboard' meeting is organised. The coordinator of the Working Group ('WG') of experts developing the content, and the instructional designer meet to draft a non-interactive script which is then used by the e-learning designer to build the 'Articulate' version of the course. 'Articulate' is the software used to build the interactive e-learning module.

The presence of the working group coordinator, as the supervisor of the development process and an expert in the field, is necessary for two reasons. First, to indicate the key learning points and the potential LOs and secondly, to identify the target audience and the training characteristics.

On the basis of discussions concerning the format with the other members of the WG, videos are integrated into the storyboard for inclusion into the final interactive product.

Following the meeting, a draft storyboard is submitted to the coordinator and the HELP Secretariat for final approval. On basis of this, the e-learning designer will submit the interactive (Articulate) version of the course to the HELP Secretariat.

As the storyboard meeting begins the learning design process, it is one of the most vital moments in designing interactive e-Learning. It is this stage when the designer begins to gather information about the audience and the subject that will help them to complete a learning intervention. The information at this meeting will inform some of the large questions that need to be answered as part of the process. In this section, we summarise some of these questions. However, you will find a template document in the resources section that lists the information you need to ascertain in the storyboard meeting.

As well as defining the content of a module, the storyboard meeting will influence other aspects, such as how the module will look, how long the module is and what elements of information may be used as part of the learning process.

Key issues for the 'storyboard meeting' are the following:

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PROJECT MANAGEMENT	
INFORMATION REQUIRED	PURPOSE
Project management issues	It is useful at the start of a module build to consider project management ramifications. Begin the storyboard meeting by ascertaining roles within the project team, prospective dates and availability of attendees and contact details.
PROGRAMME CHARACTERISTICS	
Length of course	Knowing how long a learning interaction should last will define the amount of pages of learning content that an Instructional Designer has available. Though it is an essential when working with an e-Learning Production company, who may work on a cost per page basis, when producing your own content there is a certain degree of flexibility. However, restricting yourself to a timeframe when you first begin producing your own content is a valuable learning experience.
PROGRAMME CHARACTERISTICS	
Purpose of the interaction	What is the learning interaction designed to accomplish? Is it an introduction to a longer course of study. Is it complete training on something in particular. Is it self study, or to be used within a classroom environment? Knowing the role that your learning will play is useful when defining the information that you include or leave out. If, for example, the course is part of a wider learning exercise, you can leave information out to be picked up elsewhere.
Will it support or replace current content?	If the course supports other existing content, you can signpost other sources of learning within the course without using up learning space that you may need more.
Should the course be completed in order?	If delivering a mandatory training piece, it is likely that you will require a learner to look at all pages, in which case you will need to complete it in order. However, some pieces of e-Learning may serve as reference guides- which should allow a user to look at information as and when they need it. In that case, forcing a course to be completed in order would be a frustration.
Is the course part of a mandatory programme?	A mandatory e-Learning course may require some proof of completion- or proof that a learning objective has been met. This may include a certificate of participation or a formalised test.

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Will the course require additional resources?	Sometimes an e-Learning course can be supported by additional printable resources. These may include reference guides or aide memoires. Understanding that these need to be produced initially is important.
Assessment of knowledge	How will knowledge be assessed as part of the course? Do you need to establish a base level of knowledge before users undertake the module? If so, do you need to develop a pre-course assessment that may guide a user towards information they need to review most. Is knowledge checking continual throughout the course- or will knowledge be tested at the end of the course?
Feedback	When testing knowledge, will feedback be provided immediately, or when the course has been completed?
Audio	Will the course include narration or audio? If yes, then the instructional designer will need to write audio scripts as well.
Interactivity	What percentage of the course should consist of interactive elements? The Subject Matter Expert should have some view on this if they know the audience that is being presented to. Knowing the amount of interactivity will aid the instructional designer when designing the course.
Mobile learning	Will the course be used for mobile learning? If so, certain elements of design may not lend themselves to mobile platforms.

AUDIENCE

Who is the learning aimed at?	It is essential you know who will, or may use the learning. Understanding them is key to some of the learning decisions that you will make. Ensure you establish your target audience and then you can consider demographics. The audience for which you are designing may also govern tone. For example, some individuals may be uncomfortable or hostile towards a conversational style of learning. Others may be less responsive of a formalised learning tone.
Experience of learning	Are the audience experienced in learning? When was the last time they undertook education or training? Establishing this is key to your learning approach. It may be easier to work with individuals that have more recent experience of learning. You may need to take an alternative approach for individuals less used to a classroom environment.
Attitude to learning	How do the intended audience respond to learning? Is it something that they are generally receptive to, or is it an inconvenience?
Availability for learning	How much time does the audience have to learn the information? Do they have dedicated time? Are they squeezing their learning into a busy day job? Do they have time to complete the learning or are they pressurised?

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Technical ability	What exposure has the intended audience had to technology previously? Have they used e-Learning before? Is it something that have used in education? How far can you push the technical abilities of the audience? This question may govern the types of interaction that you are able to consider.
Demographic considerations	Consider the age, gender and ethnic makeup of your audience. Failing to reflect the demographic group in imagery or in examples used may make groups less able to engage with a topic. To give an extreme example- in a course that is delivered to professionals, roughly divided 50/50 in gender, portraying all professionals in that course as male may have an adverse effect on females undertaking the course.
Topical sensitivity	Consider the subject matter that you are reviewing. Are there any issues that may cause topical sensitivity? For example, are you producing a course on Roma, which uses outdated or stereotypical depictions of the Roma people, which may be considered offensive?
LEARNING CONSIDERATIONS	
Existing knowledge	What level of knowledge can be assumed for the audience? Have they already had contact with the topic before and if so, do you need to recover old information?
Current behaviour	Having decided to produce a piece of learning, consider the current behaviours of the audience. In relation to the topic, what behaviour do they currently exhibit that the learning should address.
Anticipated behaviour	Following the training exercise, what behaviour will your learners be exhibiting How will you know that the learning exercise has been successful?

Translating content into a Storyboard

An e-Learning storyboard is a script that is written by an instructional designer. This script is then converted by a technical expert into a working SCORM or Flash based file. Each script contains all of the words, images and notes that are required for the builder to complete the course.

An e-Learning storyboard is a non-functional version of the course. It does not contain any working buttons. You are not able to submit answers. You cannot drag or drop any of the information contained on the screen. You can see how a screen is laid out. The exact text that will appear on the screen is written into the storyboard. You may have an example of graphic design or illustration for the builder to use. There will be a series of notes that describe what the information will look like or do once it has been converted. Because there is no movement or interaction, many screens may describe the action on just one slide. In the example below, we illustrate a storyboard for a simple four button interaction.

The image below shows the screen when it first appears to the user. At the top of the screen is a space for a screen reference. This is in three parts.

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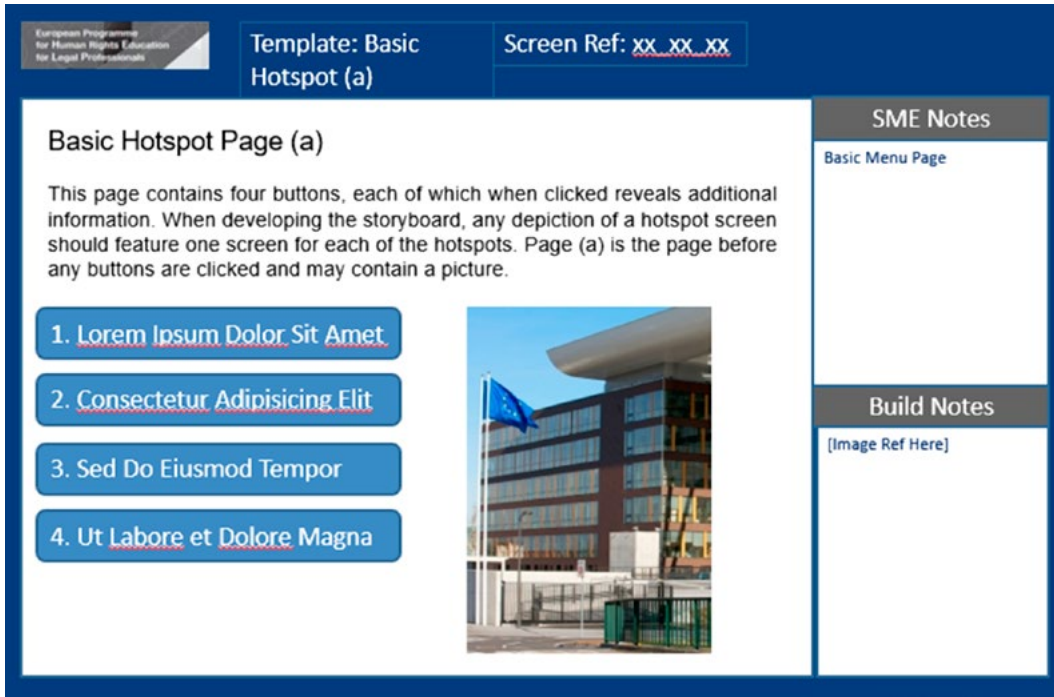
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Module number_chapter number_page number (01_01_04 would be Module 1, Chapter 1, page 4)

The main body of the page contains an approximation of what the finished module will look like. It contains all of the text that will appear on the page, as well as an image that the instructional designer wants the builder to include on the page.

On the right, there are notes written for the attention of the SME (Subject Matter Expert). This says how the page will operate. In this case it would say something along the lines of:

‘there are four buttons. When the user clicks the button a new window appears to the right of the button with some additional information.’



The next page of the storyboard illustrates to the user what the page will look like after the first button (1. Lorem Ipsum Dolor Sit Amet) looks like after it has been clicked. How does the page change, what appears on the page, what does the text say. Are there any subsequent images etc.

The screen reference changes - adding a fourth variable in this instance to reflect the second state of the page.

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Module number_chapter number_page number_page state (01_01_04_a would be Module 1, Chapter 1, page 4, page state a)

The screenshot shows a software interface for creating a hotspot page. At the top, it displays 'Template: Basic Hotspot (b)' and 'Screen Ref: xx_xx_xx'. The main content area is titled 'Basic Hotspot Page (b)' and contains a paragraph of text. Below the text are four buttons, each with a number and a line of Lorem Ipsum text. The first button is highlighted in pink, indicating it has been clicked. To the right of the buttons is a text box containing two paragraphs of Lorem Ipsum text, with red lines indicating redaction points. On the right side of the interface, there are two panels: 'SME Notes' with the text 'Basic Menu Page' and 'Build Notes' with the text '[Image Ref Here]'.

As illustrated above, the first button has been pressed and the colour of the button itself has changed from blue to pink. The image on the initial page has vanished and has been replaced by a white text-box with a blue border.

What should a storyboard illustrate

You will need to include 1 storyboard page for each changed state in a module. The storyboard should include:

1. Text that appears when a button has been clicked on
2. When drafting questions, you should picture a view of the page before the question has been answered. You should then include two additional pages that illustrate the feedback that appears when a question has been answered. You should illustrate correct and incorrect feedback.
3. What will an interactive element look like when it has been clicked on? Does the colour of a button change, for example, when it has been clicked on.


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4. If a new image has appeared, the new image should be illustrated. In the 'Build Notes' it is useful to include a reference to where the image has been found – a reference number and website in the case of stock-photography – or a website address if you have extracted the image from a website. Or, if the image is contained in an internal network, you should include the file path where the image can be found.
5. It may also be useful to include a list of alternative images or locations, if the required image cannot be found.

 Using Images

There is a temptation to use images to make a course look more interactive or exciting. When considering the use of images, you need to apply careful thought to them. Do they add to the course? Are they strictly necessary- or could they be distracting?

1. Images should illustrate a learning point, or provide context to a subject.
2. Images should not be over-used.
3. Images should not overpower text.
4. Care should be given to visual representations of groups- particularly minority groups and should not reinforce unhelpful stereotypes.

 Using Interactions

Similarly to the use of images, interaction should be used to reinforce learning points. Interaction should not be placed to make a course look more impressive, to 'wake up' learners. A common mistake in course development is to include an interaction because several pages have passed without something for a user to click on. Interactions should:

1. Show a process to a user
2. Illustrate or demonstrate a process
3. Demonstrate a learning point

They can also be used to spread information out on a page, to ensure that thematic consistency is maintained. If one slide is too small to contain information on one point, rather than continuing to a second slide, consider breaking the information down into headings, or buttons.



For examples of this practice, review the HELP programme course on '[Introduction to the ECHR](#)²²'.

22. <http://help.ppa.coe.int/course/view.php?id=866>

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Using video²³

The user of today has easy and controllable access to (interactive) video material. Web-based media has made it possible to stream video in order to share and view videos over the web.

Video is often combined with other teaching and learning activities. Web-based virtual learning environments such as Blackboard and Moodle have become mainstream, providing a relatively simple online framework in which to deliver their learning resources, including web-based presentations, multi-media resources. Video is no longer all about TV production: it is now an instructional (and more and more an interactive) medium that is yet easily available, easily shared and often supportive or fully integrated in the educational curricula. Young people are already used to video. The outcome is that they will become more and more visual and auditory learners. The development of video and the way to use it in education creates a big challenge for educators; and the same is true for trainers in legal and human rights education.

Why use video?²⁴

As the old cliché has it: ‘an image is worth a thousand words’. Let’s experience this by taking a look at the video clip of the HELP Programme (Council of Europe).



[Video clip: [Why is HELP important](#); tool: windows media player]

A video/animation combined with voice and sound adds a very important value to the viewer. It makes an emotional appeal to the mind and stimulates understanding and motivation in visualisation the theme. Compare this by only reading text about a subject and you will get an

23. Adapted from *Handbook on Digital Video and Audio in Education* (The VideoAktiv Project) https://moodle.technion.ac.il/pluginfile.php/344724/mod_resource/content/0/Ulpan/VideoAktiv_Handbook_fin.pdf accessed 24 May 2016

24. Adapted from *Handbook on Digital Video and Audio in Education* (The VideoAktiv Project) https://moodle.technion.ac.il/pluginfile.php/344724/mod_resource/content/0/Ulpan/VideoAktiv_Handbook_fin.pdf accessed 24 May 2016

idea of the added value of image and sound. The best example is the video 'The conscience of Europe' which will be shared later on with some more examples

You often hear that video meets the needs for flexible education, providing anytime and anywhere access. But that can also be addressed to a book. Besides that, the advantage of a book is that there are no technical conditions. So what makes video attractive? As Aumont²⁵ notes, images are a source of knowledge, persuasion and pleasure every bit as powerful as the written word.

Moss²⁶ remarks that video is different from other learning technologies, as it offers the advantage of using the sense of vision. A moving image can help the student to visualise a process or see how something works, moves or performs. Dale²⁷ believed the moving image could balance the 'over-verbalisation' he saw as endemic in education.

But it is not only the visible explicit meaning of the moving image itself that is important. Academic developers often refer to the motivational aspects of video and the emotional appeal. Images always carry (semi) hidden messages such as narrative, emotion, authority, authenticity and symbolism.

The power of video (including animation) in relation to other learning activities is:

- ▶ Video has a high degree of visualisation
- ▶ Moving images bring the course content 'alive'
- ▶ Moving images add authenticity and reality to the learning context
- ▶ Video strongly creates reflection, atmosphere and emotion
- ▶ Images combined with sound are better absorbed by the brain than written text
- ▶ Video has the ability to start, stop and rewind moving images (for analysing and reflecting)
- ▶ Video can be reviewed as desired, learners can repeat (fragments of) the video when and as many times as needed to achieve full understanding
- ▶ Can be supportive in explaining complex stories (animation)

Example of an animation, making a complex story easy to adapt:



[animation of the SSR, the Dutch Judicial Training Institute, explaining their strategic goals Approx. 3 minutes, cartoon and voice over – Language: English]

25. Aumont J (1997) *The Image* (London: British Film Institute)

26. Moss R (1983) *Video: The Educational Challenge* (London: Croom Helm Ltd)

27. Dale E (1962) *Audio-Visual Methods in Teaching* (New York: Holt, Rinehart and Winston)

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To illustrate the power of video and the use of images, just take a look at the graphic in the next section, page 104 (Dale). In the Cone of experience shows that a combination of image and sound, results in a higher learning objective than reading a text or a book. (*Dale's Cone of Experience (Dale, 1969)* this also appears in part 1).

In relation to the ECHR, you often hear that judicial professionals in the member states are not very open to the ECHR because they have enough difficulty understanding and using the national law in the first place. Video is a very good tool to overcome this barrier, because of the high emotional appeal. It can stimulate students and the learning context and bring the ECHR latterly alive. For example, take a look at the Conscience of Europe movie, produced and distributed by the Council of Europe itself: <http://youtu.be/IJdoe02cY0U>

” The Conscience of Europe is a film intended for the general public. It describes the European Court of Human Rights and its working practices and activities. The documentary lasts about 15 minutes and may thus be watched in the context of school curricula, for example as part of civics lessons, or by anyone who wishes to know more about the Court, which has monitored compliance with human-rights standards in Europe for the past 50 years. In particular, the film presents specific examples of cases examined by the Court and considers its future prospects and the challenges facing it.

Given the educational potential of video, it is not surprising that today many educational organisations arrange multimedia support services, or even build a production studio in support to media based learning and teaching activities. However, one must always be aware of the organisational challenges that come along with the production of videos as an innovative product. Teachers and course developers/managers need new skills in the use of the media and the necessary equipment. Then there are the difficulties fitting media content pedagogically into the course (outline). Finally, one must be aware of the complications with the rights of materials and the technical conditions that are acquired when producing, storing, distributing and sharing videos within the organisation. More information on this subject is given later on in this chapter.

The pedagogical background

The 'Three I's Framework'²⁸ provides teachers and course developers a useful methodology and practical overview in designing video based learning activities.

Film and video are often associated with a classic instructional or transmission pedagogic approach, the teacher has control and choice over the resources and over the time and place for the learning to take place.

28. Young C, Asensio M (2002) *Looking Through Three I's: the pedagogic use of streaming video*, Proceedings of Networked Learning, Sheffield

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The constructivism approach however claims that people construct their own understanding of the world, by generating their own individual mental models through experience. Interactivity, is therefore a key element within constructivism, in that control, choice, and access over the learning resources and experiences enable the learner to actively construct her/his knowledge.

The current pedagogical challenge for educators has moved beyond the instructional/transmission model, or even the commonly well-supported constructivism view, to encompass the collaborative, situated and conversational modes.

The ability to combine digital video seamlessly with other tools over the web offers an opportunity to move the concept from video as a purely presentational and instructional (isolated) tool to video as a focus for student activity, collaboration, and communication. We can summarise these pedagogical shifts within the Three 'I's Framework in the table below.

VALUE	TECHNOLOGY	CONTROL	PEDAGOGIC PERSPECTIVE
Image	Film, television, videotape	Teacher	Transmission model
Image + interactivity	Video disk, desktop video, multimedia, CD-ROM	Student	Constructivism model
Image + interactivity +	integration Web and streaming media	Distributed	Collaboration, contextualisation, community

The three 'I's Framework and underlying pedagogical perspectives²⁹

 The use of video in training

The aim of this section is to highlight the range of use of video in education with reference to their relative pedagogical value.

Talking head lectures and tutorials



For many practitioners, the starting point for self-generated educational video is some form of 'talking head', that is a recording of a lecture, tutorial or lab in which the main focus is the teacher who speaks directly to a live audience or the camera. The results when transferred into digital video format can be disappointing however in terms of learner engagement. Image composition is often a problem as teachers in live events often move about, which can be distracting and image and sound quality may be less than optimal if the event has been captured live. Moreover, if the teacher is a good 'performer' his or her enthusiasm and approach can humanise a subject and engage a student.

29. Adapted from *Handbook on Digital Video and Audio in Education* (The VideoAktiv Project) https://moodle.technion.ac.il/pluginfile.php/344724/mod_resource/content/0/Ulpan/VideoAktiv_Handbook_fin.pdf accessed 24 May 2016, p.11

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Using authentic archive video material



A second common route into educational video for teachers is to use existing video and audio archive resources. In recent years there has been an international proliferation of digital archives offering copyright-cleared digital media resources to the education sector. Materials from the growing number of national portals can be searched, selected, sourced, edited and embedded into for example a virtual learning environment.

Instructional 'how to videos' of a practical activity



Video is used to show the process, procedures, and different stages of doing something concrete. It is also used as a demonstration method to show experts and apprentices in practice. Instructional video has a long history in education but a major advantage of the digital format is that a linear narrative is no longer necessary and users can choose from a menu of sequences depending on level and need. The best examples combine animated screen shots, talking heads and archive material (as case studies) to produce an attractive, engaging and relatively interactive experience for the learner. The disadvantage is that designing stand-alone online learning packages is challenging, time-consuming and can be expensive.

Interviewing an expert or expert presentation



From a technical perspective, bringing a guest speaker into the classroom can be similar to recording a talking head, but the pedagogical aim is usually to contextualise learning through the often tacit knowledge and insights of a practitioner or expert, or to present an alternative viewpoint. Such events are used to trigger further discussion with the contents of the video resource being a point of reference for learners.

Video blogs 'think aloud'



Educational blogs have proliferated where the subject (learner or teacher) record their thoughts and actions. The success of blogs is associated with informal personal reflection and as we have seen above video and audio can capture tone, humour, and spontaneity. The subject by him or herself can be doing a video diary or be prompted by an off-camera person.

Video case studies/simulations/role plays



Here the intention is to simulate an event such as a lab experiment where safety may potentially be at risk or to engage in a role-playing situation in the form of a case study where the students can experiment with different responses and behaviours. By analysing these behaviours, students can gain a greater insight into the issues at stake. Video in this case provides 'real life' context, and/or emotional impact.

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Video in real events or situations



The purpose here is to capture an action that cannot be physically brought into the classroom. This may apply to any outdoor event or situation, typically field trips. Similarly video provides access to events in which it is difficult for large groups of students to participate such as a clinical events and industrial environments. Real life events can be observed, interpreted, and discussed. Access to external experiences can provide opportunities for contextualisation and knowledge transfer.

Presentation/performance skills and feedback



Reflective video self-modelling has been used for many years to enhance practical skills with learners. The aim is to capture, review, and enhance performance of individuals and groups through reflection and discussion. This approach promotes self-directed learning, increases motivation, and activates learners to find their own solutions, so increasing self-confidence. Although guided, the learner is an equal partner in this process. These recorded performances can be further used as part of students' e-portfolios.

Define your didactic approach

The following overview provides suggestions and examples that help you to define your didactic approach.

WHAT DO YOU WANT TO DO?	TECHNIQUE /METHOD	DESCRIPTION
Show an action, situation that cannot be physically brought into the classroom	Realism	<p>An outdoor event, a performance, a hearing of the ECtHR, a scene that shows historical issues, etc. These videos can be observed, analysed, interpreted, and discussed by your students.</p> <p> EXAMPLE</p> <p>Video about ECtHR: 'The conscience of Europe'. Documentary style with voice over, high emotional appeal. (approx. 15 minutes); puts focus on the history and mission of het ECHR. http://youtu.be/IJdoe02cY0U</p>

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WHAT DO YOU WANT TO DO?	TECHNIQUE /METHOD	DESCRIPTION
Show an action that cannot be physically observed	Simulation	<p>A situation is staged to resemble the actual event. Reasons to choose for simulation rather than a real life recording: 1.Safety 2.The action took place in the past 3.Rare situations (hard or expensive to shoot in real life) 4.You want to show alternative versions: a good and bad example.</p> <p> EXAMPLE</p> <p>Recording of a hearing/court session; showing it to student; let them analyse the case; finalizing it with their own judgment ; review judgment and reflect on the decision. https://www.youtube.com/watch?v=HwB8PtH6XKw</p>
Demonstrate a concrete procedure	Instructional	<p>The video is made chronological and shows the different stages in a process.</p> <p> EXAMPLES</p> <p>Video: 'The correct way to lodge an application with the Court' Animation with graphics and voice over (approx. 4 minutes) Puts focus on the procedure, instructional goal. http://youtu.be/mA_iGhvxYFM</p> <p>Video ECtHR 'Admissibility conditions' Animation with graphics and voice over (approx. 3.40 minutes) Puts focus on the procedure, instructional goal http://youtu.be/mcbDDhs5ZVA?list=PLT-6qb4oU5fhzKQdkOk6O7UPNhSuAWsB9</p> <p>Video HUDOC database search of the courts case law. Screencast with voice over; instructional goal (approx. 3 minutes) https://www.youtube.com/watch?v=reO12mvvIYE</p> <p>Video with a lecturer and a green screen (studio), showing shots on location a graphic of the system of environmental law (language Dutch, approx. 2 min.) http://youtu.be/GQcUElyWV_o</p>

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WHAT DO YOU WANT TO DO?	TECHNIQUE /METHOD	DESCRIPTION
Give examples on the subject matter	Illustration Animations	<p>Concrete situations that illustrate the subject matter, makes it easier for the students to understand and memorise.</p> <p>Video ECHR presenting the main rights and freedoms in the convention.</p> <p> EXAMPLES</p> <ul style="list-style-type: none"> ▶ Animation, with images and audio (music), no voice over. Puts focus on the meaning of the articles of the convention, providing information and enhance motivation (approx. 3 minutes). http://youtu.be/MOcmUQTgjCw ▶ Animation with image and voice over (UK) title: How it works: the ECHR in the UK institution (approx. 7 minutes). http://youtu.be/N-y75YQXQAO
Record a lecture or presentation (webinar of webcast)	Talking head	<p>The teacher/presenter speaks directly into the camera. The point of view is that of the audience. When looking at the tape it feels as if the speaker addresses the viewer.</p> <p>http://era-comm.eu/stream/Rostant_114DV25/index.html</p> <p>http://media.ssr.nl/Mediasite/Play/b0a4f985f16c4cc19096b4ef4e965fd71d</p>
Record somebody's reflections/ reactions / describing their reflections	Think aloud Video diary / Interview	<p>Video diary: subject talks before the camera alone Interview: reflections triggered by another person</p> <p> EXAMPLES</p> <ul style="list-style-type: none"> ▶ Recording an interview with a victim of crime talking about the consequence in his life and his feelings against the criminal; goal: creating awareness among judges of the personal impact of a crime. ▶ An interview with Dutch Judge Jos Silvis of the ECtHR; used initial training new judges; Title: European Law; intro with voice over, shots on location, green screen with images projected as background (approx. 25 min): https://media.ssr.nl/Mediasite/Play/03b6d5c9b11c41a2a8b906114542b9d91d




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WHAT DO YOU WANT TO DO?	TECHNIQUE /METHOD	DESCRIPTION
Record an event to observe and analyse later	Fly on the wall	<p>The camera is fixed at one point and registers. You can use this technique when there's no script prepared. The subject does not change place too much nor needs different focuses (detail – overview). Afterwards you are able to play back and discuss.</p> <p> EXAMPLE</p> <p>This is a link to a webpage with all webcasts of hearings ECHR. At this website you can view webcasts of hearings sorted at date, country, including multiple languages, the judgment, and press releases. http://youtu.be/MOcmUQTgjCw</p>
Record an event to archive and consult later	Archive	<p>Depending on your possibilities, the quality you want to obtain and how complicated your seminar/workshop/conference is.</p> <p> EXAMPLE</p> <p>This is a link to a webpage with all webcasts of hearings ECtHR. At this website you can view webcasts of hearings sorted at date, country, including multiple languages, the judgment, and press releases. http://www.echr.coe.int/Pages/home.aspx?p=hearings&w=4604314_07012015&language=en</p>
Make students observe their own behaviour	Role playing	<p>Video serves here as a mirror for the students to watch themselves in their professional situation. Through simulation of the work environment, students can experiment with different roles and behaviours. Record and play back. Now the students can analyse and discuss with fellow students what can be better. If possible, this can also be recorded in a real life situation.</p> <p> EXAMPLE</p> <p>Recording a moot court session</p>

*Some video examples shown in the scheme above, are free available existing video material. All videos are streamed from the YouTube server, produced and published by the press department of the ECHR, also for educational use.

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Make video effective

Once you decide to use video, you want it to be effective in its educational value. A good video should meet some pedagogical requirements. The motivation of the students and the impact of the material on them is all about selection of the theme and finding or creating the right material. Video is a strong media if the material is related to the level of knowledge students have and if it provokes strong emotions towards the subject matter.

Also you need to be aware of distribution method: In what environment will the material be shown? Will it be during a traditional lecture in a classroom will the students be able to view it on their own computer at home? Will they see it in a group or individually? Is the viewing tied to a certain time and space or will they be able to view it at anytime, anywhere? Will it be shown on big screen or in a little region on the computer? The location where the video is show has it effect on the length and must be taken in to account determination the length.

 Using existing video material or own production

Depending on the didactic approach mentioned earlier, you have various options to choose from when you want to use video. You can choose to use existing video materials, make your own webinar, and create your own tailor made video production. It’s advisable to search for available video materials to use, before you start producing your own material due to the lower cost. However, searching for existing material or creating your own material, each have their advantages and disadvantages. When you create your own content, the material will be of optimum use for the teaching and learning goals you have set. You can create just the content that you think is necessary. But this may require a lot of effort and technical skills, and not every course manager or teacher is a good video maker. Using existing materials has the big advantage that all the creative work is done (and moreover is done by professionals who know how to make good video). However, you still may need to select and maybe edit the material that is related to your particular course. In the scheme below, the advantages and disadvantages will be shown, which can help you making the right choice.

AVAILABLE FOR FREE	PRODUCING TALKING HEAD	TAILOR MADE VIDEO (IF NECESSARY OUTSOURCED PRODUCTION)
Youtube/Vimeo	Recording a classroom lecture	Record role playing
Coursera	Webinar or webcast	Record a hearing
Press videos ECHR	Webcast	Produce an animation
Television		A documentary style video
Documentaries		Record an interview
Video archives		

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AVAILABLE FOR FREE	PRODUCING TALKING HEAD	TAILOR MADE VIDEO (IF NECESSARY OUTSOURCED PRODUCTION)
ADVANTAGES	ADVANTAGES	ADVANTAGES
Easy access	Low production needs	Delivery safety
Low budget	Easy to use software	Quality safety
	Define own royalty issues	High control
		Define own royalty issues
DISADVANTAGES	DISADVANTAGES	DISADVANTAGES
Sometimes uncertainty about source	Purchase of (editing) software	High production needs (hardware and software)
Disturbing advertisements	Need for studio with camera and sound	Demands multimedia/editing skills
Risk of URL changes (when embedded)	Demands multimedia know how	Organize storage and documentation
Copyright issues	Demands multimedia skills	Time consuming; high costs
STREAMING SERVER	STREAMING SERVER	STREAMING SERVER
external	external	external
	internal	internal



Copyrights

One very important issue with using existing material that is often overlooked is the copyright. Not every video or media can be shown publicly (even to a class) without the permission of the rights holders of those media. Although that national law are often hard to understand, the spirit of the IPR legislation is essentially the same everywhere. Every artistic production, a book, photograph, painting, video, audio production or else is automatically copyrighted by the fact that it is created.

However, Creative Commons (CC) provides free tools that allow authors and educators to easily mark their creative work with the freedom of restriction they want it to carry. Creative Commons covers websites, academic publications, music, video, film, courseware and so on. You find more information on the website of CC: <https://creativecommons.org/>

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If you want to use existing materials created by someone else, you need (written) permission to do so, unless it is clearly marked otherwise.

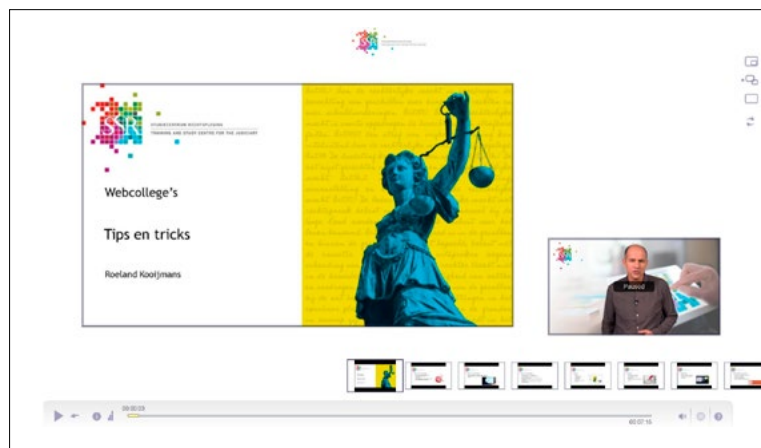
When producing own video material, the copyright is also an issue. Think about the rights of the people appearing in the video, like the teacher (presenter) or the students. And who has the rights once the production is finished? Do you have the rights as an educational organisation? Or does the teacher also has rights? Some teachers may ask an agreement where they get payed by view. It's advised to investigate, define and communicate copy rights to the people involved before the video is published.

Video as a presentation method

Weblectures

With the widespread use of presentation software like PowerPoint, teachers are enabled to produce a simple multimedia production, with sound, images, and video clips embedded in slide show. For lots of training institutions this is the way they facilitate classroom lectures using multi-media delivery.

But today, there is also a huge development in the production of webinars. A webinar is short for **Web-based seminar**. It is a presentation, lecture, workshop or seminar that is transmitted over the web using specialised video conferencing software. The key feature of a webinar is its interactive elements – the ability to give, receive and discuss information. A webinar must not be confused with a **Webcast**, in which the data transmission is one way and does not allow (live) interaction between the presenter and the audience.



Screenshot of a webcast [Tool: Mediasite]³⁰

30. <https://media.ssr.nl/Mediasite/Play/67776117d1cc4ede96edc2efe387eadd1d>

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Digital technology makes it relatively easy to navigate and search within the web lectures (or online/digital presentation), the recording is often segmented into short topic-related sequences (also called 'clips'), and presentation slides are be synchronised to the video and the audio.

The power of webinars and webcasts is that it can be used to reach a large group of students, independent of their (remote) location. It also adds facial expression and body language of the teacher which enhances engagement.

The following scheme shows the differences in method of streamed presentations.

PRESENTATION METHOD	DELIVERY	DESCRIPTION
<ul style="list-style-type: none"> ▶ Present 'standalone' <u>webcast</u> ▶ Supporting lecture/classroom meeting with a presentation (flipped classroom concept) 	Talking head Streaming internet)	<ul style="list-style-type: none"> ▶ Viewed on demand ▶ Independent location ▶ Anytime & anywhere ▶ Asynchronous access ▶ Individual use ▶ No live interaction
<ul style="list-style-type: none"> ▶ Present 'live' webinar 	Talking head Streaming (internet)	<ul style="list-style-type: none"> ▶ Viewed at certain date and time ▶ Independent location ▶ Synchronous access ▶ Collective use ▶ Live interaction
<ul style="list-style-type: none"> ▶ Integrate the webcast/webinar in other learning methods 	Talking head Streaming E-learning/ multimedia	<ul style="list-style-type: none"> ▶ The lecture is embedded in the digital learning environment, and in one (or more) course outline(s). ▶ Viewed on demand ▶ Independent location ▶ Anytime & anywhere or certain time ▶ Asynchronous or synchronous access ▶ Individual and collective use ▶ Live and no live interaction

Tips for considering producing web lectures

If you are considering to start producing web lectures in your organisation, here are some global tips that may be useful. Producing and recording a webinar or webcast is far different than giving a presentation in a classroom. It is not as simple as putting a camera on a teacher. You need be aware of the following:

- ▶ the technical conditions (enough bandwidth for streaming)
- ▶ choosing the right software (review technical and communicational aspects)
- ▶ facilitate hardware recording, with camera, audio, etc. (purchase own or rent a studio)

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- ▶ train your teacher how to create an attractive and effective online lecture
- ▶ train and assign a moderator (assisting teacher during live recording)
- ▶ make sure there is technical support during testing and (live) recording (login problems, etc.)
- ▶ managing the marketing communication aspects: invitation, assign/register, etc.

Determine the webinar format

A webinar can be structured in a variety of formats to suit different purposes. Below are some popular formats you may consider:

	DESCRIPTION	ADVANTAGES	DISADVANTAGES
One Speaker	Single presenter speaks, demonstrates, and answers questions from the audience.	Fewer people to coordinate and train on the Webinar tool.	<ul style="list-style-type: none"> ▶ A lone presenter is more likely to become the authority at the “front of the room,” which might make some in the audience reluctant to participate and ask questions.
Interview Style	Interviewer asks a set of predetermined questions.	<p>More engaging to hear multiple voices.</p> <p>The fact that the interviewer is asking questions to the expert(s) often encourages the audience to do the same.</p>	<ul style="list-style-type: none"> ▶ More people to train and coordinate. ▶ Scheduling the run-through and the actual webinar may be more difficult.
Moderated Panel Discussion	Multiple people on the line at the same time, with a moderator facilitating the discussion.	Offers a variety of voices and perspectives.	<ul style="list-style-type: none"> ▶ More people to train and coordinate. ▶ Scheduling the run-through and the actual webinar may be more difficult. ▶ Can be challenging to keep panelists from talking over each other.
Interactive	Audience members participate fully via instructor-led exercises and facilitated conversations.	If done well, participants receive a deeper understanding of the topic because they’re fully engaged in the dialog and the exercises.	<ul style="list-style-type: none"> ▶ Can only accommodate a small group. ▶ Requires a very skilled, experienced teacher/facilitator

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The advantage to capture your audience

It is very important to have the right skills in developing an online lecture, because you need to capture viewers and keep your audience. The PowerPoint presentation itself needs far more structure, so viewers can use this to navigate between topics and slides. Then there is also the importance of the presenter (teacher), which is often underestimated. The value of humour, intonation, body language, articulation is crucial. Keep in mind that the maximum time viewers stay concentrated watching an online lecture is no more than 10-15 minutes.

Interaction between presenter and viewers will help your audience stay tuned. Presentation software provides various tools to interact with the audience. Therefore it is very advisable to design your online lecture with interactive elements, like questions, raise an (online) poll within the presentation and start discussion during the (live) lecture. Although the 'talking head' is a relatively passive use of video, if well designed and/or featuring a good performance, a 'virtual professor' can be surprisingly engaging. If you want to learn more about developing an attractive and effective online lecture, you can find a lot of detailed tips if you search on the Internet.

Building the e-Learning Course

There are many programmes available in the market for building e-Learning courses. For e-Learning design and building, the HELP programme have elected to use Articulate Storyline as their tool of choice. There are many benefits to Storyline.

- ▶ It has a recognisable interface for users who may be used to Microsoft Office
- ▶ It provides templates and Interactions that can be adapted by users
- ▶ It has a strong support community online

b. Adaptation of the course (content and format)

i. Selection of the national tutor

The national tutor plays an important role in the implementation phase as (s)he expected to work on the content by adapting the model course to the legal order of the pilot country as well as to moderate the course (blended or distance).

The national tutor is appointed jointly by the HELP Secretariat and the NTI or the BA on the basis of Terms of Reference. The national tutor is required to be an expert in the field and to have some experience as a trainer. Furthermore, a good level of English is required to facilitate the communication with the HELP Secretariat. The national tutor is, in fact, expected to keep the HELP Secretariat regularly updated on the implementation of the course.

The appointment can be finalised at any time before the adaptation phase. If the tutor is appointed in an earlier stage, (s)he may be involved in the content development phase by attending one of

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the WG meeting. Such a participation would support the tutor in getting familiar with the HELP Methodology and the role (s)he undertaking.

In any case the national tutor is invited to participate in one of the HELP Training-of-Trainers (ToT) sessions which are organised in the framework of the HELP Programme. Ideally the session takes place before the adaptation phase starts.

■ Training of trainers

Introduction

HELP underwent significant development over the last few years as it grew from 12 to 47 partner countries and now targets lawyers as well as judges and prosecutors. Satellite projects have developed 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
- ▶ HELP in the Western Balkans and Turkey, funded by the HRTF
- ▶ Freedom of Expression Project in Turkey, co-funded by the EU and
- ▶ other

They involve the development and running of diverse new courses and create a new demand for national HELP trainers who have skills and motivation to moderate a large number of HELP distance, face-to-face and blended learning courses on the national level.

Therefore, the ToTs have been developed to accommodate these demands, to train representatives of the national training institutions and bar associations in becoming HELP trainers, and to introduce them to the HELP methodology.

The HELP ToTs are specifically focused on achieving discernable competences and gaining a fuller understanding of the HELP methodology.



The aim is to ensure a **high quality and harmonisation** of the HELP distance, blended and face-to-face learning courses by providing the HELP tutors with relevant training on the HELP methodology and the HELP e-learning platform (Moodle).

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Objectives

- ▶ to update participants on recent Strasbourg jurisprudence;
- ▶ to clarify HELP principles and methods employed in setting learning objectives, the assessment of needs, the adaptation of a course to the national legal order and evaluations;
- ▶ to train participants on the HELP e-learning platform Moodle (from the creation of a page to the various activities and resources available on the HELP e-learning platform);
- ▶ to discuss the role of trainers in national courses and to develop participants' relevant competences for running HELP distance, blended and face- to-face learning courses;
- ▶ to develop the national network of trainers who have skills and motivation to lead HELP courses in national training institutions (NTIs) and bar associations (BAs);

to create a space for open dialogue and to share best practices on distance, blended and face-to-face learning courses on the European Convention on Human Rights (ECHR) and the jurisprudence of the European Court of Human Rights (ECtHR).

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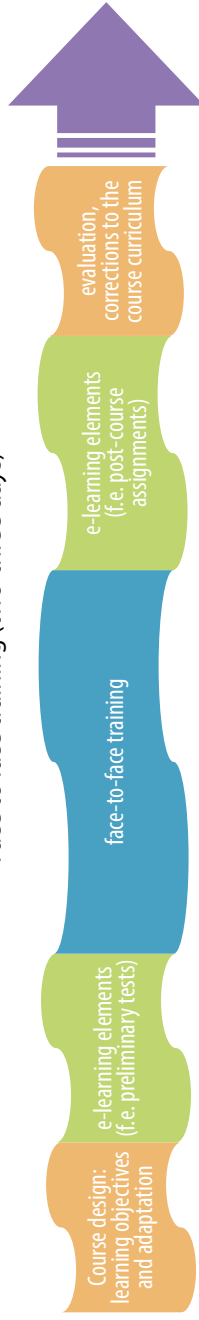
Competences developed during the ToT

COMPETENCE 1 - to design educational programmes on the basis of the HELP model curricula, from conducting the training needs assessment to the development of the learning objectives, adaptation of curriculum to the national order and evaluation of the course.

COMPETENCE 2 - to use the HELP e-learning platform (Moodle), and the resources and tools available on it.

COMPETENCE 3 - to understand and facilitate individual and group learning processes.

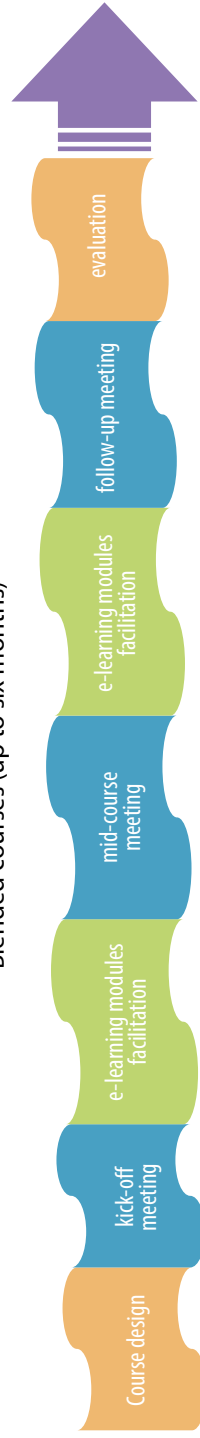
Face to face training (two-three days)



Pilot distance course (up to four months)



Blended courses (up to six months)



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Participants to the ToT

The selection of participants takes into account the priority given to effective potential multipliers within NTIs and BAs. The course in Strasbourg usually has from 30 to 60 participants from all 47 Council of Europe member states. The target group is representatives of NTIs and BAs with experience as trainers for legal professionals, even with international training experience or a strong motivation for getting it. They are proficient in English and motivated to moderate HELP learning courses.



Successful participants are inserted in a list of certified HELP trainers which is available on the [HELP website](#). Both Council of Europe offices and NTIs/BAs are informed of the opportunity to select from this pool their trainers for national or international activities on the ECHR. Information will also be collated on Trainer's working languages, professional background and country of practice to facilitate multinational and international collaboration.

Feedback collected at the 2014 and 2015 Annual Network Conferences showed strong support for such training events. This increases the capacity for national trainers to create strong **national ownership**.

Elements of the ToT

The training of HELP trainers programme was designed in a way to show to participants how to build their own courses using the HELP methodology, model course materials, tools and resources available on the e-learning platform and interactive training techniques. Thus, the training is built on the following elements:

PART 1 OPENING	
Element of the ToT	HELP blended course
Presentation of HELP	<p>The aim of the presentation is to give preliminary information about the programme, its mission and to show courses available on the national language.</p> <p>The presentation can be organised in different ways:</p> <ul style="list-style-type: none"> ▶ animation video ▶ web page and e-learning platform ▶ prezi or ppt
Aims and objectives of the ToT	<p>Communicate aims of the courses and intended learning objectives to learners during the first face-to-face meeting (kick –off) and even before – call for participants.</p>
Introduction of participants, ice-breaking and group building exercises	<p>This element helps participants feel safe enough to ask questions and confident that they will be respected it is also aimed to establish themselves in the group during the first or sometimes also mid-course meetings</p>

PART 2 INTRODUCTION TO THE TOPIC

Element of the ToT	HELP blended course
Expert presentation Panel discussion Debate activity Express moot-court exercise	The objective of the element is not to give a comprehensive lecture on the subject but rather to show different presentation formats. Prior knowledge on the selected topics is required.

PART 3 DEVELOPMENT OF THE PARTICIPANTS' RELEVANT COMPETENCES TO DESIGN AND RUN HELP BLENDED COURSES

Element of the ToT	HELP blended course
Moodle workshop	Participants receive practical skills working with the HELP e-learning platform by the development of a course page, the trainer showed basic tools and resources available.
Workshop on the trainers' competences	General understanding of the group dynamics, specificities about adult training, training techniques (small group discussion, brainstorming, buzz-groups, ranking, role play, case study, simulation and debriefing). Participants discuss a learning pyramid, training techniques, and differences between knowledge, skills and values. They are also introduced to the learner-centered methodology.
Workshop on the HELP course design	General understanding how to develop an educational program using the HELP model curricula. The trainer shows the importance of the training needs assessment, how on the base of results of training needs assessment to develop learning objectives and the general structure of the course. Participants formulate learning objectives using the SMART indicators.
Learning sessions prepared and implemented by participants of the ToT	Full simulation of the preparation to the course and its implementation. This part is an assignment based on project oriented education principle. The aim is to apply new knowledge to real life situations. It also creates engagement among learners, relates the programme to their experiences, and enhances skills to collect, analyse and present data, and cooperate with others. In the first learning session, the subgroups from one of the course groups will each lead the subgroups of the other course group. One group presents the developed course for the second group. In the second session, it goes the other way around: the subgroups lead the first two groups. Here they cross over, so they will not be leading the same group, they have been led by.

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PART 4 WRAP UP

Element of the ToT Debriefing

HELP blended course
The aim of the debriefing session is to reflect upon own learning and the challenges met throughout the training and relate this to personal skills and learning goals

Future of the HELP programme and my personal plan

Anonymous questionnaire to be filled by trainees and evaluation forms by trainers

Evaluation of the course

	6 October 2015	7 October 2015 Wednesday	8 October 2015 Thursday	9 October 2015 Friday	10 October 2015 Saturday	11 October 2015
8.00 - 9.00		Breakfast				
9.00 - 9.30		BRIEFING				
9.30 - 11.00		Official opening. Introduction to the HELP programme	Workshop	Course design	Learning session 2	Participants departure
11.00 - 11.30		Break				
11.30 - 13.00		Team building activities	Workshop	Course design	Learning session 2	Participants departure
13.00 - 14.30		Lunch				
14.30 - 16.00		Legal Education: Alternative View keynote speaker presentation Spb Legal Forum	Workshop	Learning Session 1	Evaluation. Applying the HELP programme to your own NT?	
16.00 - 16.30		Break				
16.30 - 18.00	Participants arrivals, welcome and check-in	Pro and cons of distance learning for legal education debate activity	Workshop	Learning Session 1	The future of the HELP in Russia. Presentation of ideas	
18.00 - 19.00		DEBRIEFING				
19.00 - 20.30		Dinner				

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Evaluation of the ToT

The evaluation of the training of trainers could include the following aspects:

- 1) Accommodation, food, place and transportation to the course.
- 2) Aim of the course, expectations and training techniques.
- 3) Content (Course sessions).

Generally, participants find the following sessions most important and interesting:

Preparation of own training sessions
Three hour training session by participants
Moodle Platform
HELP Methodology
Approaches and principles of Human Rights education

Participants tend to find the following less relevant:

- ▶ Presentation of Journals
- ▶ Plenary discussion with experts
- ▶ too much feedback process.

” Comments and recommendations from participants:

- ▶ “I would like to continue my participation in the HELP Programme”
 - ▶ “Reduce the working hours to 6 hours per day”
 - ▶ “Participants should be well informed about exact aims and objectives of the course before it starts”
 - ▶ “Thank you for the enriching experience!”
 - ▶ “Very pleasant that trainers were focused on the learning of participants and were taking care about this process”
 - ▶ “Interesting, I want to continue this experience”
 - ▶ “Thank you for everything!”
 - ▶ “I liked the high professionalism of the team”
 - ▶ “Training was highly effective”
 - ▶ “There should be more time for training on the Moodle platform”
 - ▶ “We want more HELP training and also a place for exchange of our experiences and skills”
 - ▶ “Professional and interactive!”
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CHECK LIST – STEP BY STEP

1. Decide on the date of the ToT
2. Circulate documents (venue – “out of the city”, one conference room for 30 participants, three small rooms for 10-12 participants available from 9h00 to 19h00, a very good internet connection, 6 computers, projector, coffee breaks) – at least four – three months before the ToT
3. Call for trainers – at least four-three months before the ToT
4. One day preparatory meeting with trainers – at least two months before the ToT (objectives, expected outcome, HELP courses selected for the ToT, decide on experts, sessions outline/ distribution of tasks)
5. Call for participants – 45 days before the ToT
6. Call for experts – 45 days before the ToT
7. ToT page on the Moodle with an agenda, introduction course, concept paper
8. Confirmation to participants about their participation in the ToT, registration in the system, pre-ToT assignment – at least two weeks before the ToT
9. Preparatory meeting on the spot with trainers – a day before the ToT
10. Evaluation of the course by participants and trainers, mission report – a week after the ToT
11. Deadline for a final assignment – one months after the ToT
12. Deadline for trainers’ reports (day by day, summary of ideas developed, recommendations for the future) – one month after the ToT
13. Results of the ToT – 1,5 months after the ToT
14. Full consolidated report – two months after the ToT
15. Certificates – 2,5 months of the ToT
16. Refresher or “the training on the substance” – during the year

ii. Translation in the national language

Due to the predictable linguistic barrier, training for legal professionals may be more effective if delivered in the national language. If learners do not have a perfect mastery of English, their participation in the course may be misleading and lead to an incorrect application of what was learnt. Furthermore, the daily working language of the large majority of learners is the national one.

In some cases, when legal professionals may benefit more from a training delivered in English – especially with litigation purposes - materials may not be translated. Furthermore, those can be

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used for the launch of a multi-national course targeting mixed groups of legal professional from different countries being English the working language.

Coming back to distance/blended courses delivered in the national language, the model course in English is translated into the national language of the pilot country. In practical terms, training materials are sent for translation to service providers. As to the interactive version, a table composed by two columns is extracted from Articulate and it is sent to translators. By entering the translation in the right column, the text can be automatically uploaded in Articulate by the e-learning designer or the HELP Secretariat.

As previously mentioned, if videos are added to the course, those are available in English only. Transcriptions and subtitles of the videos are included in the translation package which and translated into the national language. Afterwards, those are added in separate boxes or as subtitles. Some problems may be faced when translations are not accurate and/or not delivered within the requested deadline. To ensure a high quality translation, the service must be asked to a reliable provider. Good practice involves checking in advance whether the provider has previous experiences in translations of legal documents, in particular human rights-related. Translators can also be directed to [the glossaries](#) produced by the Council of Europe³¹.

The time taken for providing a good quality translation varies upon different factors such as the quality and the difficulty of the original text. With regard to the quality, it depends on whether the original text was drafted by a native speaker and/or a quality check was done. With regard to the difficulty of the text, translation may be smoother and the quality of translations may be higher if reference documents are provided to translators.

Once translations are submitted, a quality check is done by the national tutor, who is in any case asked to review materials in view of their adaptation to the national legal order. Adaptation of the content in preparation for the launch of the course

■ Adaptation to the national legal order

As previously mentioned, the national tutor plays an important role as one of his/her tasks is to adapt the model course to the national legal order. The scope of the tutor's contribution varies depending on the topic and it aims at adapting the model course to the needs of the target audience.

As an introduction, the national tutor is expected to draft a presentation on the implementation of the European Convention on Human Rights (ECHR) at the national level. It may include the status of the ECHR in domestic law and the legal force of international treaties (whether the dualistic or monistic view applies).

Furthermore, the national tutor is expected to edit the existing training materials or drafting an additional module or make references to pieces of legislation and national jurisprudence throughout

31. The Council of Europe support to human rights national implementation division produced glossaries from English to: Azerbaijani, Bulgarian, Georgian, Romanian, Russian, Serbian, Ukrainian, Turkish. They can be found on the website of the division at http://www.coe.int/t/dgi/hr-natimplement/documentation_en.asp

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the course. In addition to the core content of the course, the national tutor is expected to add to the list of additional materials as drafted by the WG all those materials which are relevant at the national level. Finally, (s)he is asked to adapt the assignments to the needs and the level of knowledge of learners.

■ Adaptation to the audience

The course content needs to be adapted not only to the national legal order but also to the target audience. As previously mentioned, depending on whether the course is destined at lawyers, judges or prosecutors, the needs may be different, and the relevance of the materials may be different. The role of the trainer is to make sure that the training is adapted to his/her audience.

■ E-learning: Upload of training materials to the HELP Moodle platform

Once training materials have been finalised, those are uploaded by the national tutor in the HELP Moodle page. A specific page is dedicated to the course is created by the HELP Secretariat and it is accessible to the learners only. More detailed information concerning the moderation of the course will be provided in the dedicated session of the guidebook (Step 3; d; iv; page 119).

The national tutor is trained on how to upload training materials and manage the Moodle page during the ToT. In addition to that, the tutor can rely on the HELP Secretariat, as well as on a guideline and on some existing tutorials on how to deal with the HELP Moodle platform. An additional technical support may be needed e.g. when the course is not launched immediately after the Tot has taken place or the tutor faces some problems which were not foreseen during the training.

As the person who is in charge of the moderation of the course, the national tutor can set the upload timeframe. It means that training materials can be all uploaded before the course is launched or module by module on a regular basis. If all the materials are uploaded at once, those will be available to learners according to the course timeframe.

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Step 3: How to implement the course

a. Selecting the most appropriate training technique(s)

It is too easy when designing a new course to adopt training methods without clearly thinking through whether they are the optimal ways in which learners will learn the necessary knowledge, skills and attitudes to be able to achieve the LOs.

Training (as now with university teaching) is often characterised by two main teaching / learning methods: lectures, and problem or discussion-based seminars/tutorials. (In higher education, laboratory work, fieldwork, and projects and dissertations may also feature; in the professional training context, these may be replaced by visits and report-writing.)

As discussed at the start of this part of the guidebook, many 'learners' may have low expectations of training based upon their memories of legal education. There is therefore a clear need to move from traditional learning because:

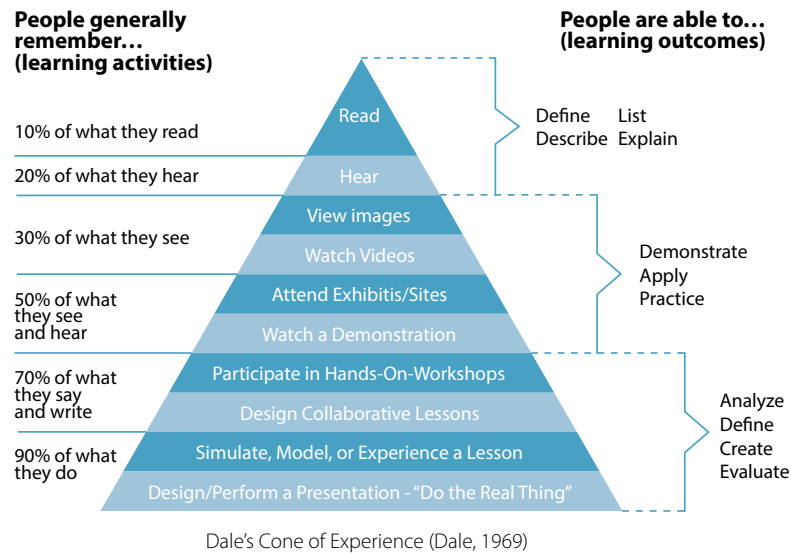
- ▶ Active-learning brings the 'learner' closer to the real-world and helps acquire skills and change attitudes, rather than just transferring knowledge
- ▶ There is an increased interest in individualist learning, or learner-centred approach.

This is why it is crucial, when developing training, to assess needs, know the audience, and identify challenges, in order to define the appropriate learning techniques.

Educationalists now understand two basic points that should be remembered in training:

- ▶ General principles concerning how people learn most effectively
- ▶ People are different – individuals learn in different ways.

The first point is more easily made in graphical form:



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The second point – that individuals *do* learn in different ways poses more of a difficulty for trainers who are designing a course. Individual adults have different learning styles. Research indicates that there are three styles of learning—visual, auditory, and kinaesthetic. For visual learners, it is important to provide pictures, charts, and other visuals. Auditory learners learn through discussion, both speaking and listening. Kinaesthetic learners need activity and benefit from role plays and debates.

The good news is that while most people have a preference for one of these styles, many respond to a combination. Even better news is that training adults poses less of a challenge than teaching children, irrespective of the child’s preferred learning style. Research on educating adults (andragogy) has concluded that adults learn differently from children. The founder of andragogy, Malcolm Knowles, identified six principles of adult learning:

- ▶ Adults are internally motivated and self-directed
- ▶ Adults bring life experiences and knowledge to learning experiences
- ▶ Adults are goal oriented
- ▶ Adults are relevancy oriented
- ▶ Adults are practical
- ▶ Adult learners like to be respected.³²

In light of the above, when training adults, a teaching style that relies on a variety of teaching methodologies will maximise learners’ retention of material presented. Further, capitalising upon learners’ own experiences and ensuring that the training is both relevant and practical will help ensure the success of the training.

b. Aligning choice of training method with the Learning Objectives

The (almost) final stage in training design is to select the most appropriate methods for delivering the specified LOs – that is, which training techniques are most likely to help the learners attain the specified learning objectives (and as tested by the assessment tools already selected)?

Alignment of LOs, assessment tools and training techniques is the essence. There is a wide choice of techniques available. The following table of teaching and learning methods (adapted from Bourner, 1997 and Biggs, 2003³³) indicates the choice facing those designing training, even without consideration of distance-learning or IT techniques:

32. Knowles M. (1984) *Andragogy in Action* (San Francisco: Jossey-Bass)

33. Bourner T (1997) “Teaching Methods for Learning Outcomes” *Education + Training* 39.9, 344-348; Biggs J.B (2003) *Teaching for quality learning at university* (Buckingham: Open University Press/Society for Research into Higher Education)

LEARNING OBJECTIVES					
	KNOWLEDGE	ELABORATING, ANALYSING AND APPLYING KNOWLEDGE	GENERATING IDEAS AND EVIDENCE	PERSONAL DEVELOPMENT	PLANNING AND MANAGING OWN LEARNING
TRAINER DIRECTED ACTIVITIES	Lectures Guest lectures Concept mapping Modelling through thinking aloud Electronic voting systems (EVS)	Case studies Practicals Laboratories Demonstrations Experiments Simulations Discussion Debate Seminars and tutorials Supervision Computer mediated discussion	Workshops Brainstorming Laboratories Practicals Fieldwork Discussion Experiments Supervision	Feedback Learning contracts Role play Mentoring Coaching Experiential learning	
LEARNER DIRECTED ACTIVITIES	Information searching tasks Directed private study	Projects Problem based learning Essays Work based learning Group work Learner presentations Learner led seminars Literature reviews Peer assessment Learner mentoring Peer assisted learning Self-assessment	Enquiry-based learning Research projects Dissertations Group work Mind-mapping Problem solving Inter-disciplinary projects Service learning Student-organised events	Reflective journals Self-assessment	PDP Learning logs Projects Independent study Dissertations Work placements Portfolio development

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This table is helpful in aligning training technique with the manner in which LOs are specified. However, the model suggested in this guidebook calls for careful alignment of LOs not only with assessment but also with training and learning activities. As suggested above, the early design of assessment tools will readily suggest different ‘tasks’ that can be woven into the design of the training. For example:

LEARNING OBJECTIVE	ASSESSMENT TASKS	TEACHING/ LEARNING TASKS
By the end of this course you should be able to:		
evaluate practical solutions to problems in adult education practice	Case study of an issue in practice which the student has to propose solutions for Portfolio in which student gives a critical account of their own practice focusing on issues and proposed solutions	Discussion of practice case studies Supervised work placements
make valid comparisons between different parts of Europe and across different historical periods on the basis of sound historical evidence	A debate paper in which two students take a position and have to argue their case to their seminar colleagues, take a vote, and submit their argument in writing, noting the outcome of the vote and anything extra they learned from the debate.	A series of lectures covering the topic/period A discussion seminar using primary sources and a general secondary text provide an overview Recommended readings

c. Launching the course

Although contacts with the NTI for judges and prosecutors or the BA for lawyers will have to be established at an earlier stage, cooperation with the HELP Secretariat and the Partner will be needed at the preparation stage before the launch of the course. The following steps must be undertaken

- ▶ Decision on the format, the length, and the timeframe;
- ▶ Decision on the recognition of credits in the framework of the continuous training (if applicable);
- ▶ Selection of learners;
- ▶ Organisation of the kick-off meeting: the kick-off is the launching event, which is often the first opportunity for the trainer to meet the learners/course participants and provide detailed information on the course.

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i. Format, length and timeframe

On the basis of a national assessment of needs, the NTI/BA together with the national tutor agree on the format, the length and the timeframe of the course. The HELP Secretariat must be kept informed of the launch of the course, its organisation, and the supervision of its delivery.

When agreeing on the format, the Partner institution will have decided whether the course will be launched as distance learning – meaning that learners will meet at the kick-off event only and participate in a course whose training materials are available in the HELP Moodle platform - or blended learning – i.e. as a combination of distance learning and face-to-face tuition, with learners attending lectures and following the training materials which are available in the HELP Moodle page.

With regard to the length and the timeframe, it must be decided before the launch of the course whether modules will be made available for learners. In other words, regardless of the fact that training materials have been uploaded in advance or not, access is restricted until the scheduled publishing date. Previous modules remain available online until the end of the course and after the course, the entire training package is also accessible. The publication timeframe has an impact on the learners' average attendance, which considerably drops if the course exceeds three months in length.

A good practice is to inform learners in advance – in advance during the selection process or at the kick-off meeting at the latest – about the time commitment which is expected of them. Learners must be made aware in advance of the obligations within a set deadline in order to be awarded a certificate. The aim is again to avoid a drop in the participation attendance due to an unexpected workload.

ii. Recognition of credits

In countries where there is a possibility that learners have their participation accredited, the NTI/BA may agree on recognising a certain number of credits for successful participation. The number of credits is normally calculated by the partner on the basis of the hours allocated to the training.

Experience shows that the recognition of credits increases motivation and completion of the course.

iii. Selection of participants

A HELP distance/blended course will be launched for a group of up to 25 selected judges, lawyers or prosecutors. Because the course is moderated by the national tutor who has to evaluate participants' assignments, 25 is the maximum manageable number of participants. In case that the NTI/BA seeks more participants, a second tutor must be appointed.

Depending on the national judicial training system, in some countries the pilot group will be composed of both judges and public prosecutors. In other countries, training is organised by separate bodies and both relevant bodies will need to agree to joint training. In contrast, training for lawyers is normally the sole responsibility of the relevant professional body, such as the BA.

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Both multinational and intra-professional courses are covered by the scope of the HELP Programme. An HELP multinational course is launched for the same categories of legal professionals from different countries. The working language is English or the language which those countries have in common, if it is a regional course involving similar countries (e.g. regional course for countries in the Balkans or for Russian speaking countries). The added value of the launch of a multi-national course is the possibility to exchange best practice with professionals from other legal order. As a result, the course is more dynamic and international in nature.

A HELP intra-professional course involves legal professional and other professionals targeting cross cutting issues. Although no such course has been launched so far, HELP has developed many curricula on subject matters which include inter-professional aspects. Such a possibility has been explored during the [2015 HELP Network Conference](#)³⁴ entitled *Interaction between legal and other professionals in human rights training*.

Regardless the natures of the course, participants are selected by the NTI/BA together with the HELP Secretariat. Criteria for selection and procedures are established in advance and communicate to potential participants. Usually an announcement is disseminated among legal professionals who can apply within the deadline.

Once the selection process is completed, participants are informed about the kick-off meeting and they are asked to create an account in the HELP Moodle platform. Beyond the fact that participants can explore the HELP website and Moodle platform getting familiar with the Programme, the existence of accounts simplify their further enrolment in the Moodle page course.

iv. Organisation of the kick-off meeting

The kick-off is by definition the first meeting with the HELP Secretariat, the national tutor, the representative from the NTI/BA, and the participants in the course. It is aimed at introducing participants to the HELP Programme and providing them with all the relevant information. It is of great importance in particular when a distance course is launched because it may be the only occasion for participants to gather and meet in person with the tutor.

The kick-off is a one-day meeting and it is organised in the pilot countries at the premises of the NTI/BA, if possible. The event must be organised in advance due to the fact that participants in the course may need to travel from their respective towns to the place of the meeting. Because the kick-off is organised in the national language of the pilot country, the interpretation service is usually needed for the intervention of the HELP Secretariat and the international speaker.

■ Content of the kick-off meeting

As previously mentioned, the main objective of the kick-off meeting is to provide participants with all the practical information and give them the opportunity to meet in person. However, the kick-off meeting aims also to introducing participants to the topic of the course by attending one or more presentations.

34. <http://www.coe.int/en/web/help/-/15519813>

Bearing in mind that the agenda of the kick-off meeting should be edited according to the topic, the need of the pilot country, the availability of speakers, etc., it should cover the following aspects:

- ▶ welcoming addresses;
- ▶ an introduction to the HELP Programme;
- ▶ the implementation of the ECHR at the national level;
- ▶ a presentation related to the topic and the relevant case law of the ECtHR;
- ▶ an overview of the outline of the course;
- ▶ participants' expectations and needs.

Welcoming addresses are usually delivered by one or more representatives from the hosting NTI/BA as a proof of the cooperation with the HELP Secretariat. The HELP Programme is then presented by the member of the Secretariat joining the meeting. Due to time constraints, the presentation focuses on its main aspects namely the HELP Network, its objectives, activities, and methodology. The HELP webpage is showed to participation during the kick-off meeting for two reasons: firstly it allows them to find more information on HELP; secondly it is useful to show participants how to get to the HELP Moodle platform.

The presentations on the implementation of the ECHR at the national level and on the relevant case law of the ECtHR are usually delivered by international and/or national speakers appointed jointly by the HELP Secretariat and the NTI/BA. More detailed information about the selection of speakers is provided in the next paragraph.

The national tutor provides participants with practical information such as the length of the course and the timeframe. As previously mentioned in part 2, step 3, c, p.105, those aspects are agreed on before the kick-off meeting is organised.

It is a good practice to collect participants' expectations and specific needs through a *tour de table*. Those can be then reviewed before the end of the course and compared with the final feedback from participants.

See Annex 4: [Agenda](#) (p. 139)

■ Selection of speakers

An international and a national consultant in the field are invited to participate in the kick-off meeting and deliver a presentation each. The selection of the speaker is a key element for a successful kick-off given that high-level presentation can get participants involved in the topic and, at the same time, motivate them to attend the course until its end.

It is good practice to invite as international speaker one of the members of the WG as (s)he is familiar with the topic and the content of the course. As an alternative, the presentation can be delivered by a lawyer from the Registry or the Research Department of the ECtHR.

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The national speaker delivers a presentation which focuses on the national legal order targeting the category of legal professionals involved in the course. References to the national legislation and recent national case law are made to trigger the interest of participants.

Further face-to-face meeting in case of blended course

When the curriculum is used for the launch of a blended course, other face-to-face meetings follow the kick-off. Those are organised by the NTI/BA and attended by the national tutor together with a national speaker, if necessary. The meetings are organised independently from the HELP Secretariat meaning that the tutor has to keep it updated as to the dates and the content of each meeting, but the Secretariat is not involved in its organisation.

d. Delivering training: how and by whom

i. The different methods for delivering HR training using HELP resources

Distance-learning

Distance learning courses, following the HELP methodology, are courses that are online, where all materials and activities are carried out on the HELP platform, with the HELP of a national trainer. HELP trains national trainers to use the platform and the HELP methodology. Their role is to adapt the course to the national legal order and to the needs of the participants, follow up on each session with participants as to course content, and various activities published on the platform. These activities can include web conferences, workshops, collaborative documents, chat sessions, the use of forums, and self-assessment activities as well as case-studies and assessment carried out by the trainer. This format allows for much interaction between participants and trainers, but also between participants themselves, who can exchange their opinions and questions via the above-mentioned tools.

The advantage of distance learning is the ease of access to materials, and the respect for participant's learning pace and working schedules.

Self-learning

Self-learning resources include distance-learning courses that have already been piloted, and are transferred to the self-learning section. In this case, the course no longer benefits from interaction with other participants, but the course is accessible to all users that have an account on the platform. Any user can go through the course at their own pace, and use **only self-assessment** tools.

The self-learning section of the platform also includes many training materials in various languages, on articles of the ECHR. Handbooks and various topics are available, as well as presentations sent to us by national trainers on various ECHR issues.

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Blended-learning

Blended learning uses both online distance-learning and more traditional face-to-face training. This allows for the advantages of both the time-saving and ease of access from that the e-learning platform offers, and the benefits of face-to-face training and live interaction. In this case, distance-learning can be used to prepare for the face-to-face section, as a preliminary delivery of knowledge and a way to give or share tasks.

ii. The role of the HELP Secretariat

The HELP Secretariat is here to support members of the HELP Network in delivering HR training, whenever they wish to deliver online or blended training on the ECHR. All HELP materials are online on the HELP website, free of use and accessible to all legal professionals who have created an account on the HELP website. If a national training institution or Bar association wishes to launch a distance or blended learning course on any of the available topics, the HELP Secretariat provides support in the organisation of the course and provides the training materials as well as the learning environment.



To know more about the available courses and the languages they have already been translated in, see the [HELP catalogue of available courses](#)³⁵.

The HELP Secretariat is also ensuring that the HELP methodology is referred to in each cooperation project implemented by the Council of Europe, to ensure harmonisation in the way training on the ECHR is delivered to European legal professionals.

The HELP Secretariat is ensuring the synergies and cooperation with international organisations also involved in human rights training (UN agencies, OHCHR, OSCE, ODIHR, etc), and with the relevant partners at international level (EJTN, CCBE, etc.).

iii. The role of the training institution

The training institution, responsible for training of legal professionals in the national countries, have the responsibility to train legal professionals on HR and the ECHR. The possibility to use the HELP resources represents an opportunity to have access to quality training materials. The online format represents a cost-efficient way to train as many legal professionals as possible.

The NTIs and BAs have a responsibility in supporting the national trainers in the adaptation to the national legal order. Then, once a course has been phased and tested with a first pilot group of participants, it is up to the NTI/BA to take it over and make sure it will be kept up to date and further benefit to other legal professionals in the country.

35. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168065457b>

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iv. The role of the trainer

Adaptation of the HELP model course

The role of the trainer for a HELP course is to adapt the HELP model course to your national legal order. When a course is launched in a country in your national language, the course material will be sent to you in your national language. This material will still need to be adapted to your national legal order, as well as to your target audience.

Adaptation to the national legal order

HELP requests national trainers launching a HELP course to draft a first introductory document outlining how the ECHR and other instruments relevant to the course are interpreted at the national level. National implementation of the ECHR is an important prerequisite for participants to understand. If such documents have already been drafted for courses that were launched previously in your country, you will be able to reuse that document.

Adapting the course to your national legal order involves taking the model course, and defines what is relevant, and what is most important. Different countries face different issues. The aim of the model course is to cover as many issues as possible, and to try and think of all possible problems encountered from the point of view of ECHR, based mainly on ECtHR case law. If you feel that an issue is worth taking more time for, this is your role to emphasise.

Practically, this will involve mentioning to your course participants what they need to focus on, and adding relevant additional materials. On the Moodle platform, you have the possibility to add additional documents, case law, links, videos and other activities or resources.

Adaptation to the target audience

The second level of the adaptation, once your course was adapted to the national legal order, is the adaptation to the target audience. This involves knowing your audience and assessing their needs.

Different categories of legal professionals have different needs, and this is important to take into consideration, not only in the type of information you get across to the audience, but also in the way the information is brought across and the tools used to do that.

Concerning the first point, on the different type of information to get across, as a peer to your course participants, you will be able to know what information is most relevant to the participants, and what they indeed need to know. This will allow you to focus on what really matters. It is very important to make sure the course is relevant and practical. Participants need to understand the need for this training, and for them to know how to use the information conveyed.

Concerning the second point, on the different way of getting information across to the course participants, this is also important to consider, in that not all participants will react to the same learning approaches. You need to consider whether you are training senior legal professionals, or students. The approach will greatly differ in those two extreme examples. In any case, a variety of

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resources and a variety of activities is always beneficial, and a practical approach is key to success. The training is more effective if more interactive. Blended-learning is therefore very beneficial. The e-learning platform can for example be used to convey information and preparing a face-to-face session. It is important to know the target audience in order to provide them with efficient training.

Practical and efficient training means not only getting knowledge across, but making sure participants also acquire the skills to use that knowledge, and develop the attitude to be able to use those skills efficiently.

Publication of modules³⁶

As previously mentioned, training materials can be uploaded before the course is launched or module by module on a regular basis. If all materials are uploaded at once, those will be available to participants according to the course timeframe.

The task of the national tutor is to make sure that participants have access to each module in due time (this includes the course content, adaptation to the national legal order, relevant case law, additional resources, assignments) and support them in case of technical problems.

The design of the course

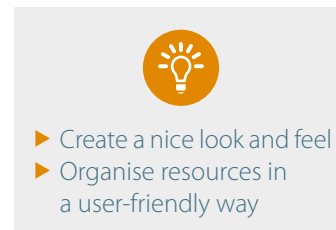


By “design of the course” we mean the way the course is outlined and presented in Moodle, the e-learning platform used by HELP.

Each course starts with a picture and a title for the course. Below that are a news forum and a discussion forum. See section below p.113 for the use of forums. These forums are general for the course, and then a discussion forum can be inserted for each module to discuss more specific issues.

Then, each module is presented in the same way, including the name of the module (Module 1, module 2 ...) a picture for that module, and the title of the module below that picture. The course content is then presented in “labels” that are split as follows:

- Presentations
- Additional resources
- Useful links
- Videos and multimedia
- Assessment
- Additional assignments



36. For all aspects linked to Moodle, please refer to the step-by-step guide, and to the tutorials available on the HELP platform. <http://help.ppa.coe.int/>

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Uploading a SCORM package

A SCORM package (the package that contains the e-learning) is the format that the interactive e-learning course takes. The HELP Secretariat usually uploads that on the page of the course and in the self-learning section of the website. This is done by simply going to “add an activity or resource”, and choosing the option “SCORM” package.

Importing materials

Importing materials from one course to the other is not only possible, it is easy. A course can easily be duplicated in case it needs to be launched again.

Additional resources

Additional resources are important, especially in the process of adaptation to the national legal order. Additional resources can include links to websites, additional readings, and reference to text books. They constitute resources that are beneficial to the participant but not essential to the knowledge they need to acquire. Additional resources are a good way to present a series of resources available on the topic

Videos

Videos can be used in two ways. Links to relevant videos can be added to the course. Videos that are in the public domain and require authorisation can be used in this way. Videos can also be imbedded in the body of the course, but attention should be taken to the type of video. Videos from the Council of Europe channel or from the HELP Programme can be embedded in the body of the course. Your own videos or videos developed specifically for your course can also be used in this way.



Go to the step-by-step Moodle guide to find out about how to do that.

Using fora

Two forums – News and Discussion – are inserted by default in the course page on the HELP Moodle platform. Although those forums are structured in the same way, content and scope are different and the national tutor is expected to manage the both.

News forum

The News Forum is aimed at providing participants with all the practical information related to the course, such as the date of publication of the modules, the deadlines etc.

Discussion forum

On the contrary, the Discussion Forum is the place where a debate can be launched among participants. On the basis of the topic suggested by the member of the WG, the national tutor asks questions related to the topic and the national legislation or case law. Given that the forum

is meant to be the place where participants express their opinion, an open question format is recommended. Furthermore, participants must be aware of the fact that the final evaluation is not based on their answers and that the forum is accessible to the other participants in the course only.

Once a discussion is started by the national tutor through the insertion of a post, all the participants can reply to the existing posts and insert a new one.

Wiki

A wiki activity in Moodle is a tool that allows for the creation of collaborative working documents. They can be useful for group work such as the preparation of a Moot Court (see section below p.115). HELP also uses the wiki tool for the development of course curricula in working group of experts aimed at developing a HELP distance-learning course.

BBB web conference tool

Moodle offers the possibility to organise web conferences, without the need to download any programme. The tool is imbedded on the platform, and can be part of a course. It is a very useful tool that allows for presentations online, also using background documents or PowerPoint presentations. BBB can be used to organise a discussion between participants that live far from each other. It has been used for example for the launching event of a multinational course on admissibility criteria in applications before the ECtHR for lawyers. It is easy to use and provides a good replacement for face to face meetings, without requiring additional enrolment. Indeed, the activity will be created in the course page, and all participants to the course will have access to it by just clicking on the activity.

BBB offers the possibility to record the video conference session. This is a great asset, in case participants didn't get the chance to be present at the required time.

Chat

Chat sessions are also available, following the same principle as BBB but without video. The difference with the forum is that all or part of the participants are connected at the same time and can discuss an idea or express their opinion. The chat session is moderated by the trainer who can provide feedback or help participants to take the discussion in the right direction.

Assignments

During the content development phase, the members of the WG draft different kinds of assignments which are used throughout the course such as case studies, essays, multiple choice or true/false quizzes etc. The content and the complexity of each assignment depend on the topic and the national tutor is in charge of its adaptation to the need and the initial knowledge of the target group.

Some assignments are designed in a way that Moodle provided participants with an automatic feedback. In those cases, the national tutor is not expected to correct and evaluate the submissions, but to analyse statistics as provided by the Moodle platform.

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On the contrary, for some assignments the individual feedback from the tutor is needed. This applies for the final assignment in view of the certification. The national tutor is, in fact, expected to list the name of those who have successfully participated in the course and are entitled to get certified on the basis of the submission to the final assignment.

Quiz

A quiz usually includes multiple choice questions, or true/false questions. This type of activity allows the participant to receive automatic feedback from the system, as the answers have all been previously entered by the trainer. When creating the quiz, the trainer will enter automatic feedback for the correct and the wrong answers.

Essay

Essay questions require the involvement of the trainer, who will provide manual feedback to the participants for the work they have delivered. This is more time consuming for both the participant and the trainer, but can be extremely beneficial to evaluate understanding of a concept, or skills acquired, for example through case studies.

Self-assessment

Multiple choice or true/false questions are a kind of self-assessment, since the system delivers the feedback to the participant and provides them with their grade. When designing the interactive e-learning package, “knowledge checks” can also be inserted throughout the course. Indeed, it can be beneficial for the participant, after reading about a concept, to directly check his/her knowledge via a quick question in the format of drag and drop or other.

■ Activities for blended-learning or face-to-face training: Moot courts

Why moot court?

Moot court is a simulation of a real judicial hearing, and in a wider sense – of the whole trial, starting from the preparation of arguments and ending with a verdict.

Moot court as a training exercise roots back to the tradition of debates in British and American universities, when students could practice their argumentation and oratory skills, arguing in hypothetical cases presented by their professors. In those days, as in modern times, professors most often played the role of judges. Today, many law firms and, in some countries, public prosecutors’ services use elements of moot courts to prepare for court hearings.

With the development of informal education and “blended” learning, moot courts, as a training methodology, are becoming increasingly popular among law schools and various training institutions not only as a way to assess students’ knowledge, but also as a means to motivate them to go through a large amount of resources which otherwise would not have been addressed. The creation of a competitive environment in most cases pursues the learners to be more concentrated and to absorb, memorise and analyse information quicker. It is important, however, to keep the training nature of the exercise, and avoid presenting the victory as an ultimate goal. The role of

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a coach/tutor is crucial to ensure that every moot court is just a competition, where, in Pierre de Coubertin's words, participation is more important than the victory.

Moot courts aim at developing skills as case analysis, argumentation, critical thinking and public speaking. It is an opportunity for the participants to place their theoretical knowledge in context and to apply legal principles in practice.

Since moot courts as exercises are a product of the Anglo-Saxon legal tradition, the emphasis in preparation is put on looking through the judicial practice in search for relevant standards and approaches rather than simply on provided pieces of legislation. This may be challenging for participants from civil law countries; in a globalised world, however, the legal traditions blend with each other. This is particularly important in the case of training on human rights, the standards of which are set in the case law of the European Court of Human Rights, jurisprudence of the Court of Justice of the European Union and could be found in the practice of UN quasi-judicial bodies. As the practice shows, ability to build arguments on the basis of previous judicial practice, as well as interpretation of legal norms in the light of applicable case law are the weak points of many legal professionals from civil law countries. Moot courts are the right instrument to address them.

Moot courts can be organised to enhance the knowledge on a particular topic or area, as well as to strengthen skills of working with particular legal instruments: national and international courts, quasi-judicial bodies, etc.; it could be used to analyse a complex legal or political phenomenon or even political events.³⁷

The most well-known international moot court competitions for students include the Jessup International moot court competition, which is based on a simulation of a trial at the International Court of Justice; Rene Cassin moot court competition, simulating a process at the European Court of Human Rights; Willem C. Vis International Commercial Arbitration Moot court, simulating the work of ad hoc commercial arbitration. When preparing a moot court competition for the first time, it is worth to have a look at the websites of the mentioned competitions to get some inspiration.

Where to use it:

Moot court is a methodology often used in legal clinics and other forms of extracurricular activities. In continuous training of legal professionals it can be used as a final exercise in a training course. Moot courts are sometimes also used to as a form of final examination, although this has some limitations, in particular, if a formal assessment is required.

In the case of "blended" learning, the exercise could be used during face-to-face sessions between the modules of a training course to fixate the knowledge/skills, as well as one of the final tasks of the course. Its usage in full distance-learning course is limited by the necessity for all the group participants to be present at one place at the same time.

³⁷. The 2015 Jessup Moot case was based, partly, on the situation around the annexation of Crimea by Russia in May 2014.

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How to organise it:

Organisation and the format of a moot court depend on objectives and availability of financial and human resources. For bigger events, which can last 2-3 days and include selection rounds, a team of 4-5 persons may be required. Availability of volunteers who act as judges, bailiffs/timekeepers is crucial. Even if an oral part (the moot hearing itself) can have just one judge (three is preferable though), for the sake of impartiality the written submissions should be assessed by several judges. For smaller versions one coach/tutor and an assistant will be sufficient.

Case and preparation

The key element of any moot court is the moot case. Whether one adapts a real case or invents one, it should be coherent. It means that there should be inner logic, no discrepancies of the fact in various parts of the case. Participants should get enough information from the facts and provided pieces of fictitious (or real) legislation so that they don't have to invent anything. In fact, most moot court rules explicitly prohibit that participants invent facts or details other than contained in the given case (this does not concern interpretation of these facts or legal acts).

The length of the case depends on how much time the participants will have for the preparation to the moot court, and typically contains 15-30 pages. Unlike a regular case study, when learners may receive the case for the first time in the class or during an online exercise, and have to produce oral arguments immediately, after a few minutes of deliberation, moot court requires a solid preparation. Therefore it is important that learners receive the case and the rules at least one month ahead of the deadline for submission of their written arguments.

Depending on the size of a group, participants can receive individual (for a small group) or team tasks. In both cases, an individual or a group can be tasked with the preparation of arguments for either one or both sides of the proceedings. More time required in the latter case, although the educational effect may be significantly stronger.

Judges

In most cases there are a few requirements for "Judges" who volunteer at moot courts. A general one is a law degree and familiarity with the area a particular moot court focuses on. However, judges have the responsibility to prepare well. They should know well the elements of the case, applicable law and, ideally, should prepare questions to the parties. To facilitate this, a special guide for judges, often called "the bench memorandum" is often prepared. This document gives a detailed and structured analysis of the case and legal problems raised, gives reference, or even quotes, relevant legal norms and practice and greatly saves time judges need for preparation. Judges should be encouraged, however, not to limit themselves to the guide but to do a bit of their own research.

Written rounds

Preparing the written arguments is always the first stage of working on a case. It is always better if the teams (or individual participants) have a list of issues to reflect on, i.e. "questions to the parties",

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along with the legal position of the side of the proceedings. In the case of team work, this is the time when the role of a coach is most important.

The written submissions are assessed by “judges” based on pre-established criteria (see Annex). In the case of several teams, some of them can be filtered at this stage. For smaller competitions, however, it is better to admit all teams to the oral rounds and to take into account their written scores when calculating the final results.

Oral rounds

This is the main, “theatrical”, stage of any moot court, where the learners not only have a chance to practice their oratory skills but also to apply a wide scope of legal norms, principles set in the case law and doctrine (see Annex for an example of oral hearing rules). For the organisers, it is important to assemble a classroom as a courtroom, with a bench for the judges’ panel, separated tables for processual sides, seats for the audience and a time keeper. One hearing normally lasts 30-40 minutes, which includes the general presentations by teams and rebuttals.

The most crucial part of this stage is the feedback, which all teams receive from judges after the verdict is announced. It is the time to highlight strong and weak elements of participants’ performance, and give them recommendations for the improvement.

Tools for activities such as moot court exercises can be found in the [Council of Europe Compass](#)³⁸ on Human Rights education.

The importance of support to learners

Support to learners is a central component in open and distance education. The quality and scale of student support mechanisms define the overall quality of open and distance education programs. It is implemented by educational organization mostly in two ways - technical and human. Technical resources, for instance, are instructional design of study materials, study guides, teaching aids, different types of questionnaires, statistical analyses methods and etc. Human resources are counsellors and instructors who offer permanent support and advice throughout student’s career.

Of course, in conventional education, face-to-face communication may also have a range of drawbacks, as discussed in part 2. That is, linguistic, psychological, interpersonal, cultural, environmental ‘distances’ may exist in face-to-face communication (4). So, in conventional education too, where face-to-face communication is main teaching method, learner support mechanisms may be useful.

Student support in e-learning is provided by training or educational organisations in two ways – learner support and learning support. Learner support means a structured assistance to students through necessary information provision and consulting in terms of learning process management. Learner support in e-learning is structured and includes the following phases.

38. <http://www.eycb.coe.int/compass/>

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- ▶ Information phase
- ▶ Guidance phase
- ▶ Registration phase
- ▶ Integration phase
- ▶ Accreditation Assistance Phase
- ▶ Guidance on Further Study Phase

Learning support means structured assistance delivered by the training organisation in the actual process of learning. Learning support is provided in learning phase which is organised in online and offline learning formats. The process of offline and online learning is organised via delivery of e-learning content and use of email technology, chats, discussion forums and etc. All these mechanisms allow interaction not only between a tutor and the learner, but also learner to learner. In practice, in e-learning programs this may be implemented through:

- ▶ Delivery of distance education content through online learning techniques and offline learning platforms.
- ▶ Discussion forums. Discussion rooms for all students to exchange ideas in the framework of the course, raise questions, post comments etc. Discussion rooms must be under supervision of facilitator or tutor.
- ▶ Email. The facility to contact tutors and / or peers.
- ▶ Electronic tutorials. Electronic documents which allow students to meet their learning objectives.
- ▶ Resources / Library. Electronic access to supplementary resources to support student learning.
- ▶ Student - Self Assessment. The electronic mechanism to monitor the progress of a student in a specific course. This helps students to make sure whether they make a progress or not.
- ▶ Automated Assessment. This electronic facility allows producing a final result which is used in the certification phase.
- ▶ Tutor Assessment. The facility to send work to a tutor / teacher for correction and evaluation.
- ▶ Student Portfolios. A personal home- page per student to allow them to introduce themselves to online colleagues, showcase their work, provide alternative sources of course information to colleagues.

A coherent and unified service of student support would normally entail the following:

- ▶ FAQ section on registration
- ▶ Access to technical support services
- ▶ Support regarding registration
- ▶ Ability to contact tutors
- ▶ Ability to contact other students
- ▶ Advice on further study
- ▶ Discussion forums
- ▶ Electronic tutorials
- ▶ Feedback on assignments
- ▶ Tutor access

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Step 4: How to evaluate the course and plan its follow up

In this section, we will discuss:

- ▶ how to assess whether the training has been effective
- ▶ helping learners provide feedback on the quality of the training provided
- ▶ identifying future training needs of learners

Evaluating the success of training is a vital final step in the design and delivery of training.

This process is much more than that involved in assessing whether LOs have been met: evaluation of training involves taking an open, honest and constructive look back in time to the training given with a view to identifying ways of improving training in the future.

Evaluation should involve trainers and learners. It may also involve an external element (for example, an outside funder, or audit services within the organisation).

Evaluation is largely *evidence-based*. It should meet a number of criteria, including honesty in self-reflection, openness, willingness to identify shortcomings, and readiness to incorporate lessons learnt into future training.

While this involves much more than the question 'were the LOs fully met?' use of the LOs as a starting-point for training evaluation is an obvious starting-point. If there have been problems in meeting LOs, this may be on account of one or a number of related factors: e.g.

- ▶ the LOs were too challenging
- ▶ the assessment tasks built into the training were not able to measure the LOs
- ▶ delivery of training (i.e., choice of method) did not support attainment of the LO
- ▶ the audience did not find the LOs relevant

It is worth clarifying two distinct issues that may arise in evaluation:

Trainers need to know if the learning objectives have been met (i.e., whether the training was effective) and need to be able to identify future training needs of learners (i.e., if a learning



WHY EVALUATE TRAINING?

There are 4 primary reasons:

- ▶ Improve our effectiveness as trainers: evaluation will tell us whether we have achieved what we intended to achieve, and whether any learning has occurred
- ▶ Be accountable: training uses up considerable resources. Their use is something we need to be able to show as having been meaningfully spent.
- ▶ Share experiences: Others can learn from your successes and mistakes by reviewing your evaluations. You can add to existing knowledge about what practices work and do not work with certain learners.
- ▶ Find motivation: When you can see that your training is achieving results, it is something for you and your team to be proud of.

Adapted from ONHCR
Evaluating Human Rights
Training Activities (2011), p 19

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objective was *not* met or only partially met, and how to determine what should be provided in the next round of training). From a personal standpoint (as trainers are themselves concerned to improve their own performances as learners), trainers will want to know what learners thought of their performance in plenary and group sessions.

Learners also need assistance with identifying whether they have met the learning objectives of the training. If these have not been met, the *responsibility* for the lack of success may lie with the trainers, but the individual learner thereafter shares a different responsibility – for trying to identify ways in which the deficit between objectives and intention can be met. (In other words, the learner should be asking: what can I do to make good the shortfall, assuming that satisfaction of these objectives is regarded as necessary for the proper discharge of my job as judge, police officer, prison officer, etc.)

Evaluation of training thus serves two primary purposes: first, in helping identify future training needs; and second, helping to improve the delivery of training.

a. Asking learners to give feedback to trainers:

The learning cycle is equally applicable to trainers. Trainers should be encouraged to reflect on their own performance as speakers or as small-group facilitators: but feedback from the learners themselves is now an accepted and vital part of training. Not to offer the audience the chance to give feedback suggests a lack of professional interest in training.

To be effective, feedback from learners on the training they have undertaken should follow the following basic principles:

- ▶ learners should be told why the feedback is being sought: to improve the quality of future training as well as to assess the success of the training just presented
- ▶ the feedback should be anonymous
- ▶ adequate time should be set aside (preferably at the end of the course) to allow the feedback to be completed – *never* simply ask for feedback to be completed and returned in the learners’ own time as this will rarely occur
- ▶ questions need to be designed to elicit **useful** responses
- ▶ the questions asked should relate both to the performance of the trainers and to the perceived relevance or success of the training.

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What feedback do trainers need to allow them to carry out effective evaluation of training? Responses can be sought in different ways: through course evaluation forms, end-of-course conclusion, small-group discussion, or even informally during breaks.

Learners should be invited to give their responses to issues such as:

- ▶ Learners' interest in the topics selected for consideration
- ▶ The perceived relevance of the topics for learners' professional work
- ▶ The organisational aspects of the training (venue, timing, etc.)
- ▶ The value and quality of the prepared materials circulated
- ▶ The quality of the contributions by experts or trainers (in respect of plenary sessions) and of small-group work (including the role of the tutor)
- ▶ The range and variety and suitability of training methods adopted (including plenary presentation or debate, small-group work, moot court exercise, etc.)

If written evaluation forms are used, questions can involve a range of different types of response: e.g.



Linear scale: learners indicate their response to a series of statements: e.g.

On a scale of 1 – 5 (1=poor; 5=excellent), please rate:

- The way in which the talk was presented
- The content of the information presented
- The usefulness of the hand out
- Your knowledge of the subject *before* the class
- Your knowledge of the subject *now*



Choice of most appropriate response: one (or possibly more) responses are elicited: e.g.

What was / were the most important factor(s) in your attendance at training?

[Tick all responses which were relevant in your situation]

- I felt I would learn something useful
- The content of the training is relevant to my job
- My superior officer instructed me to attend
- My colleagues had indicated they were attending
- I wanted to attend to meet other colleagues

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Choice of one response from several alternatives: one response is elicited, e.g.

What *relevance* do you think the training has for you? Select the most appropriate:

- I will be able to put into practice my new knowledge immediately
- I think my new knowledge will be of some use to me in the near future
- I cannot see my new knowledge being of much practical use in the near future
- The knowledge gained was of no direct relevance to me



Seeking a limited number of open responses: the learner is asked for key impressions: e.g.

List the three most important things that you have learnt / now will do in your job?

- 1.
- 2.
- 3.

It is also crucial – at the end of each set of questions – to allow space for any further comments the learner may wish to make: these may be elicited by means of a formula such as ‘any further comments?’ or ‘do you have any suggestions for improving future training?’ (but note that a question such as ‘do you have any suggestions for improving part 1 of the course?’ is more specific and more likely to produce useful feedback for trainers).

b. Evaluation: outcomes

Effective evaluation will result in outcome for both trainers and learners. Each group can be considered separately.

Trainers

Evaluation of training by the trainers is designed to learn from past errors (and successes). Evaluation involved can occur immediately at the end of the event (as long as the learners’ evaluation responses can be collated quickly), but may be better left until a later date (but not so late after the training that trainers’ impressions have faded). ‘Evidence’ can take a number of different forms:

- ▶ The evaluation forms received from the learners
- ▶ The views of the trainers (and outside experts) on whether (or to what extent) learning objectives were met
- ▶ The learners themselves: their attitude, level of participation, assumed knowledge
- ▶ Organisational aspects (timing, venue, availability of small-group rooms, etc.)

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- ▶ The programme (including variety and balance of training methods)
- ▶ Identification of future training needs



In all of this, two questions (following upon the training loop, above) are relevant:

- ▶ *What went well* (and why); and
- ▶ *What improvements could have been made* (and how)

Trainers should also consider the extent to which it is possible to expand the lessons gained from the training. This aspect is often neglected: human, material and economic resources spent in training are generally considerable, and it is important to find ways of enlarging the positive impact of these resources.

Think about the following:

- ▶ Are the learners expected (or being encouraged) to disseminate the lessons gained from the training? This can be made a specific learning objective of the training – but if so, you may have to pay particular attention to the question whether selection of learners should reflect their perceived potential as trainers, *and* the training programme will have to include sessions on the planning and delivery of training by the learners in their own localities.
- ▶ Can the resources be collated and made available after the training? Invite learners to make available to their colleagues the materials presented. Could talks from experts be taped (or even videoed) and copied? Could the materials be made available on a website?
- ▶ Would it be valuable to try to establish some form of resource centre by asking participants to supply materials which could be used in future training activities?
- ▶ Should learners be encouraged to contact the training team in the event that they have further questions or need for clarification of issues raised? This could also allow trainers to identify points which are required to be emphasised in future training.

Trainers, too, may wish to disseminate views and lessons on *training*: essentially, ‘what went well’ and ‘what did not work well’ – and in both cases, why. Particularly if a training package is being developed for general use by others, refinements in programme, methods or choice of small-group case study may be appropriate: and it is better to try to avoid repeating past mistakes than recreating them.

Learners

Encouraging ‘learners’ to understand the purpose of evaluation is more challenging. The ‘training loop’ suggests that learning is a structured and supported process. In the context of police, judicial or other professional training, getting learners to recognise that they have a responsibility to reflect upon their own learning and performance and to plan for their future personal and professional

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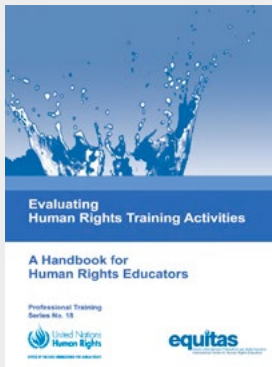
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development is important. (Note though that such an idea may be a difficult one to communicate where this essentially involves an attitudinal shift in an employment culture which may not always perceive the importance of continuing professional development).

In short, the ultimate aim of all training is to improve the capacity of individuals to understand what and how they are learning, and to review, plan and take responsibility for their own learning, helping learners become more effective, independent and confident self-directed learners. Trainers should thus be encouraged to help learners identify and to articulate future training needs. To this end, some assistance is needed to help learners:

- ▶ **identify the extent to which the *current* learning objectives have been met** by reviewing these briefly at the end of the training. If certain learning objectives have not been realised, the implication is that there is already an identified *future* training need. How will this be met by *both* the trainer and the learner?
- ▶ **seek to elicit ideas or suggestions for future training** – in this way, trainers may gain some insight into what the audience considers may be relevant in further training (thus stressing again the importance of projecting the message that training is tailor-made for specific audiences).

An outstanding resource on evaluation of human rights training is available at <http://www.ohchr.org/Documents/Publications/EvaluationHandbookPT18.pdf>



Once all the modules have been published and participants have submitted the final assignments, the short-term impact of the course is evaluated by the national tutor. This is done by uploading in the HELP Moodle platform a questionnaire as it is provided in the national language by the HELP Secretariat and asking participants to submit their feedback.

The questionnaire aims at collecting participants' feedback on the quality of the training materials, the way in which it was moderated by the national tutor, and the potential application of what was learnt in the daily practice. On the basis of those submissions, the nation tutor is expected to submit a report to the HELP Secretariat by including his/her feedback.

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c. The HELP approach as to human rights training evaluation

In the framework of the HELP Programme, once model curricula are available in English, they are tested in some pilot countries. After each course is completed, a questionnaire is being sent to each participant and aggregated data are analysed to see which part of the course is to be improved or amended according to the real needs of participants.

It is proposed to work together with NTIs/BAs on setting up a focus group within the group of participants to each course. This focus group will be informed in advance that they will have to re-answer the same questions 6 months and 2 years after the training is completed. It will allow to have a better idea on the way knowledge and skills have been put in practice in the professional life.

Another source of information is of course the feedback given by the national tutor who moderates the distance-learning course.

The role of a trainer in distance education is likely to be somewhat different than in face-to-face training and requires some specialised skills and strategies: "distance education instructors must plan ahead, be highly organised, and communicate with learners in new ways. They need to be accessible to students, work in teams when appropriate, and play the role of facilitator or mentor in their interactions with learners. Finally, they may have to assume more administrative responsibilities than is true in a residential model".³⁹

Information for evaluations of teaching should not be limited to student ratings, which address only the aspects of teaching students can observe. Other methods of evaluation, such as peer reviews of the quality of instructional design and content (along with self-evaluations) can lead to a fuller understanding and more useful assessment of instructional effectiveness.

Importance is also given to informal feedback received through discussions, during face-to-face activities or de-briefing and certification ceremony. In some countries, it is easier to gather feedback through informal exchanges and it is therefore important to take that kind of feedback into account too. See annex 6: evaluation questionnaire.

d. Levels of evaluation of HELP courses

i. Evaluation of participants

Participants to a distance-learning course followed by a trainer lead to certification (and in some cases accreditation). To this end, an evaluation of participants must be developed, according to the learning objectives. Have the learning objectives been met? This will be evaluated partly based on the results of this evaluation of participants. Tests, case studies or other assignments are developed by the working group of experts that develops the model course in English.

39. <http://www.westga.edu/~distance/ojdl/summer72/tobin72.html>

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ii. Evaluation by the participants

Participants are asked, at the end of a course, to evaluate the training by giving their feedback on the content and format of the course, and give us their opinion on whether the learning objectives have been met. These feedback questionnaires are all the same, and preferably uploaded in English, so that the HELP Secretariat can easily go through the feedback provided.

iii. Reporting

The trainer is requested to submit a report on the course, participation of the participants to the training, content, course adaptation and so on. See annex 5: report of a distance-learning course by the tutor.

e. Certification and debriefing meeting

On the basis of the list provided by the national tutor, the HELP Secretariat issued the certificate to those who have successfully participated in the course. The HELP Certificate is jointly issued by the Council of Europe and the NTI/BA and it is signed by the representatives from both. Certificates are sent to the NTI/BA which then disseminates them among participants. Certificates can also be delivered by a member of the HELP Secretariat, if a debriefing meeting is organised.

A debriefing meeting is organised in the pilot country as an award ceremony at the end of the course. The added value of the meeting is that the HELP Secretariat collects feedback from participants and assesses training needs in view of the organisation of future activities. The debriefing meeting is usually organised in countries where the same or another HELP distance/blended course is launched on the same day.

Certification criteria

Participants are awarded certificates based on criteria that were defined by the members of the WG involved in the development of the course materials. According to the topic and the target audience, criteria may involve (this can change according to the target audience):

- ▶ Successfully going through the course on introduction to the ECHR
- ▶ Follow the course regularly, going through the course materials
- ▶ Participate to discussions
- ▶ Successfully go through the assignments provided for each module
- ▶ A 60% pass rate to the final assignment

Determining the list of successful participants is left to the discretion of the trainer.

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Delivering certificates

In order to print certificates delivered jointly by HELP and the national institution, the HELP secretariat needs to receive the following:

- ▶ A list of successful participants (first name, surname)
- ▶ The name and logo (.jpg format, high resolution) of the partner institution
- ▶ The end date of the training

Some weeks are necessary for the printing of certificates, and the above information needs to be sent to the HELP Secretariat one month before the debriefing/certification meeting.

f. Revision of the course

The aim of the pilot phase is to test the course in different countries to check whether a revision of the training materials is needed or not before those are moved to the self-learning part of the HELP Moodle platform and made available to any user.

Curricula of existing courses are revised after the pilot phase if it is highlighted by the national trainers' reports. Furthermore, curricula can be revised after a certain period when a case law update is necessary. Training materials are reviewed by the members of the WG, the HELP Editorial Board, HELP Consultative Board and Council of Europe relevant departments.

Feedback is essential for HELP to keep materials updated and improve methodology of e-learning courses.

Feedback from the trainer

The HELP trainer provides HELP with a detailed report of how the training/course went, including the following points:

- ▶ Motivation of participants
- ▶ Participation to the discussion forum(s)
- ▶ Results of tests
- ▶ Format and length of the course and how participants responded
- ▶ National adaptation of the course, including priorities for the national legal order, effectiveness for the selected group of participants...
- ▶ Feedback of the participants and their impressions on the course

Feedback from the participants

Participants provide us with their feedback through the debriefing meeting when possible, or through the use of a feedback questionnaire, available at the end of each distance-learning course on the HELP Moodle platform.

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Receiving feedback in English is valuable to the HELP Secretariat. However, due to challenges of the language barrier, it may be necessary for the trainer to collect feedback in their national language, and report on that feedback to the HELP Secretariat through the final report at the end of the course/training.

Feedback from the institution

Feedback received from the training institution is very valuable. Did the participants like the course? How many people have enrolled to the course? Will you launch another course?

Also, the institution can let HELP know if the training is suitable for their needs and how it can be made most efficient.

**g. The use of the curriculum as self-learning material:
From Distance-learning to self-learning**

After the distance/blended course is launched in different pilot countries and it has been reviewed (when needed), training materials can be moved to the self-training part of the HELP Moodle platform. What does that mean?

We have seen that self-learning resources are available to any user who has an account on the HELP Moodle platform. Anyone who has an interest on the subject will have access to the materials online, free of charge.

The main thing that differentiates “distance-learning courses” from “self-learning resources” is that there is no national trainer moderating in the case of self-learning resources, and a certificate is not issued together with the national training institution, meaning no credits awarded.

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HELP

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PART 3: CONCLUSION - How to play an active role in the HELP Network

The importance of the HELP Network: being part of it

The HELP Network, **the only peer-to-peer pan-European Human Rights Training Network**, is composed of representatives from National Training Institutions for Judges and Prosecutors (NTIs) and Bar Associations (BAs) of the 47 member states of the Council of Europe.

The HELP Network is entrusted with promoting the development and carrying-out of initial and continuous training of legal professionals on standards of the ECHR, as interpreted by the case law of the ECtHR. The Network does this through sharing of best practice that allow HELP to develop relevant and effective tailor-made training.

Providing relevant training then ensures the enhancement of the capacity of legal professionals to apply the ECHR at national level, as a “reflex”, in their daily work. Apply ECHR will eventually become automatic in all relevant fields.

Applying the ECHR in national judgments is important for judges and prosecutors. It leads inter alia to a harmonised case law at the national level. Lawyers need to systematically think of ECHR standards, but also know how to comply with the admissibility criteria in applications submitted to the ECtHR. This plays an important role in ensuring an increase in the quality of applications, leading to a better enforcement of the ECHR standards.

The HELP resources are available to any user who has an account on the platform, free of charge and in many languages. This contributes to the spreading of knowledge on the ECHR to legal professionals across the 47 member states. It does this while at the same time improving coordination and uniformity among international and national training initiatives for legal professionals.

Among the **possible initiatives to improve the incorporation of HELP courses into NTI/BAs’ curricula** the following is to be envisaged:

” Internalising training involves a change in attitude”

- ▶ More **awareness raising on the occasion of the kick-off meetings of each HELP course** about the need/interest for national authorities to be properly trained about the ECtHR (e.g. the ECtHR’s finding in its *Hirsi* judgment that the lack of training of the border guards who operated the push backs to Libya was in breach of Article 4 Protocol 4) and the need to incorporate HELP resources accordingly;
- ▶ **Securing more formally** prior to the HELP kick-off meetings **the NTI/BAs’ commitment to incorporate** the course in question in their continuous education programme and planning it accordingly in the preparation of the event/follow-up;
- ▶ **Liaising/advocating with the concerned political/administrative authorities in the Ministries of Justice** of each Council of Europe Member State so that they encourage the concerned NTI/BAs to incorporate HELP training resources in their curricula);
- ▶ Where countries where HELP courses are incorporated in the NTI/BAs curricula, **encouraging such NTI/BAs to display and promote HELP courses** through various means (website, professional training fairs, registration advertising campaigns);
- ▶ Creating incentives for the NTI/BAs to incorporate HELP courses (e.g. in creating and awarding them a HELP/Council of Europe label that can be displayed on their website and leaflets if their training curriculum includes HELP materials)

Also in a wider context, the HELP Programme is seen as THE resource for human rights training for legal professionals by legal professionals. There is a wide range of other institutions offering training, or funds for training, on (human rights) law to legal professionals (see below).

External (Human Rights) Training Providers for Legal Professionals



However, many of these institutions provide general legal training with no specific focus on human rights. In international organizations or NGOs, which offer human rights training, this is usually less institutionalized than the HELP Programme.

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ADVANTAGES

- ▶ Credibility due to close connection with ECtHR and being part of Council of Europe's virtuous cycle
 - ▶ Tailored approach: courses adapted to each country and including most frequent violations of ECHR and current challenges; possibility to adapt to needs of participants after kick-off meeting; ability to connect general and specific information
 - ▶ Online training as a modern form of training, accessible everywhere, suitable for persons who cannot attend face-to-face trainings
 - ▶ Specialized on human rights rather than teaching it as one part of the programme
 - ▶ Provision of training for prosecutors, who have less training opportunities elsewhere
 - ▶ Not commercial and available for free
 - ▶ Pan-European network offering high outreach and dissemination potential enhanced through focal/info point system
 - ▶ Training through certified national tutors
 - ▶ Free from cumbersome administrative procedures for participating institutions
 - ▶ Multiplier effect through work with NTIs and BAs rather than individual legal professionals
 - ▶ More safety for participants in Council of Europe training courses than for participants in courses offered by NGOs in countries with difficult human rights situations
 - ▶ Institutionalized programme allowing for sustainability and updating of existing courses over time (rather than one-off project)
 - ▶ Combination of three target groups: judges, prosecutors and lawyers
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The benefits of using the HELP platform

As a training institution, it is your responsibility to promote human rights throughout legal professionals education, be it initial or continuous training. HELP provides a platform that makes it easy and accessible to all institutions to use the available online resources, and for legal professionals to find the resources they need quickly, easily and on all supports, including portable devices.

The HELP e-learning platform can also be easily populated with training materials from each country in each national language. The platform should be used to collect resources from around the 47 Member States and making them available for legal professionals from other countries.

Forums can be used for legal professionals to discuss and exchange on human rights related issues.

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HELP certification

HELP provides various certificates, to ensure quality of training delivered to legal professionals. There is a possibility for participants to receive accreditation for courses they followed under the HELP programme, which is a way to ensure internalisation of ECHR training at national level.

a. HELP certified trainers

Certifying HELP trainers ensures ownership of the HELP methodology by the national trainers, and ensures that the HELP resources are used in an effective manner. The HELP certified trainers fulfil the following requirements:

- ▶ Undergo 3 days training in Strasbourg
- ▶ Have good knowledge of ECHR standards (HELP course on introduction to the ECHR)
- ▶ Fulfil an assignment to show understanding of the methodology and use of HELP tools and resources

b. HELP certificates for courses

HELP distance-learning courses are followed by a selected group of participants and moderated by a trainer, who has been certified by the HELP programme (a [list of HELP certified trainers](#)⁴⁰ is available online). At the end of the course, an evaluation allows the tutor to determine which of the course participants qualify for a certificate. This can be based on the following criteria:

- ▶ Follow the course regularly
- ▶ Participate to discussions
- ▶ Successfully go through the assignments provided for each module
- ▶ Successfully undergo a final assessment

Determining whether a participant is entitled to a certificate is left to the discretion of the trainer and the national training institution.

HELP certificates for participants are issued jointly between HELP and the national training institution involved. If required by the national training institution, HELP can provide the minimum hours of learning required for the training, which can lead to appropriate accreditation for the participants. The award of credits is left to the discretion of the national training institution.

c. Delivering a HELP “label”

One of the aims of HELP is to integrate human rights training as a part of initial and continuous training. Some training institutions may want to develop their own training, and receive the HELP “label” for it, saying that it has been approved by the Council of Europe. This would be very beneficial for training institutions and could be done following certain criteria to be set together with the HELP Network.

40. <http://helpcoe.org/content/training-trainers>

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SUCCESS STORY

Effectiveness: The HELP Programme is effective in the sense that it produces good quality tutor-run distance learning courses. Anecdotal evidence suggests that those legal professionals who took HELP training gained knowledge about the respective legal topic they were trained on. Self-learning courses have the potential to reach a large number of legal professionals.

The 5 key strengths of HELP

The previously mentioned key strengths of the HELP programme make it worthwhile for all legal professionals eager to improve their knowledge of the ECHR, and provide an easy way for national training institutions to develop and integrate ECHR training for legal professionals.



So take part in our initiatives and join our network!

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RESOURCES AND ANNEXES⁴¹

ANNEX 1: CATALOGUE OF RESOURCES

ANNEX 2: TEMPLATES FOR A STORYBOARD

ANNEX 3: SCRIPTS FOR TOT

41. Annexes can be found on the attached USB



Council of Europe
Kick-off meeting of the pilot distance-learning course on
[Title of the course]

AGENDA

[location], [date]

[Address]

Organised by:
the European Programme for
Human Rights Education for Legal Professionals (HELP) of the Council of Europe
In co-operation with
[Partner NTI or BA]

- 9.30 – 09.45** Arrival and registration of participants
- 09.45 – 10.15** Welcoming address
[Name of HELP trainer], HELP trainer
[Name of Head of the national institution]
- 10.15 – 10.45** Introduction to the HELP Programme: network, objectives, activities and methodologies.
[Name of member of the Secretariat], HELP unit, Human Rights Policy and Co-operation Department, Human Rights Directorate, Council of Europe
- 10.45 – 11.45** HUDOC and other case law search tools
[Name of presenter], Lawyer, Case-Law Information and Publications Division, European Court of Human Rights
- 11.45 – 12.00** Break
- 12.00 – 12.30** Overview of the case-law of the European Court of Human Rights concerning [topic in question]
[Name of presenter], Lawyer, European Court of Human Rights
- 12.30 – 13.15** Overview of the outline of the course on [topic of the course]
[Name of Focal or Info Point], HELP focal/info Point for [country].
- 13.15 – 14.15** Lunch break
- 14.15 – 15.15** Open discussion on expectations and needs of the participants in the course; support with the HELP platform.
Closing remarks

ANNEX 5: REPORT OF A DISTANCE LEARNING COURSE BY THE TUTOR

[Date, place]

Report [name of the course, name the tutor]

A report from distance-learning trainers should include the following elements:

Adaptation of the model curriculum to the needs of the participants

- ▶ Drafting of training materials on the implementation and application of the European Convention on Human Rights (ECHR)
- ▶ News / information concerning the application of the ECHR at the national level

Training needs assessment and evaluation

- ▶ Liaise with trainees to match their specific needs with the development of the course, carrying out evaluations and preparations of follow up activities;
- ▶ Liaise, whenever possible, with former participants to evaluate their newly acquired knowledge and the impact of the training on their professional performance;
- ▶ Keep the Council of Europe regularly updated on the development of the course;
- ▶ Upload the Distance-Learning end of seminar survey on the Moodle platform to receive feedback by the participants;
- ▶ Provide the Council of Europe with a qualitative analysis of the course;
- ▶ Inform the Council of Europe on informal feedback on the course received from the participants.

HELP e-learning platform

- ▶ Enrolment of the participants to the course in the reserved section of the HELP website
- ▶ Contact with the participants in order to obtain all information needed and keeping them informed of course deadlines;
- ▶ Uploading onto the HELP website the necessary documents and training materials for the duration of the E-learning course;
- ▶ Publication of all relevant news and information for the participants;
- ▶ Posting ECHR topics, questions and messages on a HELP website forum specifically dedicated to the participants in the course, stimulating and reviving the discussions and network among them: at least one new discussion should be posted every two weeks. Ensuring that the questions addressed through the on-line forum are answered in a timely manner, keeping track of the most frequently asked questions;

Execution and results of the course

- ▶ Contribute to discussions and exchange expertise as appropriate during the kick-off seminar;
- ▶ Evaluate the success of the course and identify the problems
- ▶ Identify ways to improve the results

ANNEX 6: HELP EVALUATION QUESTIONNAIRE

End of distance-learning course - Questionnaire

Course

Date

Objectives of the questionnaire:

To obtain feedback on the content of the course and the role of the tutor

To improve the quality of future distance-learning courses

I. WHAT IS YOUR PROFESSION?

- ▶ Judge of first instance Court
- ▶ Judge of Court of Appeal
- ▶ Judge of Supreme Court/Constitutional Court
- ▶ Prosecutor
- ▶ Lawyer
- ▶ Other

II. WHAT IS YOUR OVERALL EVALUATION OF THE COURSE?

- ▶ Excellent
- ▶ Good
- ▶ Satisfactory
- ▶ Adequate
- ▶ Poor

III. PLEASE RANK THE FOLLOWING:

	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE
1. The topics covered were relevant to me and will be useful in my daily work.					
2. The course improved my practical knowledge on how to apply human rights law at the national level.					
3. The tutor interacted with me and encouraged my participation in the course.					
4. The tutor was sufficiently competent on the topic of the course.					

	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE
5. The time allotted for the training was sufficient.					
6. The quality of legal translations was adequate.					
7. The tools (forum, workshop, wiki, videos ...) used for the distance learning course were adequate and interactive.					
8. The case studies were adapted to the national legal order.					
9. I would consider taking another HELP distance learning course and/or recommend it to a colleague.					

IV. WE WOULD BE GLAD TO COLLECT YOUR FEEDBACK AND COMMENTS ON THE COURSE IN GENERAL. PLEASE ADD BELOW YOUR COMMENTS CONCERNING THE STRUCTURE AND THE CONTENT OF THE COURSE.

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Thank you for taking the time to answer this questionnaire!

This guidebook has been developed by the HELP Unit of the Human Rights National Implementation Division, Directorate General of Human Rights and Rule of Law. It is intended to guide legal professionals' training providers from Council of Europe member states in using HELP tools and resources in the most efficient and appropriate way. Legal professionals are at the front line in that respect and in consequence, the training given in human rights is of critical importance in ensuring the effective and efficient protection of individuals. The guidebook will address how – at various stages – training on human rights can effectively contribute to a better application of the ECHR at national level.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.